

1990 BILL 42

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Second Session, 22nd Legislature, 39 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 42**

**LIQUOR CONTROL AMENDMENT ACT, 1990**

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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 42

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1990

### LIQUOR CONTROL AMENDMENT ACT, 1990

(Assented to \_\_\_\_\_, 1990)

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 is amended*

(a) *by adding the following after subsection (1)(a.1):*

(a.2) "Appeal Council" means the Liquor Licensing Appeal Council established under section 53;

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

(c) "Board" means the Board referred to in section 5;

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

(d.01) "Corporation" means the Alberta Liquor Control Board continued as a corporation under section 4;

(d) *by repealing subsection (1)(h)(iii) and substituting the following:*

(iii) all drinks or drinkable liquids that are intended for human consumption and are intoxicating;

(e) *by repealing clause (i) and substituting the following:*

(i) "liquor store" means a liquor store established by the Corporation under Part 1;

(f) *by adding the following after clause (q):*

## 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,*

*(c) "Board" means the Alberta Liquor Control Board;*

*(f) "licensed premises" means the premises described in a licence;*

*(h) "liquor" includes*

*(i) any alcohol, spirituous, vinous, fermented, malt or other intoxicating liquid or combination of liquids,*

*(ii) any mixed liquid that is partly spirituous, vinous or fermented and that is intoxicating,*

*(iii) all drinks or drinkable liquids and all preparations or mixtures that are capable of human consumption and are intoxicating,*

*(iv) beer, cider and wine, and*

*(v) any other class of liquor designated by the Board for the purposes of this Act;*

*(i) "liquor store" means an Alberta liquor store established by the Board under Part 1, an agency store or a duty-free store;*

*(r) "spirits" means any substance, whether in liquid or other*

(q.1) "shareholder", except in section 80, does not include a shareholder of a distributing corporation as defined in the *Business Corporations Act*;

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

(r) "spirits" means any beverage that contains alcohol obtained by distillation;

(h) *by repealing subsection (2) and substituting the following:*

(2) For the purposes of subsection (1)(h), liquor is deemed to be intoxicating if the percentage of alcohol by volume exceeds the amount prescribed in the regulations.

**3** *Section 4 is repealed and the following is substituted:*

**4** The Alberta Liquor Control Board is continued as a corporation consisting of the Board.

**4** *Sections 5 and 6 are repealed and the following is substituted:*

**5(1)** The Board shall consist of the following persons to be appointed by the Lieutenant Governor in Council:

- (a) a member designated as Chairman;
- (b) a member designated as Deputy Chairman;
- (c) not more than 3 other members.

(2) The members of the Board appointed under subsection (1) shall be appointed for a term of office to be fixed by the Lieutenant Governor in Council.

(3) In the event of the Chairman's absence, the Deputy Chairman shall, subject to section 5.1(2), act in his place and assume all of the powers and duties of the Chairman.

(4) If at a meeting or any proceeding of the Board, the Chairman and Deputy Chairman are absent or unable to act, the remaining members of the Board shall elect one of their number to preside at that meeting.

(5) A vacancy on the Board does not impair the right of the remaining members of the Board to act until the vacancy is filled.

**5.1(1)** The Chairman is the chief executive officer of the Corporation.

*form, containing any proportion by weight or volume of ethyl alcohol obtained from fermented beer, wash, wort or from petroleum, or any other substance, whether obtained in a distillery by distillation or any other process;*

*(2) For the purposes of subsection (1)(h), a liquid preparation or mixture that contains more than 1.5% alcohol by volume shall be conclusively deemed to be intoxicating.*

**3** Section 4 presently reads:

*4 The Alberta Liquor Control Board is continued as a corporation.*

**4** Sections 5 and 6 presently read:

*5(1) The Board shall consist of 3 members appointed by the Lieutenant Governor in Council, one of whom shall be designated as chairman and another as deputy chairman.*

*(2) Each member of the Board holds office during the pleasure of the Lieutenant Governor in Council.*

*(3) Each member of the Board shall receive the remuneration fixed from time to time by the Lieutenant Governor in Council.*

*6(1) If a vacancy occurs in the membership of the Board, the Lieutenant Governor in Council may appoint a new member and, in the case of a vacancy in the office of chairman or deputy chairman, the Lieutenant Governor in Council may designate a member to fill the vacancy.*

*(2) A vacancy on the Board does not impair the right of the remaining members to act until the vacancy is filled.*

- (2) The chief executive officer may, in writing,
- (a) delegate to an employee of the Corporation any of his powers or duties, including the power to subdelegate, and
  - (b) designate an employee of the Corporation to act in his place and assume his powers and duties during his absence.

**5.2(1)** In the event of the inability to act or a vacancy in the office of the Chairman, the Minister may

- (a) appoint a member of the Board as acting Chairman, and
- (b) appoint the Deputy Chairman or an employee of the Corporation as the acting chief executive officer.

(2) The Deputy Chairman may be appointed as both acting Chairman and acting chief executive officer.

**5.3(1)** The Chairman may designate any 2 or more members of the Board to sit as a panel of the Board and may direct that panel to make any decision or conduct any hearing that the Board itself could make or conduct under section 42, 48, 49 or 117.

(2) Two members constitutes a quorum at any sitting of a panel of the Board.

(3) A decision or other action made or taken at a sitting of a panel of the Board is a decision or action of the Board.

(4) A panel of the Board may exercise and perform all the powers and duties of the Board under this Act or any other enactment with respect to the hearing it is directed to conduct.

(5) For the purposes referred to in subsection (4), any reference in this Act or any other enactment to the Board is deemed to be also a reference to a panel of the Board.

(6) If neither the Chairman nor the Deputy Chairman is a member of a panel, the Chairman shall designate one of the members of the panel to preside.

(7) When a proceeding is conducted by a panel of the Board and one or more members of the panel for any reason do not attend on any day or part of a day, the remaining members present may, if they constitute a quorum of the panel, exercise and perform all the powers and duties of the Board with respect to that proceeding.



(8) Two or more panels of the Board may sit simultaneously or at different times.

