

1985 BILL 54

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Third Session, 20th Legislature, 34 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 54**

**LIQUOR STATUTES AMENDMENT ACT, 1985**

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THE SOLICITOR GENERAL

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 54

1985

### LIQUOR STATUTES AMENDMENT ACT, 1985

(Assented to \_\_\_\_\_, 1985)

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

- 1 *The Liquor Control Act is amended by this Act.*
- 2 *Section 1(1) is amended*
  - (a) *by adding the following after clause (a):*
    - (a.1) “agency store” means an agency store established pursuant to section 35;
    - (b) *by adding the following after clause (d):*
      - (d.1) “duty-free store” means a duty-free store established or permitted pursuant to section 36;
      - (d.2) “inspector” means an inspector appointed under this Act;
    - (c) *in clause (i) by adding “, an agency store or a duty-free store” after “Part 1”.*
- 3 *The following is added after section 4:*
  - 4.1(1)** The Board is an agent of the Crown in right of Alberta and may exercise its powers only as an agent of the Crown.
  - (2) An action, suit or other legal proceeding in respect of any right or obligation acquired or incurred by the Board on behalf of the Crown in right of Alberta, whether in its name or in the name of the Crown, may be brought or taken by or against the Board in the name of the Board in any court that would have jurisdiction if the Board were not an agent of the Crown.
- 4 *Section 18(2) is amended by adding “or business licence” after “tax”.*
- 5 *Section 23 is amended by adding the following after subsection (1):*
  - (1.1) Notwithstanding subsection (1), the 1984 fiscal year is the period from January 1, 1984 to the first Tuesday of 1985 and the

## Explanatory Notes

**1** This Bill will amend chapter L-17 of the Revised Statutes of Alberta 1980.

**2** Section 1 presently reads in part:

*1(1) In this Act,*

*(i) "liquor store" means an Alberta liquor store established by the Board under Part 1;*

**3** Agent of the Crown.

**4** Section 18(2) presently reads:

*(2) The Board may each year pay to a municipality in which any of its premises are situated a grant not exceeding the amount that would be recoverable by the municipality if the premises were subject to the business tax of the municipality for that year.*

**5** Section 23 presently reads:

*23(1) The fiscal year of the Board is the period from January 1 to December 31 next following.*

following fiscal years are the period from the first Wednesday of the calendar year to the first Tuesday of the next following calendar year.

6 *Section 31 is amended by adding the following after subsection (2):*

(2.1) When acting under the authority of this section, an agent shall carry identification in the form prescribed by the Board and present it on request to the owner or occupant of the premises referred to in subsection (1).

7 *Section 32 is amended by adding the following after subsection (2):*

(3) An agent may temporarily remove books, documents, vouchers or other papers.

(4) When an agent removes any books, documents, vouchers or other papers under subsection (3) he

(a) shall give a receipt for them to the person from whom they were taken, and

(b) may make copies of, take photographs of or otherwise record them

and shall, within a reasonable time, return them to the person to whom the receipt was given.

(5) A copy of a book, document, voucher or other paper obtained under this section and certified by an agent to be a true copy shall be admitted in evidence in any action, proceeding or prosecution under this Act as prima facie proof of the original record without proof of the signature or appointment of the agent.

8 *Section 38(3) is amended*

(a) *by striking out “does” and substituting “may”;*

(b) *in clause (a) by striking out “he” and substituting “the applicant, the owner or lessee of the business or, if the licence is to be issued to a company, a shareholder, officer or director of the company, or the employee or agent of the company, who will be in charge of the proposed licensed premises,”;*

(c) *in clause (b) by striking out “an officer” and substituting “a shareholder, officer”.*

*(2) After the end of a fiscal year the Board shall prepare a balance sheet and statements of the results of its operations.*

**6** Section 31 presently reads:

*31(1) The Board in writing may designate as agents of the Board any employees of the Board it considers necessary and advisable and, with respect to an employee so designated, may*

*(a) assign him to be the agent of the Board at licensed premises of a licensee who is a manufacturer, and prescribe his duties as agent at those premises, and*

*(b) empower him to examine all books, documents, vouchers and other papers kept by or in the possession of a licensee who is a manufacturer and relating to his business as a manufacturer.*

*(2) An agent designated under subsection (1) shall be permitted access to any part of the licensed premises to which he is assigned at all times during which the licensed premises are being operated.*

*(3) A licensee who is a manufacturer shall provide for the use of an agent assigned to his licensed premises any accommodation on the licensed premises and facilities for making and keeping books and records that may be required by the Board.*

*(4) An agent of the Board appointed under this section has, in respect of licensed premises to which he is assigned, all the powers conferred under this section and section 32.*

**7** Section 32 presently reads:

*32(1) The Board may from time to time by notice in writing require a licensee who is a manufacturer to deliver to the Board, within 3 days after the day on which the notice is received or within a further time fixed by the Board, a return*

*(a) in a form, and*

*(b) setting out the details and particulars*

*prescribed by the Board.*

*(2) A licensee who is a manufacturer shall, at his office, on the demand of an agent designated under section 31*

*(a) produce for that agent all books, documents, vouchers and other papers referred to in that section that are demanded by the agent,*

*(b) give that agent every reasonable facility for making an examination of the books, documents and other papers demanded by the agent, and*

*(c) permit that agent to make copies or extracts of any of the books, documents, vouchers and other papers demanded by the agent.*

**8** Section 38 presently reads in part:

*(3) An applicant for a licence does not qualify for the issue of a licence unless*

*(a) the Board, in its absolute discretion, considers that he is a fit and proper person to keep and operate the premises described in the application,*

*(b) the applicant, the owner or lessee, the manager of the business and, if the licence is to be issued to a company, an officer or director of the company, or the employee or agent of the company who will be*

9 Section 39(2) is amended by striking out “, and of 2 persons”.

10 Section 48(2) is amended

(a) in clause (a) by adding “, in accordance with section 51,” after “writing”;

(b) in clause (b) by adding “in writing within 30 days of the mailing of the notice under clause (a)” after “applying”.

11 Section 49 is amended

(a) in subsection (2) by adding “, owner of a licensed premises, manager of a licensed premises or, if the licensee is a company, a shareholder, director or officer of that company, or employee or agent of that company, who is in charge of the licensed premises,” after “licensee”;

(b) in subsection (3)(d) by adding “, shareholder” after “director”.

