

1983 BILL 34

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 34

PROVINCIAL COURT AMENDMENT ACT, 1983

THE ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 34

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1983

PROVINCIAL COURT AMENDMENT ACT, 1983

(Assented to _____, 1983)

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

- 1 The Provincial Court Act is amended by this Act.*
- 2 Section 36(1) is amended by striking out "\$1000" wherever it occurs and substituting "\$2000".*

- 3 Section 54(1) is amended by striking out "and being satisfied that the plaintiff has a proper claim".*

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.

Explanatory Notes

1 This Act will amend chapter P-20 of the Revised Statutes of Alberta 1980.

2 Section 36(1) presently reads:

36(1) Subject to this Act, the Court has jurisdiction to try and adjudicate on

(a) any claim

(i) for debt (whether payable in money or otherwise) if the amount claimed does not exceed \$1000, and

(ii) for damages (including damages for breach of contract) if the amount claimed does not exceed \$1000,

and

(b) any counterclaim

(i) for debt (whether payable in money or otherwise) if the amount counterclaimed does not exceed \$1000, and

(ii) for damages (including damages for breach of contract) if the amount counterclaimed does not exceed \$1000.

3 Section 54(1) presently reads:

54(1) If a defendant fails to appear on the date set for a hearing, the Court may, on proof that the summons has been properly served and being satisfied that the plaintiff has a proper claim,

(a) enter a default judgment if the claim is for a debt or liquidated demand, or

(b) in any other case, note the defendant in default and proceed to assess the damages or adjourn the matter to a subsequent date for assessment of damages.