

1988 BILL 63

Third Session, 21st Legislature, 37 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 63

REGULATIONS AMENDMENT ACT, 1988

MR. OLDRING

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 63
Mr. Oldring

BILL 63

1988

REGULATIONS 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 Regulations Act is amended by this Act.*

2 *Section 1 is amended*

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

(f) "regulation" means a regulation as defined in the *Interpretation Act* that is of a legislative nature.

(b) *by repealing subsections (2), (3) and (4) and substituting the following:*

(2) The following are not regulations within the meaning of subsection (1)(f):

(a) a regulation, rule, order, by-law or resolution of

(i) a local authority,

(ii) a corporation incorporated under a public Act, or

(iii) a corporation incorporated by or under a private Act;

(b) a proclamation;

(c) a document adopted or incorporated by reference in a regulation.

Explanatory Notes

1 This Bill will amend chapter R-13 of the Revised Statutes of Alberta 1980.

2 Section 1 presently reads in part:

1(1) In this Act,

(f) "regulation" means any regulation, rule, order or by-law, of a legislative nature made or approved under the authority of an Act of the Legislature, including those made by any board, commission, association or similar body, whether incorporated or unincorporated, all the members of which, or all the members of the board of management or board of directors of which, are appointed by an Act of the Legislature or by the Lieutenant Governor in Council, but does not include any regulations, rule, order, by-law or resolution made by a local authority or, except as hereinbefore otherwise provided, by a corporation incorporated under the laws of Alberta.

(2) Where a regulation, rule, order, or by-law is made or approved, pursuant to an Act of the Legislature, by the Lieutenant Governor in Council, a member of the Executive Council, or any board, commission, association, or similar body, of the kind mentioned in subsection (1)(f), if it prescribes, fixes or designates

(a) a district, area, person, animal or other thing, or

(b) a period of time,

within, to, during, or in respect of, which the Act or any provision thereof does or does not apply, in whole or in part, generally or in a restricted manner, or within, to, during, or in respect of, which the Act provides that a thing specified in the Act may or may not be done, or shall or shall not be done, the regulation, rule, order, or by-law shall be deemed to be a regulation as defined in subsection (1)(f).

(3) Subsection (1)(f) does not apply to an order of the Lieutenant Governor in Council directing the issue of a proclamation bringing into force, suspending or repealing an Act of the Legislature or any provision thereof.

(4) A regulation, rule, order, by-law or resolution made by a corporation incorporated by a private Act of the Legislature, or by the board of directors or board of management of such a corporation, is not a regulation within the meaning of subsection (1)(f).

3 Section 6(1) and (2) are repealed.

4 Section 8 is amended

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

(d) respecting the numbering and citing of regulations;

(d.1) respecting the consolidation and revision of all or any regulations, including the powers of revision and the manner and time of filing, publishing and coming into force of revised regulations;

(d.2) providing for the discharge of filing of anything filed that is not required to be filed under this Act;

(b) by repealing subsection (2) and substituting the following:

(2) The filing and publication of a revised regulation in a manner authorized by the regulations is deemed to be filing and publication within the meaning of this Act.

5 The following is added after section 8:

9(1) In this section “enactment” means a regulation or part of a regulation.

(2) On the coming into force of a revised regulation,

(a) the revised regulation has effect to all intents as if it were made by the regulation making authority and all requirements respecting the making and approval of the regulation had been complied with, and

(b) except to the extent specified, the enactment for which the revised regulation is substituted is repealed.

(3) A revised regulation shall not be held to operate as a new law but shall be construed and have effect as a consolidation of the law contained in the enactment for which it is substituted.

(4) The various provisions of a revised regulation corresponding to and substituted for those of the enactment previously in force shall, when they are the same in effect as those of the previous enactment, operate retrospectively as well as prospectively and shall be deemed to have come into force on the day on which the corresponding previous enactment came into force.

(5) If on any point the provisions of a revised regulation are not the same in effect as those of the previous enactment for which they are substituted, then, with respect to any transaction, matter and thing on or subsequent to the day on which the revised regulation came into force, the provisions of the revised regulation prevail, but with respect to all earlier transactions, matters and things the provisions of the previous enactment prevail.

3 Section 6 presently reads in part:

6(1) Regulations shall be numbered in the order in which they are filed and a new series shall be commenced in each calendar year.

(2) Regulations when filed may be cited as "Alberta Regulations" or "Alta. Reg." followed by the number thereof, a vertical stroke and the last 2 figures of the calendar year of the filing of the regulation.

4 Section 8 presently reads in part:

8(1) The Lieutenant Governor in Council may make regulations

(d) providing for the publication of consolidations of regulations filed pursuant to this Act, at any intervals or times he considers advisable, and for the publication of supplements to the consolidations;

(2) Publication of a regulation in any consolidation or supplement thereto shall be deemed to be publication within the meaning of this Act.

5 Effect of revised regulation.

(6) A reference in an Act, regulation, document or instrument to an enactment that is repealed and replaced by a revised regulation shall, with respect to any transaction, matter or thing subsequent to the coming into force of the revised regulation, be deemed to be a reference to the revised regulation or the provision of it having the same effect the repealed enactment had.

(7) A reference in a revised regulation to another enactment shall not be construed as a declaration that the other enactment was or was not in force immediately before the coming into force of the revised regulation.

6 *This Act comes into force on Proclamation.*