5 *The following is added after section 7:*

**7.1(1)** The members and acting members of the Board shall receive

(a) remuneration, and

(b) travelling and other expenses while absent from their place of residence and in the course of their duties as members of the Board,

as prescribed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council may delegate to the Minister all or any of the powers to prescribe the remuneration, travelling and other expenses of all or any of the members or acting members of the Board.

6 *Section 8 is amended by striking out “Two” and substituting “Three”.*

7 *Section 10 is repealed and the following is substituted:*

**10** The Corporation

(a) may appoint any employees it considers necessary,

(b) may appoint as an inspector for the purposes of this Act any person employed by it,

(c) shall fix the salaries or remuneration of its employees and define their duties,

(d) shall prescribe the conditions of employment of its employees, and

(e) shall prescribe a code of conduct and ethics to be complied with by its employees.

8 *Section 12 is repealed and the following is substituted:*

**12** The Board

**5** Remuneration of members.

**6** Section 8 presently reads:

*8 Two members of the Board constitute a quorum.*

**7** Section 10 presently reads:

*10(1) The Board may*

*(a) employ officers, managers, clerks and other persons required by it for the administration of this Act and the regulations, dismiss them or any of them, fix their salaries and remuneration, assign to them their titles, define their respective duties and powers and regulate their conduct;*

*(b) appoint any person employed by it pursuant to clause (a) as an inspector for the purposes of this Act;*

*(c) engage the services of experts and persons having special technical or other knowledge.*

*(2) The Board may from time to time with respect to any powers and duties referred to in subsection (1) designate any member or employee of the Board as a person who may perform those powers and duties.*

*(3) Repealed 1983 c34 s3.*

**8** Section 12 presently reads:

*12 The Board shall administer this Act and the regulations.*

- (a) shall carry out those powers and duties given to it under this Act,
- (b) may make policies respecting
  - (i) the business, operation and affairs of the Corporation,
  - (ii) the issuance of licences and permits, and conditions that may be imposed, and
  - (iii) the practice and procedure applicable to meetings and other proceedings of the Board,
- (c) shall advise the chief executive officer on the administration of this Act and the regulations, and
- (d) shall meet at the call of the Chairman.

**12.1(1)** The Minister may establish a committee to be named the “Alcoholic Beverages Advisory Committee” consisting of not fewer than 9 members.

(2) The Minister shall prescribe the term of office of the members.

(3) The Advisory Committee shall provide advice, as requested by the Minister or the Board, on any matter within the scope of this Act.

(4) The Minister shall prescribe the remuneration and the expenses payable to the members of the Advisory Committee in carrying out their duties.

(5) The remuneration and expenses shall be paid by the Corporation.

(6) Any administrative support required by the Advisory Committee shall be provided by the Corporation.

**12.2** The chief executive officer

- (a) is responsible for the implementation of the policies of the Board;
- (b) shall advise and inform the Board on the business, operation and affairs of the Corporation;
- (c) shall exercise the powers and perform the duties of the Corporation under this Act or any other enactment.



9 *Section 13 is repealed and the following is substituted:*

**13(1) The Board**

- (a) may prescribe conditions in respect of the premises where liquor may be manufactured;
- (b) may prescribe the equipment and the method of operation of any premises on which liquor may be manufactured, stored or sold under this Act;
- (c) may specify and describe the places and manner in which liquor may be lawfully kept;
- (d) may regulate or prohibit items identifying liquor distributors or manufacturers or their products that may be displayed in licensed premises;
- (e) may prescribe forms or the nature of the contents of forms to be used for the purposes of this Act or the regulations;
- (f) may
  - (i) govern, subject to this Act and the regulations, the procedures
    - (A) for obtaining licences and permits under this Act, and
    - (B) for the keeping of books and records and the making of returns by licensees and permittees;
  - (ii) govern the number of any particular kind of licensed premises in a municipality, and
  - (iii) approve, for the purposes of issuing licences, premises and events that qualify for licensing;
- (g) may delegate to employees of the Corporation the authority to approve and issue licences, issue warnings, impose conditions on licences and amend conditions on licences;
- (h) may delegate to employees of the Corporation or other persons the authority to approve and issue permits;
- (i) may cause an inspection of premises and may make inquiries, through inspectors or other employees or in any other manner it considers appropriate, in connection with the issuance, suspension or cancellation of a licence or permit;

**9** Section 13 presently reads:

*13(1) The Board*

*(a) is responsible for the regulation and control of*

*(i) the manufacture of liquor in Alberta,*

*(ii) the importation of liquor into Alberta, and*

*(iii) the keeping and conveyance of liquor manufactured in or imported into Alberta;*

*(a.1) may lease any building or land required by it for or in connection with the administration of this Act;*

*(b) may buy or lease all furnishings and equipment it considers necessary and useful for or in connection with the administration of this Act;*

*(b.1) may prescribe the location, nature and character of the premises where liquor may be manufactured;*

*(c) may control the conduct, management and equipment of any premises on which liquor may be manufactured, stored or sold under this Act;*

*(c.1) with the approval of the Lieutenant Governor in Council, may*

*(i) purchase land or buildings or construct buildings required for or in connection with the administration of this Act, and*

*(ii) sell or otherwise dispose of land or buildings acquired by it;*

*(d) may purchase, import and have in its possession for sale and sell liquor, in accordance with this Act and the regulations;*

*(d.1) shall*

*(i) make provision for the establishment, maintenance and operation of liquor stores and warehouses for liquor and for the control and keeping of liquor in and the conveyance of liquor to and from those stores and warehouses,*

*(ii) determine the equipment of liquor stores and warehouses in which liquor is kept, and determine the books and records to be kept with respect to them, and*

(j) may provide for the inspection of licensed premises and premises described in a permit;

(k) may authorize a person to sell, by any method approved by the Board, and in accordance with the regulations, any liquor or collection of liquor owned by that person or forming part of an estate or trust;

(l) may regulate and control the importation of liquor into Alberta;

(m) shall determine the places in which liquor stores, agency stores, duty-free stores and warehouses are to be established in Alberta, and the location of them in those places;

(n) may do all other things the Board considers necessary or advisable for the purpose of carrying out its powers and duties.

