

1981 BILL 233

Third Session, 19th Legislature, 30 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 233

AN ACT TO AMEND THE POLICE ACT, 1973

MR. COOK

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

Bill 233
Mr. Cook

BILL 233

1981

AN ACT TO AMEND THE POLICE ACT, 1973

(Assented to _____, 1981)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1 The Police Act, 1973 is amended by this Act.

2 Section 1 is amended

(a) by repealing clause (b) and substituting

(b) "Commission" means the Alberta Police Commission;
and

(b) by repealing clause (d) and substituting

(d) "Director" means the Director of the Alberta Provincial Police.

3 Sections 2 and 3 are repealed and the following is substituted:

2(1) For the preservation of peace, order and public safety, the enforcement of law and the prevention of crime, the Lieutenant Governor in Council may establish a police force to be known as the "Alberta Provincial Police" which shall be under the control of the Solicitor General.

(2) The Lieutenant Governor in Council may appoint a Director who shall be responsible to the Solicitor General for the general control and administration of the Alberta Provincial Police and the employees connected therewith.

3(1) Every member of the Alberta Provincial Police has the power and it shall be his duty to

(a) perform all duties that are assigned to police officers in

Explanatory Notes

1 This Bill will amend chapter 44, Statutes of Alberta, 1973.

2 Section 1(b) and (d) presently read:

(b) “*commission*” means a municipal police commission;

(d) “*Director*” means the Director of Law Enforcement;

3 Sections 2 and 3 presently read:

2 *The Lieutenant Governor in Council may, from time to time, authorize the Solicitor General on behalf of the Government of Alberta to enter into an agreement with the Government of Canada for the use or employment in all or any portion of Alberta of the Royal Canadian Mounted Police in aiding in the administration of justice and in carrying into effect the laws of Alberta.*

3 *Where an agreement is in force under section 2, the Royal Canadian Mounted Police shall be responsible for the policing of all or any part of Alberta as provided in the agreement but not including any urban municipality having a population in excess of 1,500 persons.*

relation to

- (i) the preservation of peace,
- (ii) the prevention of crime and of offences against the laws in force in Alberta, and
- (iii) the apprehension of criminals and offenders and others who may lawfully be taken into custody,

(b) execute all warrants and perform all duties and services thereunder or in relation thereto that under the laws in force in Alberta may lawfully be executed and performed by constables, and

(c) perform all duties that may lawfully be performed by constables in relation to escort and conveyance of convicts and other persons, and mentally disordered persons to or from any courts, places of punishment or confinement, hospitals or other places.

(2) The Lieutenant Governor in Council may except any Act or portion of an Act from among the laws to be enforced by the force.

4 Section 17 is amended by striking out "In accordance with The Public Service Act there may be appointed a Director of Law Enforcement who shall promote the prevention of crime and the efficiency of the police service of Alberta and for this purpose the Director of Law Enforcement may" and substituting "The Director shall promote the prevention of crime and the efficiency of the police service in Alberta and for this purpose the Director may".

5 Section 29 is amended by striking out "Royal Canadian Mounted Police" and substituting "Alberta Provincial Police".

6 Section 33 is amended by striking out "Commanding Officer in Alberta of the Royal Canadian Mounted Police" wherever it occurs and substituting "Director".

7 Section 36 is amended by repealing subsection (1) and substituting

36(1) Any urban municipality having a population of not less than 1500 may enter into an agreement with the Solicitor General for the use or employment of the Alberta Provincial Police to aid in the administration of justice and in carrying into effect the laws of the urban municipality and may, in any such arrangement, agree upon and determine the amount of money to be paid by the urban municipality for such services.

4 Assigns to Director of Alberta Provincial Police certain duties previously fulfilled by the Director of Law Enforcement.

5 Consequential.

6 Consequential.

7 Consequential.

8 *Section 37 is repealed and the following is substituted:*

37 Where, pursuant to section 36, an agreement exists between an urban municipality and the Solicitor General and where the urban municipality has a Commission as provided for in section 23, the provisions of sections 25 to 32 do not apply but the Commission shall act in an advisory capacity to the senior member of the Alberta Provincial Police located in the urban municipality, to the Solicitor General and to the council of the urban municipality with respect to the policing of the urban municipality.

9 *Section 42(4) is amended by striking out “Royal Canadian Mounted Police” and substituting “Alberta Provincial Police”*

10 *The following is added after section 44:*

44.1(1) The Solicitor General may make regulations providing for the transfer of responsibilities from the Royal Canadian Mounted Police to the Alberta Provincial Police over a period of time.

(2) The Minister may conclude a contract with the Royal Canadian Mounted Police providing for policing services during the period of transfer to the Alberta Provincial Police.

11 *The funds required for the purposes of this Act shall be provided by a separate appropriation by the Legislature.*

12 *This Act comes into force on a date or dates to be fixed by Proclamation, not to be earlier than the effective date of the appropriation referred to in section 11.*

8 Consequential.

9 Consequential.

10 Transitional.

11 Funding.

12 Coming into force.