

1988 BILL 40

Third Session, 21st Legislature, 37 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 40

MISCELLANEOUS STATUTES AMENDMENT ACT, 1988

THE ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 40

1988

MISCELLANEOUS STATUTES AMENDMENT ACT, 1988

(Assented to , 1988)

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

1 The Administration of Estates Act is amended

(a) *in the heading preceding section 19 by striking out “\$1000” and substituting “\$3000”;*

(b) *by repealing section 25 and substituting the following:*

25 When it appears to the court by reason of special circumstances that it is necessary that

(a) the property of a deceased person be forthwith administered, or

(b) someone other than the executor or next of kin be appointed to administer the property of a deceased person,

the court may, on application and on the notice, if any, that it may direct, issue a grant of administration to the Public Trustee or some other person it thinks fit and impose any limitations and restrictions in the grant that it sees fit.

2 The Agricultural Development Act is amended in section 1(f) by striking out “Minister of Agriculture” and substituting “member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act”.

3 The Alberta Heritage Foundation for Medical Research Act is amended

(a) *by repealing section 16(b) and substituting the following:*

(b) prescribing additional information to be contained in an annual report under section 21 and a triennial report under section 24.

Explanatory Notes

- 1** This section will amend chapter A-1 of the Revised Statutes of Alberta 1980. The heading and sections 19 and 25 presently read:

Deceased Persons' Estates Under \$1000

19 If a grant of probate or administration is sought and it appears that the estate of the deceased consists only of personal property of an aggregate value not exceeding \$3000 so far as can be ascertained after reasonable inquiry, the clerk may

(a) prepare, in accordance with the Rules, the application and any other papers necessary to lead to the grant, including a bond, if any, and

(b) give on behalf of the applicant any notice required to be given by this or any other Act in connection with the application.

25 When it appears to the court by reason of special circumstances that

(a) it is necessary that the property of a deceased person be forthwith administered, or

(b) that someone other than the executor or next of kin be appointed to administer the property of a deceased person,

the court may on application and on the notice, if any, that it may direct issue a grant of administration to the Public Trustee or some other person it thinks fit and may impose any limitations and restrictions in the grant that it sees fit.

- 2** This section will amend chapter A-7 of the Revised Statutes of Alberta 1980. Section 1(f) presently reads:

1 In this Act,

(f) "Minister" means the Minister of Agriculture.

- 3** This section amends chapter A-26 of the Revised Statutes of Alberta 1980. Sections 16(b), 22 and 24(3) presently read:

16 The Lieutenant Governor in Council may make regulations

(b) with respect to the annual report under section 21 and the triennial report under section 24, designating the member of the Executive Council to whom it is to be submitted and prescribing any additional information that it is to contain.

(b) in sections 22 and 24(3) by striking out “designated in the regulations to receive it” and substituting “charged by the Lieutenant Governor in Council with the administration of this Act”.

4 The Boundary Surveys Act is amended by repealing section 3(c).

5 The Builders’ Lien Act is amended in section 33(2) by striking out “all liens depending on it” and substituting “the lien to which it relates”.

6 The Chattel Security Registries Act is amended in section 17(d) by striking out “a Registrar” and substituting “the Registrar”.

7 The Chiropractic Profession Act is amended

(a) by repealing section 67(2) and substituting the following:

(2) An appeal under this section shall be commenced

(a) by filing a notice of appeal with the Registrar of the Court at Edmonton or Calgary, and

(b) by serving a copy of the notice of appeal

(i) on the Council, where the investigated person is the appellant, or

(ii) on the investigated person, where the College is the appellant,

both within 30 days from the date on which the decision of the Council is served on the appellant.

(b) in section 87 by striking out “section 59” and substituting “Part 3 of the Schedule”.