(2) If the Lieutenant Governor in Council is of the opinion that a product contains alcohol and is intended for human consumption, the Lieutenant Governor in Council may

(a) prohibit its sale,

(b) prohibit its possession for sale, or

(c) regulate and control its sale

and shall so notify the manufacturer or vendor of the product.

(3) The publication of a notice of a prohibition in The Alberta Gazette is conclusive proof of any notification required under subsection (2).

(4) The *Regulations Act* does not apply to an order under subsection (2) nor to a decision of the Board under this section.

### **13.1 The Corporation**

(a) is responsible for the regulation and control of the keeping and conveyance of liquor manufactured in or imported into Alberta;

(b) may lease any building or land required by it for or in connection with the administration of this Act and the regulations;

(c) may purchase or lease all furnishings and equipment it considers necessary and useful for or in connection with the administration of this Act and the regulations;

- (iii) specify and describe the places and manner in which liquor may be lawfully kept and supervise the distribution of liquor supplies;*
- (e) shall determine the places in which liquor stores and warehouses shall be established throughout Alberta, and the situation of the store or stores or warehouses in those places;*
- (f) shall control the providing of liquor to and the sale of liquor at liquor stores;*
- (g) shall determine the categories, classes, varieties, brands and kinds of liquor to be kept for sale at a liquor store;*
- (h) may prescribe categories, classes, varieties, brands and kinds of liquor and the quantities and alcohol content of liquor that the Board purchases and sells;*
- (i) may specify, regulate and supervise the hours and days when, and the manner, methods and means by which liquor that the Board purchases shall be conveyed to it and the days and hours when, and the manner, method and means by which liquor may be lawfully conveyed to liquor stores, licensed premises and premises described in a permit;*
- (j) subject to this Act, shall*
- (i) determine the charges for delivery of liquor, and*
- (ii) fix the various prices at which categories, classes, varieties, brands or kinds of liquor may be sold by the Board, and provide for the issuing and distribution of price lists showing the prices to be paid for each category, class, variety, brand or kind of liquor kept for sale under this Act;*
- (k) may determine the nature, form and capacity of packages in which liquor is kept or sold under this Act, and the manner in which those packages are to be closed, fastened or sealed;*
- (l) may determine the books of account to be kept by the Board showing the expenditures of the Board in the administration of this Act and in the purchase, sale and conveyance of liquor under it, and the receipts of money by the Board from the sale of liquor under this Act;*
- (m) may prescribe conditions in respect of the sale or provision of liquor and the consumption of liquor sold or provided under a licence or permit, including the availability of food to persons consuming liquor so sold or provided and the types or kinds of food to be made available to those persons;*

- (d) may, with the approval of the Lieutenant Governor in Council,
- (i) purchase land or buildings or construct buildings required for or in connection with the administration of this Act and the regulations, and
  - (ii) sell or otherwise dispose of land or buildings acquired by it;
- (e) shall provide for the establishment, maintenance and operation of liquor stores and warehouses and for the control and keeping of liquor in and the conveyance of liquor to and from those stores and warehouses;
- (f) may purchase, import, have in its possession for sale and sell liquor in accordance with this Act and the regulations;
- (g) shall control the providing of liquor to and the sale of liquor at liquor stores, agency stores and duty-free stores;
- (h) shall determine the kinds of liquor to be kept for sale at liquor stores, agency stores and duty-free stores;
- (i) may determine the nature, form and capacity of packages in which liquor is kept or sold under this Act, and the manner in which those packages are to be closed, fastened or sealed;
- (j) may determine the form of records of purchase and sale of liquor to be kept by the holders of licences under this Act and the reports to be made to the Corporation, and provide for inspection of the records so kept;
- (k) may do all other things considered necessary or advisable by the Corporation for the purpose of carrying out its powers and duties.

*(n) may approve the type or kind of glass or container that may be used in any licensed premises to contain liquor sold by the glass, and the marking, if any, that may appear on it, and may give written permission to licensees to display in licensed premises fixtures, signs, mirrors and other items containing liquor brand identifications;*

*(o) may determine the form of records of purchase and sale of liquor to be kept by the holders of licences under this Act and the reports to be made to the Board, and provide for inspection of the records so kept;*

*(p) may prescribe forms or the nature of the content of forms to be used for the purposes of this Act or the regulations;*

*(q) may determine the nature of the proof to be furnished, and the conditions to be observed in the issuing of duplicate licences and permits to replace originally issued licences or permits that are lost or destroyed;*

*(r) may*

*(i) prescribe, subject to this Act and the regulations, the procedures*

*(A) for obtaining licences and permits under this Act, and*

*(B) for the keeping of books and records and the making of returns by licensees and permittees;*

*(ii) determine the number of any particular kind of licensed premises in a municipality, and*

*(iii) approve, for the purposes of issuing licences,*

*(A) an institution referred to in section 58(2)(f)(viii),*

*(B) a place referred to in section 58(2)(f)(xii) that is a recreational facility, and*

*(C) a special event referred to in section 58(2)(n);*

*(s) may cause an inspection of the premises described in an application for a licence or permit to be made and may inquire into any matter that it considers to be relevant in connection with the application and the issuing of the licence or permit;*

*(t) may make any investigations and inquiries, through its own inspectors or other employees or in any other manner that it considers appropriate, for the purpose of determining whether a licence or permit should be granted;*

*(u) may provide for the inspection and supervision of licensed premises and premises described in a permit and may regulate and control the conditions under which liquor is to be sold or consumed in premises described in a permit;*

*(v) may make any investigations and inquiries, through its own inspectors or other employees or in any other manner that it considers appropriate, for the purpose of determining whether a licence or permit should be suspended or cancelled, as the case may be;*

*(w) shall prescribe the days and hours at which liquor stores or any of them shall be kept open for the sale of liquor;*

*(x) may prescribe the kinds or quantities of liquor that may be purchased by any person, including the quantity that may be purchased at any one time or within any specified period of time;*

*(y) may authorize an executor or administrator to sell, by any method approved by the Board, and in accordance with the regulations, any liquor or collection of liquors forming part of the estate administered;*