12 Section 50 is amended

(a) in subsection (2) by striking out “by the Board, the Board shall purchase the liquor from the holder” and substituting “, the Board may purchase the liquor from the holder or authorize the holder of a licence to sell the liquor to another licensee”;

(b) in subsection (3) by striking out “to the Crown in right of Alberta to be disposed of or destroyed under the direction of the Attorney General” and substituting “to the Board”;

(c) in subsection (4) by adding “and the liquor and the packages in which it is kept may be seized pursuant to section 114 and, subject to section 117, forfeited to the Board” after “Act”.

*in charge of the proposed licensed premises has not been convicted, within 3 years prior to the application for the licence,*

*(i) of a contravention of section 88,*

*(ii) of any indictable offence under the Criminal Code (Canada) punishable by imprisonment for one year or more, or under the Excise Act (Canada), the Food and Drug Act (Canada) or the Narcotic Control Act (Canada),*

*and is not otherwise disqualified under this Act, and has complied with the requirements of this Act and the regulations, and*

**9** Section 39(2) presently reads:

*(2) If an applicant for a licence under section 38 is an individual the application shall also be accompanied by the affidavit of the applicant, and of 2 persons acceptable to the Board, verifying the correctness of the statements in the application.*

**10** Section 48(2) presently reads:

*(2) When the Board suspends or cancels a licence or permit without a hearing, the licensee or permittee, as the case may be, shall*

*(a) immediately be advised in writing of the reasons for the suspension or cancellation, and*

*(b) on applying for a hearing, be given a hearing by the Board as prescribed by the Board, as soon as possible, and not later than 30 days after the application for the hearing is received.*

**11** Section 49(2) and (3) presently read:

*(2) If a licensee or permittee is convicted of a first or subsequent offence against this Act or the regulations, the Board may cancel the licence or permit or may suspend it for a period it considers advisable.*

*(3) The Board may cancel or suspend a licence or may order that a person dispose of his interest in a licence and in licensed premises if*

*(a) the licensee,*

*(b) the owner or lessee of the licensed premises,*

*(c) the manager of the licensed premises, or*

*(d) in the case where the licensee is a company, a director or officer of that company, or the employee or agent of that company who is in charge of the licensed premises,*

*is convicted of an offence referred to in section 38(3)(b).*

**12** Section 50 presently reads:

*50(1) The holder of a cancelled or suspended licence or permit shall, on receipt of a notice of suspension or cancellation of that licence or permit, if so required in the notice, immediately deliver to the Board all liquor then in his possession or under his control.*

*(2) If liquor referred to in subsection (1) was lawfully acquired by the holder of the licence or permit and is suitable for resale by the Board, the Board shall purchase the liquor from the holder.*

*(3) If liquor referred to in subsection (1) was not lawfully acquired or is not suitable for resale by the Board, the liquor shall be forfeited to the Crown in right of Alberta to be disposed of or destroyed under the direction of the Attorney General.*

13 Section 58 is amended

(a) in subsection (2)

(i) by adding the following after clause (e):

(e.1) respecting rules governing the relationship between manufacturers and licensees and the relationship between manufacturers and operators of agency or duty-free stores;

(e.2) authorizing the issuance of liquor manufacturers licences;

(ii) by repealing clause (f)(xiii);

(iii) by adding the following after clause (v):

(v.1) respecting the taking of plebiscites under Part 4, including forms and their contents for the purposes of Part 4;

(b) in subsection (4)

(i) by adding “or other professional entertainment” before “events held”;

(ii) in clause (b)(i) by adding “or entertainers” after “athletes”.

14 Section 64(3) is repealed and the following is substituted:

(3) A permission under this section operates only for a period of 3 months from the date on which the licence would otherwise become void or until the normal expiry date of the licence, whichever is later.

15 Section 65 is amended

(a) by adding “or a licence is cancelled” after “transferred”;

(b) by adding “, former licensee” after “seller”.

16 Section 68 is amended by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

(a) “consumption” includes the observation of actual consumption and evidence of intended consumption;

17 The heading preceding section 69 is amended by striking out “**Inspection**” and substituting “**Importation**”.

18 Section 70 is amended by striking out “section 80” and substituting “sections 80 and 100”.



*(4) If the holder of a cancelled or suspended licence or permit fails to deliver liquor as directed by the Board under subsection (1), the possession of that liquor is contrary to this Act.*

**13** Section 58 presently reads in part:

*(2) The Lieutenant Governor in Council may make regulations*

*(f) authorizing the issuance of licences with respect to any of the following kinds of premises:*

*(xiii) a restaurant;*

*(4) Regulations respecting the sale and consumption of liquor under a licence issued with respect to a sports stadium may authorize the sale or consumption of beer or cider or both at professional sports events held at the sports stadium, if*

*(a) the sale and consumption of beer or cider or both at those events have been approved by by-law of the municipality in which the sports stadium is located, and*

*(b) in the opinion of the Board*

*(i) a substantial number of the professional athletes who will be participating in that event, or*

*(ii) a substantial number of the members of the audience who will be witnessing that event,*

*are adults.*

**14** Section 64(3) presently reads:

*(3) A permission under this section operates only for a period not exceeding 3 months from the date on which the licence would otherwise become void.*

**15** Section 65 presently reads:

*65 When licensed premises are sold or transferred and a new licence is required, the Board may, notwithstanding anything in this Act, authorize the sale of the liquor stocks of the seller or transferor to the new licensee.*

**16** Definition.

**17** The heading preceding section 69 presently reads:

*Lawful Making, Purchase, Inspection, Possession, Conveyance and Consumption*

**18** Section 70 presently reads:

*70 Subject to section 80, an adult may make a gift of liquor made, purchased or imported as described in section 69 to or receive a gift of such liquor from another adult.*

19 *Section 79 is amended*

(a) *in subsection (1) by adding “and section 79.1” after “this section”;*

(b) *in subsection (2) by striking out “The following” and substituting “Except as expressly provided for in the regulations, the following”;*

(c) *in subsection (4) by striking out “No” and substituting “Except as expressly provided for in the regulations, no”;*

(d) *in subsection (5) by striking out “, and no licensee who sells liquor at retail shall observe or comply with an agreement to that effect” and substituting “unless the regulations provide for that kind of agreement, and no licensee who sells liquor at retail shall observe or comply with it”;*

(e) *in subsection (7) by adding “reasonable” before “time may”.*

20 *The following is added after section 79:*

**79.1(1)** In this section “operator” means the operator of a duty-free store or the operator of an agency store.

(2) Except as expressly provided for in the regulations, the following rules govern the relationship between manufacturers and operators:

(a) no manufacturer or person financially interested in the business of a manufacturer, whether resident in Alberta or non-resident, shall have any financial interest in the business of any agency or duty-free store;

**19** Section 79 presently reads in part:

*79(1) In this section, "manufacturer" includes*

*(a) a brewer, distiller or wine maker,*

*(b) a person who is a director, officer, employee or agent of or who acts directly or indirectly under the control or orders of a brewer, distiller or wine maker,*

*(c) a firm or company*

*(i) over the business or operations of which a brewer, distiller or wine maker has or is able to have effective control, or*

*(ii) in which a brewer, distiller or wine maker has any financial interest,*

*whether through ownership of stock, interlocking directorship, partnership agreement or other agreement of any kind or by reason of having loaned or advanced money with or without security or in any other manner or for any other reason, or*

*(d) a person whose association or connection with or financial interest in a brewery, distillery or winery is likely to enable him to promote the sale of the liquor it manufactures.*

*(2) The following rules govern the relationship between manufacturers and licensees who sell liquor at retail:*

*(3) If a licensee who sells liquor at retail is a company, subsection (2)(c), (d), (e), (j), (k) and (l) also apply to the directors and officers of the company.*

*(4) No manufacturer shall enter into or be a party to an agreement with a licensee who sells liquor at retail by which that licensee agrees to sell the liquor made or produced by the manufacturer.*

*(5) An agreement that has the effect expressed in subsection (4), whether oral or written or express or implied or whether contained in an agreement for sale, lease or mortgage of licensed premises where liquor is sold at retail or of the land on which those licensed premises are situated or of the chattels in the licensed premises, is void, and no licensee who sells liquor at retail shall observe or comply with an agreement to that effect.*

*(7) The Board at any time may inspect or require the production of any invoice, correspondence, paper or document referred to in subsection (6) and the licensee on request by the Board at any time shall furnish to the Board a complete description of the articles, the name of the vendor or supplier, the terms of purchase or acquisition, the purchase price of each article and particulars of transportation costs and services rendered in connection with the installation of the articles, together with any further information or particulars that the Board may from time to time require.*

**20** Prohibited relationship for operators of agency and duty-free stores.

- (b) no manufacturer shall own or have a financial interest in any of the property on which an operator conducts his business, or in any leasehold or other tenure of that property or in any chattels used in connection with the business of that operator;
  - (c) no operator shall carry on his business on property in which any manufacturer has a financial interest;
  - (d) no manufacturer shall directly or indirectly or under any arrangement whatsoever loan, advance or give money, money's worth or anything of value to any operator or to an employee or agent of an operator;
  - (e) no operator and no employee or agent of an operator shall directly or indirectly under any arrangement whatsoever borrow or receive from any manufacturer any advance or gift of money, money's worth or anything of value;
  - (f) no manufacturer is eligible to become an operator;
  - (g) no manufacturer shall directly or indirectly supply, provide, give, rent, lend or sell any furniture, furnishings, refrigeration equipment, dispensing equipment, fixtures, decorations, paintings, signs, supplies or other chattels or equipment to an operator;
  - (h) no manufacturer shall have a financial interest in the business, furniture, furnishings, refrigeration equipment, dispensing equipment, decorations, paintings, signs or other chattels or equipment being purchased or otherwise acquired or used by an operator;
  - (i) no manufacturer shall give a secret rebate or make a secret concession to any person who is an operator or to an employee or agent of an operator, and no operator or employee or agent of an operator shall request or accept any secret rebate or concession;
  - (j) no manufacturer shall directly or indirectly give or furnish money, money's worth or anything of value to an operator or to any employee or agent of an operator whether or not it is given or furnished for the purpose or with the intent of soliciting, acquiring or obtaining the help or assistance of that operator, employee or agent to encourage or promote either the purchase or the sale of liquor sold or manufactured by the manufacturer who gives or furnishes the money, money's worth or thing of value;
  - (k) no operator and no employee or agent of an operator shall accept or acquire any money, money's worth or anything of value from a manufacturer contrary to this section.
- (3) If an operator is a company, subsection (2)(c), (d), (e), (i), (j) and (k) apply also to the directors, shareholders and officers of the company.
- (4) Except as expressly provided for in the regulations, no manufacturer shall enter into or be a party to an agreement with an



operator by which the operator agrees to sell the liquor made or produced by the manufacturer.

(5) An agreement that has the effect expressed in subsection (4), whether oral or written or express or implied and whether contained in an agreement for sale, lease or mortgage of an agency or duty-free store where liquor is sold or of the land on which that store is situated or of the chattels in that store, is void unless the regulations provide for that kind of agreement, and no operator shall observe or comply with it.

**79.2** A licensee who sells liquor at retail shall not operate an agency or duty-free store and shall not have a direct or indirect financial interest in the business of an agency or duty-free store or in the premises where the business of an agency or duty-free store is conducted.

*21 Section 80 is amended*

*(a) in subsections (1) and (2) by striking out “member, employee or agent of the Board” and substituting “employee or agent of an operator of an agency or duty-free store or of the Board, operator of an agency or duty-free store or member of the Board”;*

*(b) in subsection (3) by striking out “Board or to anyone on behalf of the” and substituting “Board, employee or agent of an operator of an agency or duty-free store or an operator of an agency or duty-free store or to anyone on behalf of an operator”.*

*22 Section 82 is amended by adding the following after subsection (2):*

(3) Notwithstanding subsection (2) but otherwise subject to this Act and the regulations, a person may in a public park consume liquor with food in a picnic area designated by the owner or operator of the public park if a sign is posted that

(a) states that a person may consume liquor with food in the designated picnic area, and

(b) sets out the designated picnic area.

(4) Notwithstanding subsection (3), if a peace officer on reasonable and probable grounds believes that a person is in an intoxicated condition or is not consuming food while consuming liquor in a designated picnic area, the peace officer may request that person to stop consuming liquor.