22 *The Foundation shall, as soon as an annual report is prepared under section 21, forward it to the member of the Executive Council designated in the regulations to receive it, and that member of the Executive Council shall lay a copy of it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.*

24(3) *The Foundation shall, as soon as a triennial report is prepared under subsection (1), forward it to the member of the Executive Council designated in the regulations to receive it, and that member of the Executive Council shall forthwith furnish copies of it to all members of the Legislative Assembly and to the Clerk of the Legislative Assembly and on so doing shall make the report public.*

4 This section amends chapter B-10 of the Revised Statutes of Alberta 1980. Section 3(c) presently reads:

3 *The Minister, with the approval of the Lieutenant Governor in Council, on behalf of Alberta, may enter into any arrangement or agreement with the Government of Canada or of an adjoining province relating to the survey and demarcation of the boundary line, and may*

(c) appoint a boundary commissioner to represent Alberta on any boundary commission,

5 This section amends chapter B-12 of the Revised Statutes of Alberta 1980. Section 33(2) presently reads:

(2) *Notwithstanding subsection (1), if no trial has been held within 2 years from the date of the registration of the certificate of lis pendens, any interested party may apply on notice to the court to have the certificate of lis pendens vacated and all liens depending on it discharged.*

6 This section amends chapter C-7.1 of the Statutes of Alberta, 1983. Section 17(d) presently reads:

17 *The Lieutenant Governor in Council may make regulations*

(d) prescribing the form of and the information to be contained in documents, financial interest statements and amending financial interest statements submitted for registration in a registry and in certificates issued by a Registrar;

7 This section amends chapter C-9.1 of the Statutes of Alberta, 1984 by correcting an indentation error in section 67 and a cross-referencing error in section 87. Sections 67 and 87 presently read:

67(1) *An investigated person or the College may appeal to the Court of Appeal any finding or order made by the Council under section 66.*

(2) *An appeal under this section shall be commenced*

(a) by filing a notice of appeal with the Registrar of the Court at Edmonton or Calgary, and

(b) by serving a copy of the notice of appeal

(i) on the Council, where the investigated person is the appellant, or

(ii) on the investigated person, where the College is the appellant, both within 30 days from the date on which the decision of the Council is served on the appellant.

87 *The Legislative Assembly Act is amended in section 59 by striking out "Chiropractic Appraisal Board".*

8 *The Electric Power and Pipe Line Assessment Act is amended in sections 1(c) and 3(2) by adding “, summer village” after “village”.*

9 *The Hail and Crop Insurance Act is amended in section 1(1)(b) by striking out “Minister of Agriculture” and substituting “member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act”.*

10 *The Local Authorities Election Act is amended*

(a) in section 22(1)(g) by striking out “\$50” and substituting “\$500”;

(b) in section 79(2) by striking out “apply in writing, in the form and within the time fixed by the resolution, to” and substituting “request”;

(c) in section 98(1)(a) by adding “or an agent of a candidate recognized pursuant to section 69” after “candidate”;

(d) by repealing section 148(4) and substituting the following:

(4) No person shall print or distribute or cause to be printed or distributed in any advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper a form of ballot printed by the returning officer, indicating or showing it to be marked for any candidate or candidates.

11 *The Manpower Development Act is amended in section 5 by striking out “Manpower” and substituting “Career Development and Employment”.*

12 *The Motor Vehicle Accident Claims Act is amended in the following provisions by striking out “\$200” and substituting “\$250”:*

section 5(1)(b);
section 6(1)(b) and (2)(b);
section 7(1)(b);

8 This section amends chapter E-5 of the Revised Statutes of Alberta. Sections 1(c) and 3(2) presently read:

1 In this Act,

(c) "municipality" means a city, town, new town, village, municipal district, county, improvement district, special area or school district in a national park;

3(2) In this section "urban community" means a hamlet, collecting school district, village, town or city the population of which is greater than the maximum population figure prescribed by the regulations.

9 This section amends chapter H-1 of the Revised Statutes of Alberta 1980. Section 1(1)(b) presently reads:

1(1) In this Act,

(b) "Minister" means the Minister of Agriculture.

10 This section amends chapter L-27.5 of the Statutes of Alberta, 1983. Sections 22(1)(g), 79(2), 98(1)(a) and 148(4) presently read:

22(1) A person is not eligible to be nominated as a candidate in any election under this Act if on nomination day

(g) he is indebted to the local jurisdiction for which the election is to be held for any debt exceeding \$50 and in default for more than 90 days;

79(2) When a resolution has been passed under subsection (1), an elector described in subsection (1) may apply in writing, in the form and within the time fixed by the resolution, to the returning officer to have a deputy attend at his residence to take his vote.