*(z) may, without in any way limiting or being limited by any provisions of this section, do all things considered necessary or advisable by the Board for the purpose of carrying into effect this Act and the regulations.*

*(2) The Board may furnish, remodel and equip a building purchased or constructed by it under subsection (1)(c.1)(i) in any manner that it considers appropriate.*

*(3) If the Board is of the opinion that a proprietary medicine, extract, essence, tincture or preparation contains alcohol, which, or an extract from which, can be used as a beverage or as the ingredient of a beverage, the Board, with the approval of the Lieutenant Governor in Council,*

*(a) may prohibit the sale of it by retail in Alberta, or may prohibit the possession of it for sale by retail in Alberta, except by a liquor store or by persons licensed by the Board to keep and sell it by retail in accordance with this Act and the regulations, or*

*(b) may prohibit the sale of it in Alberta,*

*and shall notify the manufacturer or vendor of the proprietary medicine, extract, essence, tincture or preparation of a prohibition so made.*

*10 Section 14(1) is repealed and the following is substituted:*

**14(1)** The Board may hold an inquiry into any matter that relates to or arises under the operation of this Act.

*11 Section 16 is amended*

*(a) by striking out “money” and substituting “revenue”;*

*(b) by striking out “Board” wherever it occurs and substituting “Corporation”.*

*12 Section 17 is amended*

*(a) by striking out “money” and substituting “revenue”;*

*(b) by striking out “Board” wherever it occurs and substituting “Corporation”.*

*13 Section 19 is amended*

*(a) by striking out “money” and substituting “revenue”;*

*(b) by striking out “Board” and substituting “Corporation”.*

*14 Section 24(1)(a) and (b) is amended by striking out “Board” and substituting “Corporation”.*

*(4) The publication of a notice of the prohibition in the Gazette is conclusive proof of any notification required under subsection (3).*

*(5) The Regulations Act does not apply to an order, decision or determination made or to a direction or an authorization given by the Board under this section or section 14.*

**10** Section 14(1) presently reads:

*14(1) The Board may*

*(a) inquire into and investigate the desirability of approving for sale or otherwise any product that contains alcohol and may be consumed in liquid or solid form, either dissolved or undissolved or diluted or undiluted, by any person;*

*(b) with respect to a product referred to in clause (a),*

*(i) prohibit its sale, or*

*(ii) regulate and control its sale;*

*(c) inquire into any matter that relates to or arises under the operation of this Act.*

**11** Section 16 presently reads:

*16 All money from the sale of liquor by the Board under this Act or from licence and permit fees under Part 2, or otherwise arising in the administration of this Act and the regulations, shall be paid to the Board.*

**12** Section 17 presently reads:

*17 The Board shall, from the money received by it under this Act, pay all expenses, debts and liabilities incurred by the Board for or in connection with the administration of this Act.*

**13** Section 19 presently reads:

*19 All property, whether real or personal, and all money acquired, administered, possessed or received by the Board and all profits earned in the administration of this Act and the regulations are the property of the Government of Alberta.*

**14** Section 24 presently reads:

*15 Sections 25, 26 and 27 are repealed and the following is substituted:*

**25** No action or proceedings shall be taken against the Corporation, Board or Appeal Council or any person carrying out the powers or duties of the Corporation, Board or Council for anything done or omitted to be done in or arising out of the exercise of the powers or the performance of the duties under this Act and the regulations.

**26** Subject to sections 49 and 57, every action, order, ruling or decision of the Corporation or Board or the person carrying out the powers or duties of the Corporation or Board is final and shall not be questioned, reviewed or restrained by any proceeding in the nature of an application for judicial review or otherwise in any court.

**27(1)** No member of the Board or employee or agent of the Corporation is compelled, unless the Board directs that it is in the public interest,

(a) to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his duties, or

(b) to produce to any person, for the purpose of clause (a), any file, paper, document, report, correspondence or other information relating to the Corporation.

*24(1) The Board shall, as soon as practicable after the end of each fiscal year, prepare a report to the Minister summarizing its transactions and affairs during the preceding fiscal year and containing*

*(a) a statement of the nature and amount of the business transacted by each liquor outlet operated by the Board or any person on behalf of the Board during the year,*

*(b) the audited financial statements of the Board,*

*(c) general information and remarks with regard to the administration and enforcement of this Act and the regulations during the year, and*

*(d) any other information that the Board considers relevant or the Minister requests.*

*(2) The Board shall, as soon as an annual report is prepared under subsection (1), forward it to the Minister who 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.*

**15** Sections 25, 26 and 27 presently read:

*25 No action or proceedings shall be taken against any member of the Board or the Liquor Licensing Review Council established under section 53, whether acting in his capacity as a member of that Council or as a member of a panel of that Council, or in the name of a member of the Board or of that Council for anything done or omitted to be done in or arising out of the exercise of his powers or the performance of his duties under this Act and the regulations.*

*26 Each action, order, ruling or decision of the Board with regard to any matter or thing in respect of which any power, duty or discretion is conferred on the Board under this Act or the regulations is final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, quo warranto or other process or proceeding in any court or be removed by certiorari or otherwise in any court.*

*27 If the Board considers that it is not in the public interest, no member, employee or agent of the Board, and no member of the Liquor Licensing Review Council established under section 53, whether acting in his capacity as a member of that Council or as a member of a panel of that Council, shall be compelled*

*(a) to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his duties, or*

(2) No member of or person performing work for the Appeal Council is compelled, unless the Appeal Council directs that it is in the public interest,

(a) to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his duties, or

(b) to produce to any person, for the purpose of clause (a), any file, paper, document, report, correspondence or other information relating to the Appeal Council.

16 *Section 29(2)(b) is repealed and the following is substituted:*

(b) to sell to the Corporation or any other person authorized by the Board, and

17 *Section 30 is repealed and the following is substituted:*

**30(1)** On the application of a licensee who is a manufacturer, the Board may issue to that licensee a liquor import permit authorizing him to import liquor subject to any conditions prescribed by the Board.