**21** Section 80 presently reads:

*80(1) No member, employee or agent of the Board shall have a financial interest in or be directly or indirectly engaged in any other business or undertaking dealing in liquor,*

*(a) whether as owner, part owner, partner, member of a syndicate, shareholder, employee or agent, and*

*(b) whether for his own benefit or in a fiduciary capacity for some other person.*

*(2) No member, employee or agent of the Board shall solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from a person having sold, selling or offering liquor for sale to the Board pursuant to this Act.*

*(3) No person selling or offering for sale to or purchasing liquor from the Board shall either directly or indirectly*

*(a) offer to pay a commission, profit or remuneration,*

*(b) make a gift, or*

*(c) make a loan,*

*to a member, employee or agent of the Board or to anyone on behalf of the member, employee or agent.*

**22** Section 82 presently reads:

*82(1) No person shall possess liquor unless it is liquor made, purchased or imported as described in section 69.*

*(2) Except as expressly provided in this Act or the regulations, no person shall consume liquor in a public place or any place other than a residence, temporary residence, licensed premises, premises described in a permit or a place or class of place prescribed in the regulations where liquor may be consumed.*

(5) A person who does not comply with a request under subsection (4) is guilty of an offence.

23 *Section 83(b) is amended by striking out “bottle or similar container” and substituting “package”.*

24 *Section 84(1) is amended by striking out “No” and substituting “Except as expressly provided for in the regulations, no”.*

25 *Section 93 is amended by striking out “the Board” wherever it occurs and substituting “an operator of an agency or duty-free store or of the Board and no operator”.*

26 *Section 95 is amended*

*(a) in subsection (1) by adding “or employee or agent of a licensee or permittee” after “permittee”;*

*(b) in subsection (2) by adding “or employee or agent of a licensee” after “licensee”.*

27 *Section 99 is repealed and the following is substituted:*

**99** An owner or operator, or employee or agent of an owner or operator, of a place that is not

(a) a residence,

(b) a temporary residence,

(c) a licensed premises,

(d) a place prescribed in the regulations where liquor may be kept or consumed, or

(e) a picnic area in a public park that is designated and where a sign is posted in accordance with section 82(3),

shall not knowingly permit a person to have in his possession or consume at that place any liquor, unless the possession or consumption is in accordance with a permit.



**23** Section 83(b) presently reads:

*83 Except as expressly provided in this Act or the regulations, no person shall*

*(b) convey liquor unless the liquor is contained in a bottle or similar container that is capped, corked or otherwise closed;*

**24** Section 84(1) presently reads:

*84(1) No minor shall enter, be in or remain in a licensed beverage room, lounge, night club or any other kind of licensed premises designated in the regulations.*

**25** Section 93 presently reads:

*93(1) No employee or agent of the Board shall sell liquor in any place, at any time or otherwise, except as authorized by this Act and the regulations.*

*(2) No employee or agent of the Board shall sell liquor to a person who is apparently under the influence of alcohol or a drug.*

**26** Section 95 presently reads in part:

*95(1) No licensee or permittee shall sell or provide, or permit to be sold or provided on licensed premises or premises described in a permit, any liquor*

*(a) except during the hours and on the days when it may be lawfully sold or provided as prescribed in the regulations,*

*(b) of a kind that is not lawful for him to sell or provide under the licence or permit, or*

*(c) of a quality not satisfactory to the Board.*

*(3) No licensee shall*

*(a) allow dancing in the licensed premises, except if authorized under the regulations,*

*(b) allow any person to play, in the licensed premises, any sport or game, except if authorized under the regulations, or*

*(c) allow a disorderly or intoxicated person to be in or about the premises.*

**27** Section 99 presently reads:

*99 No owner or operator, or employee or agent of an owner or operator of a place that is not a residence, a temporary residence, a licensed premises or place prescribed in the regulations where liquor may be kept or consumed, shall knowingly permit a person to have in his possession or consume at that place any liquor, except in accordance with a permit.*

28 *Section 113 is repealed.*

29 *Sections 114 to 117 are repealed and the following is substituted:*

**114(1)** An inspector may enter and inspect, at any reasonable time,

- (a) a licensed premises,
- (b) a premises with respect to which a permit has been issued, or
- (c) a premises with respect to which the licence has been cancelled or suspended and liquor has not been delivered to the Board as required under section 50(1)

to ensure compliance with the Act and regulations.

(2) When acting under the authority of this section, an inspector shall carry identification in the form prescribed by the Board and present it on request to the owner or occupant of the premises referred to in subsection (1).

(3) An inspector who makes an inspection under subsection (1) may take reasonable samples of liquor for testing and analysis.

(4) An inspector who pursuant to an inspection under subsection (1)

(a) finds any liquor that he believes on reasonable and probable grounds is unlawfully acquired or kept or is kept for unlawful purposes in contravention of this Act or the regulations, and

(b) believes on reasonable and probable grounds that obtaining a warrant would cause a delay that could result in the loss or destruction of evidence,

may immediately seize and remove the liquor and the packages in which it is kept.

(5) When an inspector seizes liquor and the packages in which it is kept under this section, he shall give a receipt to the person from whom those items were taken or seized.

**28** Section 113 presently reads:

*113(1) On an information on oath, by an inspector appointed under this Act or by a peace officer, that the inspector or peace officer suspects or believes that liquor is unlawfully kept, or kept for unlawful purposes, in any building or premises, a justice may by warrant authorize and empower the inspector or peace officer or any other person named in it to enter and search the building or premises and each part of it, and for that purpose to break open any door, lock or fastening of the building or premises or any part of it or any closet, cupboard, box or other receptacle in it that might contain liquor.*

*(2) A peace officer who believes that liquor is unlawfully kept, or kept for unlawful purposes, in any building or premises may, without warrant, if he is authorized in writing to do so by the Attorney General, enter and search the building or premises and each part of it and for that purpose may break open any door, lock or fastening of the building or premises or any part of it, or any closet, cupboard, box or other receptacle in it that might contain liquor.*

*(3) An authorization referred to in subsection (2) is general and remains effective until revoked.*

**29** Sections 114 to 117 presently read:

*114 An inspector appointed under this Act who believes that liquor is unlawfully kept, or kept for unlawful purposes, in any licensed premises or in premises with respect to which a permit has been issued may, without warrant, enter and search those premises and each part of them and for that purpose may break open any door, lock or fastening of those premises or any part of them, or any closet, cupboard, box or other receptacle in them that might contain liquor.*

*115(1) A peace officer may, without warrant and if necessary by force, search*

*(a) in or near a vehicle, watercraft, or other conveyance of any description,*

*(b) on the person of anyone found in or near a vehicle, watercraft or other conveyance of any description, or*

*(c) on land in the vicinity of a vehicle, watercraft or other conveyance of any description that he may search under this section,*

*for liquor unlawfully kept or kept for unlawful purposes.*

*(2) A peace officer may, without warrant,*

*(a) arrest a person whom he finds committing an offence under this Act, and*

*(b) seize any liquor in the possession of a person whom he finds committing an offence under this Act.*

*116(1) An inspector appointed under this Act or peace officer who, in making or attempting to make a search under section 113 or 114 finds in a building or place or on any person any liquor that in his opinion is unlawfully kept or kept for unlawful purposes in contravention of this Act or the regulations, may*

*(a) immediately seize and remove it and the packages in which it is kept, and*

*(b) seize and remove any book, paper or thing found in the building or place that in his opinion will afford evidence as to the commission of an offence.*

(6) An inspector who makes an inspection under subsection (1) may inspect, examine and make copies of or temporarily remove any books, records or other documents relating to the sale of liquor or the licence or permit to ensure compliance with the Act, regulations and the licence or permit.

