

1981 BILL PR 8

Third Session, 19th Legislature, 30 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL PR 8

THE APRIL MARIE HARRIS LIMITATION ACT

MR. COOK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill PR 8
Mr. Cook

BILL PR 8

1981

THE APRIL MARIE HARRIS LIMITATION ACT

(Assented to , 1981)

Preamble

WHEREAS April Marie Harris suffers from severe gross motor delay, spastic quadriplegia and decreased visual awareness; and

WHEREAS it is alleged that the condition of April Marie Harris was caused through negligence or malpractice by reason of professional services rendered by Dr. John Angus Boyd of the City of Edmonton and the owners and operators of The General Hospital, Edmonton at or about the time of the birth of April Marie Harris on or about July 20, 1978; and

WHEREAS the extent of the condition of April Marie Harris did not become apparent until some months after the birth of the infant; and

WHEREAS the time within which an action may be commenced against Dr. John Angus Boyd and the owners and operators of The General Hospital has expired pursuant to the provisions of *The Limitation of Actions Act*; and

WHEREAS a petition has been presented by Merlin Harris, father of April Marie Harris praying for an Act enabling him to commence an action as her next friend to recover damages notwithstanding the expiration of more than one year since the damages were occasioned and since the professional services terminated;

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

Extention of
limitation period

1 Notwithstanding *The Limitation of Actions Act*, and the fact that more than one year has passed since a cause of action arose and since the termination of professional services by Dr. John Angus Boyd, April Marie Harris, by her next friend, Merlin Harris, may apply by way of Originating Notice of Motion to the Court of Queen's Bench and the Court, having regard to the real question of controversy, the very right and justice of the matter and all the circumstances of the case, may in its discretion extend the time allowed by sections 55 and 56 of *The Limitation of Actions Act*, for the commencement of an action by April Marie Harris by her next friend,

Merlin Harris, against Dr. John Angus Boyd and the owners and operators of The General Hospital or either of them.

Time to bring
application

2 No such application under section 1 shall be made after the expiration of 60 days from the coming into force of this Act.

Coming into force

3 This Act comes into force on the day upon which it is assented to.