(2) Liquor authorized to be purchased under a liquor import permit issued under this section shall be purchased only from a person authorized to sell the liquor and may be used for any purpose prescribed by the Board, including purposes such as blending with and flavouring liquor manufactured by the licensee named in the liquor import permit.

18 *The following heading is added after section 30:*

### **Agents and Returns**

19 *Section 31 is amended*

(a) *in subsection (1) by striking out “the Board” wherever it occurs and substituting “the Corporation”;*

(b) *in subsection (1)(a) by striking out “who is a manufacturer”;*

(c) *in subsection (1)(b) by striking out “who is a manufacturer” and “as a manufacturer”;*

(d) *in subsection (3) by striking out “who is a manufacturer”;*

*(b) to produce to any person, for the purpose of clause (a), any file, paper, information, report, correspondence or other document relating to the business of the Board.*

**16** Section 29(2)(b) presently reads:

*(2) A licence issued under this section authorizes the licensee, subject to this Act and the regulations,*

*(b) to sell to the Board, and*

**17** Section 30 presently reads:

*30(1) On the application of a licensee who is licensed to operate a winery or a distillery, the Board may issue to that licensee a liquor import permit, subject to any conditions and restrictions prescribed by the Board, authorizing him to import wines and spirits.*

*(2) Wines and spirits authorized to be purchased under a liquor import permit issued under this section shall be purchased only from a person authorized to sell the wines and spirits and may be used for any purpose prescribed by the Board, including purposes such as blending with and flavouring liquor manufactured by the licensee named in the liquor import permit.*

**18** Addition of heading.

**19** 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.*

*(e) in subsection (4) by striking out “Board” and substituting “Corporation”.*

*20 Section 32(1) and (2) are amended by striking out “who is a manufacturer”.*

*21 Section 33 is amended by striking out “who is a manufacturer”.*

*22 Section 34 is amended*

*(a) in subsection (1) by striking out “Board” wherever it occurs and substituting “Corporation”;*

*(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).*

*(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.*

**20** Section 32(1) and (2) presently read:

*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.*

**21** Section 33 presently reads:

*33 A licensee who is a manufacturer shall, when required by the Board, immediately furnish samples of liquor that he intends to sell or that is then being sold in Alberta.*

**22** Section 34 presently reads:

*34(1) The sale of liquor at a liquor store shall be under the supervision of a manager who, subject to the direction of the Board, is responsible for the carrying out of the provisions of this*

*(b) by repealing subsection (2);*

*(c) in subsection (3)*

*(i) by striking out “Board” and substituting “Corporation”;*

*(ii) by striking out “cash or otherwise as prescribed in the regulations” and substituting “the form prescribed by the Board”.*

*23 Section 35 is amended*

*(a) in subsection (1) by striking out “and restrictions”;*

*(b) in subsection (1)(b) by striking out “approval of the Lieutenant Governor in Council” and substituting “regulations”;*

*(c) in subsection (2)(e) by striking out “restrictions and”.*

*24 The heading preceding section 37 is repealed and the following is substituted:*

**Sale of Liquor by the Corporation**

*Act and the regulations in so far as they relate to the operation of the liquor store, and for the sale of liquor at the liquor store on the days and during the hours prescribed by the Board.*

*(2) A purchase of liquor at a liquor store is a purchase from the Board and a sale of liquor at a liquor store is a sale by the Board, if the purchase and sale are in accordance with this Act and the regulations.*

*(3) An employee or agent of the Board shall not make delivery of any liquor sold under this section until he has received the purchase price for the liquor in cash or otherwise as prescribed in the regulations.*

**23** Section 35 presently reads:

*35(1) The Board may*

*(a) establish agency stores for the purpose of selling liquor in accordance with this Act and the regulations, or*

*(b) subject to the approval of the Lieutenant Governor in Council, enter into an agreement with any person for*

*(i) the maintenance and operation, or*

*(ii) the establishment, maintenance and operation*

*of an agency store, subject to any conditions and restrictions contained in the agreement that are not inconsistent with this Act or the regulations.*

*(2) With respect to an agency store the Board may prescribe*

*(a) the hours of operation,*

*(b) the conditions governing the sale of liquor,*

*(c) the condition of the premises on or from which liquor is sold,*

*(d) the persons by whom and to whom liquor may be sold, and*

*(e) any other restrictions and conditions that the Board considers necessary concerning the sale of liquor in or from an agency store or any matter connected with the operation of that store and the sale of liquor in or from it.*

**24** The heading preceding section 37 presently reads:

*Sale of Liquor by the Board*

25 *Section 37 is repealed and the following is substituted:*

**37** The Corporation may sell and deliver liquor to licensees, permittees, duty-free stores and agency stores in accordance with this Act and the regulations, but no delivery of liquor sold shall take place until the licensee, permittee, duty-free store or agency store has paid for the liquor in the manner prescribed by the Board.

26 *Section 38 is amended*

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

**38(1)** With respect to licences other than licences referred to in section 29, the Board may issue to the applicant a licence with respect to the premises described in the application

(a) on receiving from an applicant who is qualified under the regulations

(i) an application containing the information prescribed in the regulations, and

(ii) the fee prescribed in the regulations,

and

(b) on being satisfied that the applicant and the premises described in the application comply with this Act and the regulations.

(b) *by repealing subsection (2);*

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

(b) the applicant, the owner or lessee, the manager of the business and, if the licence is to be issued to a company, every 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

(i) has not been convicted within 3 years prior to the application for the licence of a contravention of section 88 of this Act or 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), or

**25** Section 37 presently reads:

*37 The Board may sell and deliver liquor to licensees and permittees in accordance with this Act and the regulations, but no delivery of liquor sold shall take place until the licensee or permittee has paid for the liquor in the manner prescribed in the regulations.*

**26** Section 38 presently reads:

*38(1) The Board may,*

*(a) on receiving from an applicant who is qualified under the regulations*

*(i) an application in the form and containing the information prescribed in the regulations, and*

*(ii) the fee prescribed in the regulations,*

*and*

*(b) on being satisfied that*

*(i) the premises described in the application are a kind of premises mentioned in section 58(2)(f) in respect of which a licence may be issued, and*

*(ii) the applicant and the premises described in the application comply with this Act and the regulations,*

*issue to the applicant a licence with respect to the premises described in the application.*

*(2) An applicant to whom a licence is issued under subsection (1) shall during the term of the licence be resident in Alberta.*

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

*(a) the Board, in its absolute discretion, considers that 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, 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, a shareholder, officer or director of the company, or the*

(ii) has not within the one year prior to the application for the licence been under a term of imprisonment of 3 years or more imposed on conviction of an offence under the *Criminal Code* (Canada), 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

(c) if the Board directs, public notice of the making of the application has been given by the applicant by advertisement in the form prescribed by the Board in accordance with the regulations.