(7) When an inspector removes any books, records or other documents under subsection (6) he

(a) shall give to the person from whom they were taken a receipt for them, and

(b) may make copies of, take photographs of or otherwise record them

and shall, within a reasonable time, return them to the person to whom the receipt was given.

(8) A copy of a book, record or other document obtained under this section and certified by an inspector to be a true copy shall be admitted in evidence in any action, proceeding or prosecution under this Act as prima facie proof of the original record without proof of the signature or appointment of the inspector.

(9) An inspector when acting under the authority of this section may request and receive the assistance of a peace officer.

**115(1)** A peace officer who on reasonable and probable grounds believes

(a) that liquor is being kept unlawfully or kept for unlawful purposes in contravention of this Act or the regulations, and

(b) that obtaining a warrant would cause a delay that could result in the loss or destruction of evidence

may without warrant and, if necessary, by reasonable force conduct a search for that liquor

(c) in or near a vehicle, watercraft or other conveyance of any description,

(d) on the person of anyone found in or near a vehicle, watercraft or other conveyance of any description, or

(e) on land in the vicinity of a vehicle, watercraft or other conveyance of any description that he may search under this section.

(2) A peace officer who, in making a search under subsection (1), finds liquor that he believes on reasonable and probable grounds is unlawfully kept or kept for unlawful purposes in contravention of this Act or the regulations may

(a) immediately seize the liquor and the package in which it is contained, and

(b) if he believes on reasonable and probable grounds that an offence under section 88(1) is being or has been committed by the occupant or person in charge of a vehicle, watercraft or other conveyance in or near which liquor is found, seize and remove that vehicle, watercraft or other conveyance.

*(2) On the conviction of the occupant of a building or place or any other person for keeping liquor in contravention of this Act or the regulations in the building or place, the justice making the conviction shall, as part of the penalty for the conviction, declare the liquor and the packages in which it is kept or any part of them to be forfeited to the Crown in right of Alberta.*

*(3) On the conviction of a person for an offence under section 88(1) or (2), the justice making the conviction shall, as part of the penalty for the conviction, declare the liquor and packages or any part of them to be forfeited to the Crown in right of Alberta.*

*117(1) A peace officer who, in making or attempting to make a search under section 115, finds in a vehicle, watercraft or other conveyance of any description, liquor that in his opinion is unlawfully kept or kept for unlawful purposes in contravention of this Act or the regulations, may immediately seize the liquor and the packages in which it is contained and the vehicle, watercraft or other conveyance in which the liquor is found.*

*(2) On the conviction of the occupant or person in charge of the vehicle, vessel, watercraft or other conveyance or of any other person for keeping the liquor in that conveyance in contravention of this Act or the regulations, the justice making the conviction may declare, as part of the penalty for the conviction,*

*(a) that the liquor or any part of it so seized and the packages in which it is contained are forfeited to the Crown in right of Alberta, and*

*(b) that the vehicle, watercraft or other conveyance so seized is forfeited to the Crown in right of Alberta.*

*(3) If the justice makes no declaration under subsection (2)(a) and the time for appeal has expired,*

*(a) the liquor in sealed packages shall be returned to the convicted person if it is liquor made, purchased or imported as described in section 69, and*

*(b) the liquor in unsealed packages shall be destroyed under the direction of the Attorney General.*

(3) Following a seizure of a vehicle, watercraft or other conveyance under subsection (2) the peace officer shall, within a reasonable time,

(a) furnish a justice with an affidavit

(i) stating that he has reason to believe that a person has committed an offence under section 88(1) while being an occupant or in charge of the vehicle, watercraft or other conveyance that has been seized, and

(ii) stating the name of the person alleged to have committed an offence under section 88(1), or

(b) return the vehicle, watercraft or other conveyance to the person from whom it was seized.

(4) A justice on receipt of an affidavit under subsection (3) may order that the affidavit be served on the person referred to in subsection (3)(a)(ii) and set down a date to hear the matter and may order that the vehicle, watercraft or other conveyance be

(a) retained by the Crown until final disposition of the charge under section 88(1), or

(b) returned to the person from whom it was seized.

(5) If a vehicle, watercraft or other conveyance is returned under subsection (4)(b) the justice may order the person to whom it is returned

(a) to hold it as bailee for the Crown until final disposition of the charge under section 88(1), and

(b) to produce it if it is required with respect to proceedings related to the charge under section 88(1).

**116(1)** On the conviction of any person for an offence under this Act or the regulations the liquor in respect of which the offence was committed shall, as part of the penalty for the conviction, be forfeited to the Crown in right of Alberta.

(2) Notwithstanding subsection (1) and subject to subsection (4), the justice making the conviction may declare that the liquor and the packages or any part of them be returned to the convicted person.

(3) If the justice makes a declaration under subsection (2) and the time for appeal has expired, the liquor and packages shall be returned to the convicted person on the person's application to the Clerk of the Court where the conviction was made.

(4) If the person described in subsection (3) does not make an application within 30 days of the expiration of the time for appeal or, if an appeal is entered, within 30 days of the final disposition of the appeal, the liquor and packages are forfeited to the Crown in right of Alberta.

(5) Subsections (2) and (3) do not apply in the case of a conviction of a person for an offence under section 88.



(6) On the conviction of the occupant or person in charge of a vehicle, watercraft or other conveyance for an offence under section 88(1), the justice making the conviction may declare, as part of the penalty for the conviction, that the vehicle, watercraft or other conveyance seized pursuant to section 115(2) or pursuant to a warrant is forfeited to the Crown in right of Alberta.