98(1) The returning officer may make a recount if

(a) a candidate or, in the case of a vote on a by-law or question, an agent appointed pursuant to section 70(1) shows grounds that the returning officer considers reasonable for alleging that the record of the result of the count of votes at any voting station is inaccurate, or

148(4) No person shall

(a) print or distribute or cause to be printed or distributed in any advertisement, handbill, placard, poster, circular, pamphlet or newspaper or other paper a form of ballot printed by the returning officer, indicating or showing it to be marked for any candidate or candidates, or

(b) without written authority from the other candidates, print or distribute or cause to be printed or distributed, for the purpose of influencing or soliciting votes for any candidate, any advertisement, handbill, placard, poster, circular, pamphlet or newspaper or other paper in connection with the names of any other candidates.

11 This section amends chapter M-3 of the Revised Statutes of Alberta 1980. Section 5 presently reads:

5 The Director may delegate any of his powers, duties or functions under this Act to any employee of the Department of Manpower.

12 This section amends chapter M-21 of the Revised Statutes of Alberta 1980. These amendments will have the effect of increasing from \$200 to \$250 the amount of loss or damage to property that must be incurred before a person may claim benefits under the Act.

section 9(1);
section 11(7)(a.1).

13 The Municipal and Provincial Properties Valuation Act is amended in section 1(e) by adding “, summer village” after “village”.

14 The Municipal Tax Exemption Act is amended in section 1(d) by adding “, summer village” after “village”.

15 The Municipal Taxation Act is amended in section 26 by striking out “Liquor Licensing Act” and substituting “Liquor Control Act”.

16 The Municipalities Assessment and Equalization Act is amended in section 1(i) by striking out “village” and substituting “new town, village, summer village”.

17 The Physical Therapy Profession Act is amended by repealing section 64(2) and substituting the following:

- (2) An appeal under this section shall be commenced
 - (a) by filing a notice of appeal with the Registrar of the Court at Edmonton or Calgary, and
 - (b) by serving a copy of the notice of appeal
 - (i) on the Council where the investigated person is the appellant, or
 - (ii) on the investigated person where the College is the appellant,both within 30 days from the date on which the decision of the Council is served on the appellant.

18 The Provincial Court Act is amended in section 27 by striking out “and Community Health” wherever it occurs.

13 This section amends chapter M-28 of the Revised Statutes of Alberta 1980. Section 1(e) presently reads:

1 In this Act,

(e) "municipality" means a city, town, new town, village, county, municipal district, improvement district or special area or school district within a national park.

14 This section amends chapter M-30 of the Revised Statutes of Alberta 1980. Section 1(d) presently reads:

1 In this Act,

(d) "municipality" means a city, town, new town, village, county, municipal district, improvement district or special area;

15 This section amends chapter M-31 of the Revised Statutes of Alberta 1980. Section 26 presently reads:

26 Notwithstanding sections 24 and 25 or any other Act, an improvement, or part thereof, licensed pursuant to the Liquor Licensing Act is nevertheless liable to assessment and taxation by a municipality for all of the purposes set forth in section 93.

16 This section amends chapter M-32 of the Revised Statutes of Alberta 1980. Section 1(i) presently reads:

1 In this Act,

(i) "municipality" means a city, town, village, municipal district, county, improvement district and special area and includes a school district situated within a national park;

17 This section corrects an indentation error in chapter P-7.5 of the Statutes of Alberta, 1984. Section 64(2) presently reads:

(2) An appeal under this section shall be commenced

(a) by filing a notice of appeal with the Registrar of the Court at Edmonton or Calgary, and

(b) by serving a copy of the notice of appeal

*(i) on the Council where the investigated person is the appellant,
or*

*(ii) on the investigated person where the College is the appellant,
both within 30 days from the date on which the decision of the Council is served on the appellant.*

18 This section amends chapter P-20 of the Revised Statutes of Alberta 1980. Section 27 presently reads:

27 In the case of a child in need of protective services, a clerk shall

(a) prepare and keep the reports and information that the Minister of Social Services and Community Health requires, and

(b) forward the reports and information at the times and on the forms that the Minister of Social Services and Community Health requires.

19 The Queen's Printer Act is amended

(a) in section 3 by striking out "Lieutenant Governor in Council" and substituting "Minister charged with the administration of this Act";

(b) by repealing section 5 and substituting the following:

5 The Minister charged with the administration of this Act may make regulations

(a) prescribing the conditions of the publication of The Alberta Gazette;

(b) designating the public bodies, officers and persons to whom The Alberta Gazette is to be sent without charge;

(c) prescribing a tariff of charges to be paid for the publication of notices, advertisements and documents in The Alberta Gazette;

(d) prescribing the amount of the subscription to The Alberta Gazette.