*(d) by repealing subsection (5) and substituting the following:*

(5) A licence issued under this section authorizes the licensee, subject to this Act and the regulations,

(a) to purchase from the Corporation or as otherwise directed by the Corporation liquor authorized in the licence, and

(b) to keep and sell liquor authorized in the licence

(i) for consumption in the licensed premises, or

(ii) for consumption off the licensed premises,

or both.

27 *Section 39 is repealed.*

*employee or agent of the company who will be 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*

*(c) public notice of the making of the application has, except if the regulations otherwise provide or the Board otherwise directs, been given by the applicant by advertisement in the form prescribed by the Board, in a newspaper published and in circulation in the municipality in which the premises described in the application are or are to be situated or, if no newspaper is published in that municipality, in a newspaper published in Alberta and in circulation in that municipality.*

*(4) If a public notice of an application for the issue of a licence is given pursuant to subsection (3)(c), any person may, in accordance with the regulations, file with the Board an objection against the issuing of the licence.*

*(5) A licence issued under this section authorizes the licensee, subject to this Act and the regulations,*

*(a) to purchase from the Board the categories, classes, varieties, brands or kinds of liquor authorized in the licence issued to the licensee, and*

*(b) to keep and sell or provide in the licensed premises during the times described in the licence, the categories, classes, varieties, brands or kinds of liquor purchased by him from the Board for consumption in the licensed premises where the liquor is sold or provided or elsewhere in the licensed premises than where the liquor is sold or provided, with food being available as prescribed in the regulations with respect to the licence issued to the licensee.*

**27** Section 39 presently reads:

*39(1) An application for a licence under section 29 or 38 shall be accompanied by a statutory declaration by the applicant and, if the applicant is a company, by an officer of the company as prescribed in the regulations.*

*(2) If an applicant for a licence under section 38 is an individual*

28 *Section 40 is amended*

(a) *in subsection (1)(a) by striking out “in the form and”;*

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

(2) A permit issued under this section authorizes the permittee, subject to this Act and the regulations,

(a) to purchase from the Corporation or as otherwise directed by the Corporation liquor prescribed in the regulations with respect to the class of permit issued to the permittee, and

(b) to keep, use, sell for a price approved by the Board or provide, as the case may be, the liquor for the purpose described in the permit, during the period of time, on the occasion, at the function or at the event described in the permit

(i) for consumption on the premises described in the permit, or

(ii) for consumption off those premises if provided for in the regulations for that class of permit and if set out in the permit,

or both.

29 *The heading preceding section 41 and section 41 are repealed and the following is substituted:*

*the application shall also be accompanied by the affidavit of the applicant acceptable to the Board, verifying the correctness of the statements in the application.*

*(3) If an applicant for a licence under section 38 is not an individual or a company the application shall be accompanied by a statutory declaration, made by the applicant or an official or agent of the applicant satisfactory to the Board, containing the information required by the Board with respect to the event described in the application.*

**28** Section 40 presently reads:

*40(1) The Board may,*

*(a) on receiving an application in the form and containing the information prescribed in the regulations from an applicant who is qualified under the regulations,*

*(b) on receiving the fee prescribed in the regulations, and*

*(c) on being satisfied that the applicant will use the liquor desired or required for the purposes stated in the application and in accordance with this Act and the regulations,*

*issue to the applicant a permit designated in the regulations with respect to the purposes described in the application.*

*(2) A permit issued under this section, subject to this Act and the regulations, authorizes the permittee*

*(a) to purchase from the Board the kinds of liquor prescribed in the regulations with respect to the class of permit issued to the permittee, and*

*(b) to keep, use, sell for a price approved by the Board or provide, as the case may be, the liquor purchased from the Board in the premises for the purpose described in the permit, and during the period of time, on the occasion, at the function or at the event described in the permit.*

**29** The heading preceding section 41 and section 41 presently read:

*Material in Support of Applications for Permits*

*41 An application for a permit under section 40 shall, unless otherwise directed by the Board, be accompanied by a statutory declaration, or other proof of the truth of the contents of the application satisfactory to the Board, given or provided by the applicant or an official or agent of the applicant acceptable to the Board and containing the information required by the Board with respect to the application.*

### **Material In Support of Applications**

**41** An application for a licence or permit under section 29, 38 or 40 shall, unless otherwise directed by the Board, be accompanied by

(a) a statutory declaration or other proof of the truth of the contents of the application satisfactory to the Board given or provided by the applicant or an official or agent of the applicant acceptable to the Board, and

(b) any other information with respect to the application required by the Board or prescribed by the regulations.

**30** *Section 42 is amended*

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

**42(1)** The Board may consider applications for licences and objections to or representations respecting applications for licences, and consider applications for permits.