**116.1(1)** If

(a) a vehicle, watercraft or other conveyance is forfeited to the Crown in right of Alberta under section 116(6), or

(b) liquor or packages are forfeited to the Crown under section 116(1) or (4) or 116.2(3),

any person, other than a person charged with or convicted of the offence that resulted in the forfeiture, who claims an interest in it as owner, mortgagee, lien-holder or holder of any similar interest in the forfeited property may, within 30 days after the forfeiture or any longer time that the judge may allow, apply by originating notice to a judge of the Court of Queen's Bench for an order under subsection (4).

(2) The judge to whom an application is made under subsection (1) shall fix a day for the hearing that is not less than 30 days after the date of filing of the application.

(3) The applicant shall serve a notice of the application and of the hearing on the Attorney General at least 15 days before the day fixed for the hearing.

(4) If, on the hearing of an application, it is made to appear to the satisfaction of the judge

(a) that the applicant is innocent of any complicity in the offence or alleged offence that resulted in the forfeiture and of any collusion in relation to that offence or alleged offence with any person who may have committed the offence or alleged offence, and

(b) that the applicant exercised all reasonable care in respect of the person permitted to obtain the property to satisfy himself that it was not likely to be used in contravention of this Act or the regulations or, in the case of a mortgagee or lienholder, that he exercised such care with respect to the mortgagor or the person giving the lien,

the applicant is entitled to an order declaring that the applicant's interest is not affected by the forfeiture and declaring the nature and extent of his interest.

**116.2(1)** If a person charged with an offence under this Act or the regulations is found not guilty and the Court has not made an order with respect to any liquor and packages seized with respect to that charge, that person is entitled to the liquor and packages

(a) after the time for the filing of an appeal has expired, or

(b) if an appeal has been filed, after the final disposition of the appeal.





(2) If a person is charged with an offence under this Act or the regulations and the charge is withdrawn, the person is entitled to any liquor and packages seized with respect to that charge after the expiry of the time for re-laying a charge for which the liquor or packages are required as evidence.

(3) If within 30 days of the date described in subsection (1) or (2), as the case may be, a person described in subsection (1) or (2), as the case may be, does not collect them, the liquor and packages are forfeited to the Crown in right of Alberta.

**117(1)** When liquor is seized by an inspector pursuant to section 50 or 114, the liquor shall be delivered to the Board and the licensee or permittee, as the case may be, shall be advised in writing of the reasons for the seizure in accordance with section 51.

(2) The licensee or permittee, as the case may be, may, within 30 days of the mailing of the notice under subsection (1), apply in writing to the Board for a hearing to request the return of the seized liquor and packages.

(3) On receipt of an application for a hearing under subsection (2), the Board shall grant a hearing as soon as possible and not later than 30 days after the application is received.

(4) If no application is made under subsection (2) the liquor shall be forfeited to the Board.

*30 Section 118(1) and (2) are repealed and the following is substituted:*

**118(1)** When a peace officer finds liquor on any premises or in a place and he believes on reasonable and probable grounds that there is no apparent owner of the liquor, the peace officer may immediately seize and remove the liquor and the packages.

(1.1) The peace officer shall post in some conspicuous place at or near where the liquor was found a notice in the form prescribed by the Board, if it is practicable to do so.

(2) When a peace officer seizes liquor and packages pursuant to this section he shall, subject to subsections (3) to (5), retain the seized liquor and packages.

*31 Section 119 is amended by renumbering it as section 119(1) and by adding the following after subsection (1):*

(2) Liquor that is forfeited to the Board under this Act or the regulations shall be disposed of or destroyed under the direction of the Board.

**30** Section 118 presently reads:

*118(1) When an inspector appointed under this Act or a peace officer finds liquor on any premises or in a place in quantities that satisfy the inspector or peace officer that the liquor is being kept in contravention of this Act or the regulations, the inspector or peace officer may immediately seize and remove, by force if necessary, any liquor so found and the packages in which the liquor was kept.*

*(2) When an inspector appointed under this Act or peace officer under any circumstances seizes liquor that he is satisfied was kept in contravention of this Act or the regulations, he shall retain the liquor so seized and the packages in which it was kept.*

*(3) If within 30 days from the date of the seizure of liquor under this Act no person, by notice in writing filed with the Board, claims to be the owner of the liquor, the liquor is and the packages are forfeited to the Crown in right of Alberta.*

*(4) Within 30 days of the seizure of the liquor, but not afterwards, any person claiming to be the owner of the liquor may file with the Board a notice in writing giving at least 3 days' notice of the time and place fixed by a justice for a hearing to prove his claim and his right under this Act to the liquor and packages.*

*(5) On failure by the claimant to prove and establish his claim and right to the satisfaction of the justice, the liquor is and the packages are forfeited to the Crown in right of Alberta.*

**31** Section 119 presently reads:

*119 Liquor that is forfeited to the Crown in right of Alberta under this Act shall be disposed of or destroyed under the direction of the Attorney General.*

32 Sections 132 to 134 are repealed, the heading before section 134 is struck out and the following is substituted:

#### **Local Option Areas**

**132(1)** Subject to section 146 and subsections (2) and (3), the Board may designate local option areas.

(2) A local option area shall

(a) in the case of a city, town or village, have the same boundaries as the city, town or village as changed from time to time;

(b) in all other cases, be more than 1 square mile but less than 25 square miles in area.

(3) A local option area in existence when this section comes into force is continued.

**133(1)** The Board may issue licences

(a) in a local option area if a licence has been previously issued in that local option area,

(b) in a local option area if a licence has not been previously issued in that local option area but

(i) an application has been made and public notice provided in accordance with section 134 and a petition was not received under section 135, or

(ii) a plebiscite has been held pursuant to section 136 in that local option area and the requirements of section 137 were met, or

(c) if an application is made under section 134 and, if required, a plebiscite is held in accordance with this Part and the requirements of section 137 are met.

(2) Notwithstanding subsection (1), if a vote on a petition is held under section 144 and 2/3 or more of the persons voting in that plebiscite vote that licences for particular kinds of eligible premises shall not be issued in the local option area, the Board shall not issue licences for those particular kinds of eligible premises in that local option area unless a further plebiscite is held under this Part and the requirements of section 137 are met.