(c) by repealing section 6.

20 The Seizures Act is amended by repealing section 7(10) and (11) and substituting the following:

(10) If a sheriff seizes the shares of a debtor in a company, and the company's incorporating documents restrict or prohibit the right to transfer those shares, he shall first offer them for sale to the other shareholders, or any one of them, in the company, and shall send by mail to the company at its registered office and to at least 3 other shareholders of the company if there are so many, and, if not, to the other shareholders, notice of the seizure, and shall sell the shares seized or any part of them to any shareholder who within 30 days of the date of the mailing of the notice

(a) makes an offer for the purchase thereof at a price that appears to the sheriff to be reasonable, and

(b) pays the purchase price to the sheriff.

(11) Any shares referred to in subsection (10) that remain unsold at the expiration of the period of 30 days shall be sold by the sheriff in the same manner as any other personal property.

21 The Surface Rights Act is amended in section 1(f) by striking out "Minister of Agriculture" and substituting "member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act".

22 The Vital Statistics Act is amended in section 3

(a) in subsection (2) by striking out "in accordance with section 27";

(b) in subsection (8)(b)(ii) by striking out "surnames" and substituting "surname".

19 This section amends chapter Q-3 of the Revised Statutes of Alberta 1980. Sections 3, 5 and 6 presently read:

3 Subject to the direction of the Lieutenant Governor in Council the Queen's Printer shall print and publish or cause to be printed and published the statutes of Alberta, The Alberta Gazette and any documents and announcements that may be required from time to time.

5 The Lieutenant Governor in Council

(a) may prescribe the conditions of the publication of The Alberta Gazette;

(b) shall designate the public bodies, officers and persons to whom The Alberta Gazette is to be sent;

(c) may make a tariff of charges to be paid for the publication of notices, advertisements and documents in The Alberta Gazette;

(d) may prescribe the amount of the subscription to The Alberta Gazette.

6 The Lieutenant Governor in Council may make any regulations required to govern the Queen's Printer in procuring or distributing supplies passing through his office.

20 This section amends chapter S-11 of the Revised Statutes of Alberta 1980. Section 7(10) and (11) presently read:

(10) If a sheriff seizes the shares of a debtor in a private company he shall first offer them for sale to the other shareholders or any one of them in the private company, and send by mail to the company at its registered office and to at least 3 other shareholders of the company if there are so many, and if not to the other shareholders, notice of the seizure, and sell the shares seized or any part of them to any shareholder who within 30 days of the date of the mailing of the notice

(a) makes an offer for the purchase thereof at a price that appears to the sheriff to be reasonable and

(b) pays the purchase price to the sheriff.

(11) Any shares in a private company remaining unsold at the expiration of the period of 30 days shall be sold by the sheriff in the same manner as any other personal property.

21 This section amends chapter S-27.1 of the Statutes of Alberta, 1983. Section 1(f) presently reads:

1 In this Act,

(f) "Minister" means the Minister of Agriculture;

22 This section amends chapter V-4 of the Revised Statutes of Alberta 1980. Section 3(2) and (8)(b)(ii) presently read:

(2) Within 10 days after the birth of a child in Alberta,

(a) the mother of the child,

(b) if the mother is incapable, the father of the child,

(c) if the mother and the father are incapable, the person standing in the place of the parents of the child,

(d) if there is no person to whom clause (a), (b) or (c) applies, the person required to give notice of the birth under section 2, or

(e) if there is no person to whom clause (a), (b), (c) or (d) applies, the occupier of the premises in which the child is born, if he has knowledge of the birth,

shall complete and deliver or mail a statement in the prescribed form respecting the birth to the district registrar in accordance with section 27, but the Director may accept the statement of the father although the mother is not incapable.

(8) If a married woman who has made a statutory declaration under subsection (6) or an unmarried woman, as the case may be, and a person acknowledging himself to be the father jointly so request in writing

(b) the birth may be registered if the person so acknowledging and the mother jointly so request, showing

(ii) the surnames of the person so acknowledging hyphenated or combined with the mother's surname