(b) *by repealing subsection (2);*

(c) *in subsection (3) by striking out “Board to issue a licence, to issue a” and substituting “issuance of a licence or”.*

**31** *Section 44 is repealed and the following is substituted:*

**44** The Board may refuse to consider an application for a licence within a period of one year from the date of the last refusal or the date of the cancellation of the applicant’s licence, as the case may be,

(a) if the applicant for a licence

(i) has, at any time, been refused a licence on the ground that he is not a fit person to hold a licence, or

(ii) has had his licence cancelled, or

(b) if a person whose application has been refused for the same premises

(i) has a financial interest, as defined in section 68, in the business of the applicant or in the premises proposed to be licensed, or

**30** Section 42 presently reads in part:

*42(1) The Board may, at the time and place fixed by the chairman, consider applications for licences and objections to or representations respecting applications for licences, and consider applications for permits.*

*(2) Meetings of the Board to consider applications for licences and objections to or representations respecting applications for licences, and applications for permits, shall be governed by the regulations.*

*(3) Nothing in this Act shall be construed to compel the Board to issue a licence, to issue a permit or to grant any authorization or permission under this Act or the regulations.*

**31** Section 44 presently reads:

*44(1) The Board may refuse to entertain an application for a licence by an applicant within a period of one year from the date of the last refusal if*

*(a) the applicant for a licence has, at any time or in any place, been refused a licence on the ground that he is not a fit person to hold a licence, or*

*(b) a person whose application has been refused for the same premises is living on the premises of the applicant or is in any way connected with the business of or sought to be licensed by the applicant.*

*(2) The Board may refuse to entertain an application for a licence if in its opinion the applicant has adopted any means to circumvent this section.*

(ii) is the spouse, child, brother, sister or parent of the applicant.

*32 Section 45 is repealed and the following is substituted:*

**45** No licence shall be granted

(a) to or for the benefit of a person who is a member of the Board or Appeal Council, an employee or agent of the Corporation, an operator of an agency store or duty-free store, or an employee or agent of such an operator, or

(b) in respect of any premises of which the owner or a part owner, or a holder of any interest in the premises, is a member of the Board or Appeal Council, an employee or agent of the Corporation, an operator of an agency store or duty-free store, or an employee or agent of such an operator.

*33 Section 46(3) is amended by striking out "A" and substituting "Subject to the regulations, a".*

*34 Sections 48 and 49 are repealed and the following is substituted:*

**48(1)** The Board, for the reasons set out in subsection (2), may with respect to a licensee or permittee do any one or more of the following with or without a hearing:

(a) issue a warning,

(b) impose conditions on a licence or rescind or amend existing conditions on a licence,

(c) impose a fine, or

(d) suspend or cancel a licence or permit.

(2) The Board may make a decision under subsection (1) for any of the following reasons:

(a) the licensee or permittee, as the case may be, fails to comply with this Act, the regulations, by-laws pursuant to the regulations, an order of the Board or a condition of a licence or permit,

(b) the licensee fails with respect to the licensed premises or the permittee fails with respect to the premises described in the permit to comply with orders under the *Public Health Act*,

**32** Section 45 presently reads:

*45 No licence shall be granted*

*(a) to or for the benefit of a person who is a member, employee or agent of the Board, or who is an operator of an agency store or duty-free store or an employee or agent of such an operator, or*

*(b) in respect of any premises of which the owner or part owner or the holder of any interest in them is a member, employee or agent of the Board, or is an operator of an agency store or duty-free store or an employee or agent of such an operator.*

**33** Section 46(3) presently reads:

*(3) A licence or permit shall not be issued for a period of more than 12 months.*

**34** Sections 48 and 49 presently read:

*48(1) The Board may in its discretion, with or without a hearing, for any reason it considers sufficient suspend or cancel any licence or permit.*

*(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, in accordance with section 51, of the reasons for the suspension or cancellation, and*

*(b) on applying in writing within 30 days of the mailing of the notice under clause (a) 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.*

*49(1) The Board shall cancel a licence or permit*

*(a) if the licensee persistently fails or the permittee fails, as the case may be, to comply with this Act, the regulations or by-laws pursuant to the regulations,*

*(b) if the licensee persistently fails or the permittee fails, as the case may be, to carry out the orders of the Board,*

(c) the licensee or permittee, as the case may be, fails to comply with the *Uniform Building Standards Act*, the *Fire Prevention Act*, the regulations under those Acts or any municipal by-law, with respect to the premises under the licence or permit, or

(d) a permittee, a licensee, an owner of licensed premises or a manager of licensed premises or, if the licensee is a company, a shareholder, director or officer of that company or an employee or agent of that company who is in charge of the licensed premises, is convicted of an offence under this Act, the regulations or by-laws pursuant to the regulations.

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

ceases to meet the qualifications referred to in section 38(3)(a) or the regulations or is convicted of an offence referred to in section 38(3)(b).

(4) A licence or permit shall not be cancelled or suspended under subsection (2)(d) or (3)

(a) until after the time for the making of an appeal from a conviction has passed or, if an appeal is made, until after the determination of the appeal, if the conviction is upheld, or

(b) until the appeal is abandoned.

(5) When the Board makes a decision under section 48(1) without a hearing, the Board shall give the licensee or permittee, as the case may be, reasons for the decision.

**49(1)** A person

(a) in respect of whom a decision has been made by the Board under section 48(1) without a hearing,

*(c) if the licensee persistently fails to keep the licensed premises or the permittee fails to keep the premises described in the permit,*

*(i) in a clean and sanitary and safe condition, or to comply with orders under the Public Health Act in respect of sanitation, or*

*(ii) in a condition required by or satisfactory to an inspector under the Uniform Building Standards Act or the fire commissioner or an inspector under the Fire Prevention Act,*

*or*

*(d) if the licensee or permittee, as the case may be, persistently fails to comply with the Uniform Building Standards Act, the Fire Prevention Act and the regulations under those Acts or any municipal by-law, with respect to his premises.*

*(2) If a permittee, a licensee, an owner of licensed premises or a manager of licensed premises or, if the licensee is a company, a shareholder, director, officer, employee or agent of that company who is in charge of the licensed premises, is convicted of an offence against this Act, the regulations or by-laws pursuant to 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, shareholder 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).*

*(4) A licence or permit shall not be cancelled under subsection (2) or (3) until after the time for the making of an appeal from a conviction or, when an appeal is made, until after the determination of the appeal from the conviction, for the offence in respect of which the licence or permit may be cancelled.*

(b) who has been refused a licence or permit without a hearing by the Board, or

(c) who is a licensee who is not satisfied with

(i) a condition imposed with respect to his licence without a hearing by the Board, or

(ii) a decision, direction or order with respect to his licensed premises made without a hearing by the Board

may apply for a hearing by the Board.