#### **Plebiscite on Application**

**134(1)** Subject to sections 141, 144 and 146, when an application is made to the Board for a licence

(a) in a local option area where no licence has previously been issued and the requirements of section 133(1)(b) have not been met,

(b) for a particular kind of eligible premises in a local option area described in section 133(2), that the Board may not issue until the requirements of section 137 are met, or

(c) in a place that is not part of a local option area, the Board shall fix boundaries of a local option area, in accordance with

**32** Sections 132 to 134 and the heading before section 134 presently read:

*132(1) The Board may refuse to consider an application for a licence in any area in Alberta unless that area is designated as a local option area or is in an area designated as a local option area.*

*(2) Unless section 133 applies, the Board may, subject to the approval of the Lieutenant Governor in Council, designate any one or more municipalities or any area in a municipality as a local option area for the purpose of the issuing of licences authorizing the sale of liquor under this Act.*

*133(1) If pursuant to Part 3 of the preceding Act a beer licence has been issued with respect to premises in an area following an affirmative vote on a plebiscite under the preceding Act, the area in which the vote was taken is deemed to be designated a local option area for the purposes of this Act.*

*(2) If, without the holding of a plebiscite in respect of a beer licence under the preceding Act for premises in a city, town, village or hamlet the Board under the preceding Act issued a beer licence with respect to premises in a city, town, village or hamlet, that city, town, village or hamlet is deemed to be designated a local option area for the purposes of this Act.*

*(3) If an area or municipality or a part of an area or municipality is deemed, under subsection (1) or (2), to be designated as a local option area, the Board may issue licences in that area, municipality or part, until by a vote under this Act, the area, municipality or part votes against the issuance of licences for any particular kind of eligible premises in the area, municipality or part.*

*Vote on First Applications*

*134(1) When an application is first made to the Board*

*(a) for a licence for a particular kind of eligible premises in a local option area in which*

*(i) no licence has been previously issued by the Board under this Act with respect to the same kind of eligible premises, or*

*(ii) no beer licence or liquor licence has been issued by the Board under the preceding Act,*

*or*

*(b) for a licence for any kind of eligible premises in a local option area in which no licence has been previously issued by the Board under this Act,*

*the Board shall, if the application complies in all respects with the requirements of this Act and the regulations and is accompanied by an approval supporting the application as specified by subsection (3), fix a date on which the application will be considered by it.*

*(2) When an application for a licence referred to in subsection (1) is first made to the Board after the expiration of the required number of years from the date of a plebiscite under Part 3 of the preceding Act or section 137(2) or 144 of this Act disapproving of the issuance, for the local option area in respect of which the application is made, of licences for particular kinds of eligible premises, the Board shall, if the application complies in all respects with the requirements of this Act and the regulations and is accompanied by an approval supporting the application as specified in subsection (3), fix a date on which the application will be considered by it.*

*(3) An approval supporting an application shall be*

*(a) in the prescribed form,*

section 132, that includes the location of the proposed licence and

the Board shall, if the application complies with the requirements of the Act and regulations, require the applicant to provide public notice of the making of the application in accordance with section 38(3)(c).

(2) The notice required under subsection (1) shall

- (a) state the boundaries of the local option area,
- (b) state the date fixed for the consideration by the Board of the application,
- (c) state that unless the Board receives a petition in accordance with section 135, before the date stated pursuant to clause (b), the Board shall consider the application for a licence, and
- (d) include a copy of section 135.

(3) The Board shall fix a date for the consideration of the application by the Board and the date shall not be earlier than the time provided in the regulations for filing an objection to the issue of a licence pursuant to section 38(4).

**134.1(1)** In a plebiscite under this Part the latest revised list of electors compiled pursuant to the *Election Act* for the electoral division or polling subdivision, or for the part of the electoral division included in the local option area in which the plebiscite is to be held, may be used as the list of electors for the vote under this Act if the list was compiled not more than 2 years before the date fixed pursuant to section 134(3).

(2) In a plebiscite under this Part, 6 days shall be allowed for revision of the list of electors if the latest revised list of electors compiled pursuant to the *Election Act* is used as the list of electors.

13 *Section 135 is amended*

(a) *by repealing subsection (1) and substituting the following:*

**135(1)** Subject to this section, any elector in a local option area may, at any time before the date fixed by the Board under section 134 for considering applications, petition the Board to request the Lieutenant Governor in Council to order that a plebiscite be held in the local option area with respect to the issuance of licences in the local option area.

(b) *by repealing subsection (3) and substituting the following:*

(3) On receipt of a petition that meets the requirements of subsections (1) and (2), the Board shall

- (a) submit the petition to the Lieutenant Governor in Council, and
- (b) give the applicant written notice that the date for the consideration of the application for a licence has been postponed until after a plebiscite is held pursuant to this Part.

- (b) addressed to the Board, and
  - (c) signed by the lesser of at least 100 electors of the local option area or 10% of the number of persons named on the latest lists of electors for an election of a member to the Legislative Assembly from the area comprising the local option area.
- (4) The Board shall review the application and the approval supporting the application or, if a review official has been designated, shall refer both of them for review to the review official and if the application is satisfactory to the Board or that official, as the case may be, the Board shall publish a notice
- (a) giving a description of the local option area,
  - (b) giving the date fixed for the consideration of applications by the Board, and
  - (c) stating that unless the Board receives a petition in accordance with section 135 before the date stated in the notice the Board will, on that date, consider the applications for licences for any kind of eligible premises.
- (5) The Board shall publish the notice under subsection (4) twice in a newspaper published and having a general circulation in the local option area or, if no newspaper is published in that area, in a newspaper having a general circulation in it, at least 5 days apart with the 2nd publication being not less than 30 clear days before the date fixed by the Board for considering the applications concerned.

**33** Section 135 presently reads:

- 135(1) Subject to this section, any electors in a local option area may, at any time before the date fixed by the Board under section 134 for considering applications, petition the Board to request the Lieutenant Governor in Council to submit a question in respect of licences for any kind of eligible premises to a vote of the electors of the local option area.*
- (2) A petition under this section shall be
- (a) in the prescribed form,
  - (b) addressed to the Board, and
  - (c) signed by the lesser of 500 electors of the local option area or 10% of the number of persons named on the latest lists of electors for the local option area.
- (3) The Board shall, on receipt of a petition under this section within the time limit in subsection (1), adjourn the date fixed for considering applications for the issuance of licences and shall review or refer the petition for review under subsection (4).
- (4) If the Board or the review official, as the case may be, finds that the petition is complete and regular, the Board shall submit the petition to the

(c) by repealing subsection (4).

34 Section 136 is amended

(a) by renumbering it as section 136(1);

(b) in subsection (1) by adding “and may by order give directions for the holding of a plebiscite in the local option area in respect of the issuance of licences in the area” after “area”;

(c) by adding the following after subsection (1):

(2) The provisions of the *Election Act* governing general elections apply with all necessary modifications to plebiscites held under this Part except as otherwise expressly specified by order of the Lieutenant Governor in Council.

(3) In giving directions under subsection (1), the Lieutenant Governor in Council may by order provide for any matter not provided for or insufficiently provided for by this Act or the *Election Act* but any order so made ceases to have any effect after the last day of the next ensuing session of the Legislature.

(4) The *Regulations Act* does not apply to orders under this section.

35 Sections 137 and 138 are repealed and the following is substituted:

**137** If more than 50% of the persons voting in a plebiscite held pursuant to section 136 vote in the affirmative the Board may issue licences in the local option area.



*Lieutenant Governor in Council and, by notice published in a newspaper published and having a general circulation in the local option area or, if no newspaper is published in that area, in a newspaper having a general circulation in it, give notice that the date for considering applications for licences has been postponed until after a vote has been taken by the electors of the local option area under the Liquor Plebiscites Act.*

*(5) Notwithstanding anything in this Part, if no licence has been issued and the Minister considers it in the public interest that*

*(a) a petition that has been submitted but found to be defective as to form should be corrected, or*

*(b) the time within which a petition must be submitted has expired, the Minister may, by order, permit the petition to be corrected or may extend the time in which the petition may be submitted, or both.*

**34** Section 136 presently reads:

*136 The Lieutenant Governor in Council shall, within 60 days after the date of receipt of a petition under section 135, submit a question in respect of licences to a vote of the electors of the local option area.*

**35** Sections 137 and 138 presently read:

*137(1) If at least 60% of the electors voting on a question submitted to them under section 136 to determine whether they approve or disapprove of the issuance of licences in the local option area vote in the affirmative, the Board may after the vote, in accordance with this Act, issue licences in the area.*

*(2) If less than 60% of the electors voting on a question referred to in subsection (1) vote in the affirmative, the Board shall not, before the expiration of 3 years after the date of the vote, consider the application or any further application for licences in the area.*

*138 If the Board does not receive a petition under section 135 in accordance with this Part and no further petition is presented in accordance with this Part, the Board may, in accordance with this Act, issue licences in the area until by a vote under this Part the electors of the local option area disapprove of the issuance of the licences by the Board under this section.*

36 Section 139 is amended by striking out “60%” and substituting “more than 50%”.

37 The following is added after section 139:

**139.1** A plebiscite is not invalid by reason of non-compliance with this Part

- (a) with regard to the taking of the plebiscite,
- (b) with regard to the counting of the votes,
- (c) by reason of a mistake in the use of forms, or
- (d) by reason of any irregularity,

if it appears that the proceedings in the plebiscite were conducted substantially in accordance with the requirements of this Act respecting the matter and that the non-compliance, mistake or irregularity did not affect the result by changing an affirmative vote to a negative vote or vice versa.

**139.2** Any act done in relation to or in connection with any of the proceedings under this Part that is of a like character to any act made punishable when done in relation to or in connection with any of the proceedings of the *Election Act* is an offence and is punishable in the same manner and to the same extent as the corresponding offence is punishable under the *Election Act*.

38 The heading before section 140 is struck out, section 140 is repealed and the following is substituted:

**Question**

**140(1)** The question that may be submitted to a vote in a plebiscite in the case of a local option area described in section 133(1)(c) is:

Are you in favour of the sale of liquor for consumption in appropriately licensed premises?

39 Section 141 is amended

(a) by repealing subsection (1) and substituting the following:

**141(1)** If a plebiscite under this Part is held in a local option area, no further plebiscite with respect to licences may, before the expiration of 3 years after the date of the plebiscite, be submitted to a vote of the electors in that local option area.

(b) by repealing subsection (2).

**36** Section 139 presently reads:

*139 When a new town is established in an area that was not a village or town, the Board may, on application to it, issue licences in the new town in the same manner that it would if a vote in the new town had been taken at which 60% of the voting electors voted in favour of the issuance of the licences in the new town.*

**37** Non-compliance.

**38** Section 140 presently reads:

*140(1) The questions that may be submitted under this Part to a vote of the electors of a local option area are as follows:*

*(a) Are you in favour of the sale of liquor for consumption only with a meal in appropriately licensed premises?*

*(b) Are you in favour of the sale of liquor for consumption in appropriately licensed premises if food is made available in those premises?*

*(2) Each question submitted under this Part shall be on a separate ballot paper of a different colour.*

**39** Section 141 presently reads:

*141(1) When 60% or more of the electors voting in a plebiscite under section 136 or under section 143 vote in favour of the issuance of licences, no further question in respect of licences may, before the expiration of 3 years after the date of the plebiscite, be submitted to a vote of the electors.*

*(2) When the Board under section 138 is authorized to issue licences in a local option area, no question in respect of licences may, before the expiration of 3 years after the date when the Board considered the first application, be submitted to a vote of the electors.*

*(3) If the electors of a local option area voting on the approval or disapproval of the issuance of licences vote against the issuance of licences for a particular kind of eligible premises, no licences shall be issued in that local option area for those kinds of eligible premises but no licences for*

*40 Section 144 is amended by striking out “60%” and substituting “2/3”.*

*41 Section 146 is amended by striking out “for a beverage room, club or dining lounge”.*

*42 The Liquor Plebiscites Act is repealed.*

*43 This Act comes into force on Proclamation.*

*other kinds of eligible premises that were issued by the Board prior to the negative vote shall be cancelled under section 144.*

**40** Section 144 presently reads:

*144 When 60% or more of the electors voting on a petition under section 142 vote against the issuance of licences for a particular kind of eligible premises,*

*(a) all licences voted on that are in force in the local option area shall be cancelled by the Board within 60 days of the date of the plebiscite,*

*(b) all liquor purchased under the cancelled licences and still in the possession of the licensees on the date the licences are cancelled shall be returned to the Board within 10 days after that date, and*

*(c) no application for licences voted on shall, before the expiration of 3 years after the date of the plebiscite, be considered by the Board.*

**41** Section 146 presently reads:

*146 Notwithstanding anything in this Act no liquor store shall be established and no licence for a beverage room, club or dining lounge shall be issued in*

*(a) that part of the County of Warner or the Municipal District of Cardston No. 6 that was in 1953 the Municipal District of Sugar City No. 5 or the Municipal District of Cochrane No. 6, or*

*(b) a city, town or village situated, lying or being within an area specified in clause (a).*

**42** Repeals chapter L-18 of the Revised Statutes of Alberta 1980.

**43** Coming into force.