(2) An application for a hearing under subsection (1) shall be made in writing to the Board within 30 days of the applicant's being notified of the matter in respect of which a hearing is requested, or such longer period as the Board may permit.

(3) The application shall describe the matter in respect of which a hearing is requested and shall set out the reasons for making the request.

(4) Within 30 days of receiving an application, the Board shall give the applicant an opportunity to be heard.

(5) On a hearing under this section, the Board may confirm, vary or reverse any earlier decision, direction or order.

**49.1** The Board may stay a decision made under section 48, 49 or 117

(a) pending the expiration of the time period for making an appeal under section 57(1), or

(b) pending the decision by the Appeal Council or the abandonment of the appeal,

whichever is later.

**35** *Section 50 is amended*

(a) *in subsections (1), (2) and (3) by striking out "Board" wherever it occurs and substituting "Corporation";*

(b) *in subsection (4)*

(i) *by striking out "by the Board";*

(ii) *by striking out "to the Board" and substituting "to the Corporation".*

**35** 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, the Board may purchase the liquor from the holder or authorize the holder of a licence to sell the liquor to another licensee.*

*36 Section 51 is repealed and the following is substituted:*

**51(1)** Notice of any order or decision of the Board that may be appealed under section 57 shall be given in writing and may be sent by registered mail or delivered to the applicant, licensee or permittee at the address given in the application, licence or permit.

(2) Any notice other than a notice referred to in subsection (1) that is to be given to a person under this Act or the regulations may be sent by ordinary mail addressed to the person for whom the notice is intended.

(3) A notice of suspension shall state the period of time during which a licence or permit will be suspended or that the suspension is indefinite.

(4) If a right of appeal lies with respect to a decision or order of the Board, the notice must contain information that the decision or order may be appealed.

(5) Where the refusal to issue a licence or a decision under section 48(1) is made without a hearing or by a person who has been delegated the authority, as the case may be, the notice shall include information as to the right to a hearing under section 49.

(6) A record shall be kept by the Board of the time of the mailing of a notice under subsection (1) or (2) and, until the contrary is proved, a notice is deemed to have been mailed to the person for whom it is intended at the time shown in that record.

(7) A certificate of the Chairman or any person authorized by the Chairman is prima facie proof of the mailing of a notice in accordance with this section.

**51.1(1)** A licence or permit or a written notice, order, direction, authorization or permission by or from the Board may be signed by the Chairman or by any person authorized by the Chairman.

*(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 Board.*

*(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 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.*

**36** Section 51 presently reads:

*51(1) A licence, permit or a written notice, order, direction, authorization or permission by or from the Board may, unless otherwise expressly provided, be signed by the chairman, by any member of the Board or by any person authorized by the chairman to sign them.*

*(2) Notice of refusal of an application for a licence and of the cancellation or suspension of a licence or permit by the Board shall be given, in writing, by the Board and may be mailed in a prepaid, registered envelope addressed to, or may be delivered to the licensee or permittee at the address given in the licence or permit.*

*(3) The cancellation or suspension of a licence or permit takes effect at the day and hour specified by the Board in the notice referred to in subsection (2).*

*(4) A notice of suspension shall state the period of time during which a licence or permit will be suspended or whether the suspension is indefinite.*

*(5) A notice of refusal of an application for a licence or of cancellation or suspension of a licence and any other written notification of the Board affecting the operation of licensed premises shall have attached to it a copy of sections 53 to 57.*

*(6) Notices and documents referred to in subsection (1) that do not relate to a cancellation or suspension may be given or served by being mailed in a prepaid, registered envelope, addressed to the person for whom the notice or document is intended, and the notice or document takes effect on the day and hour specified by the Board in the notice or document.*

*(7) A record shall be kept by the Board of the time of the mailing and, until the contrary is proved, a notice or document referred to in subsection (1) shall be deemed to have been mailed to the person for whom it is intended at the time shown in that record.*

(2) The Board may authorize that the signature required on a licence or permit be reproduced by mechanical means.

37 *The heading preceding section 53 is amended by striking out "Review Council" and substituting "Appeal Council".*

38 *Sections 53 to 56 are repealed and the following is substituted:*

**53(1)** There is hereby established the Liquor Licensing Appeal Council consisting of not more than 5 members appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman and another as vice-chairman.

(2) No member of the Board, employee or agent of the Corporation, operator of an agency store or duty-free store, manufacturer, licensee or registered representative under section 78 may be appointed as a member of the Appeal Council.

(3) Proceedings of the Appeal Council shall be presided over by the chairman or the vice-chairman.

(4) In the event that the chairman and vice-chairman are absent or unable to act at a proceeding of the Council, the Minister may designate one of the members to preside at the proceeding.

(5) The members of the Appeal Council shall receive

(a) remuneration, and

(b) travelling and other expenses while absent from their place of residence and in the course of their duties as members of the Appeal Council,

as prescribed by the Lieutenant Governor in Council to be paid by the Corporation.

(6) The Lieutenant Governor in Council may delegate to the Minister all or any of his powers to prescribe the remuneration, travelling and other expenses of all or any of the members of the Appeal Council.

(7) The Appeal Council may, subject to approval of the Minister, make rules respecting the calling of and the conduct of its proceedings.

(8) The Corporation may provide to the Appeal Council at no cost to the Council any supplies and the services of employees of the Corporation to enable the Appeal Council to perform its functions under this Act.

*(8) A certificate of the chairman or any member of the Board as prescribed by the Board is prima facie proof of the mailing of a notice or document in accordance with subsection (7).*

**37** The heading preceding section 53 presently reads:

*Liquor Licensing Review Council*

**38** Sections 53 to 56 presently read:

*53(1) In this section and in sections 54 to 57,*

*(a) "Council" means the Liquor Licensing Review Council established under subsection (2), and*

*(b) "panel of the Council" means a panel of the Council constituted under section 57.*

*(2) There is hereby established a council called the Liquor Licensing Review Council consisting of not less than 5 members appointed by the Lieutenant Governor in Council.*

*(3) No member, employee or agent of the Board shall be appointed as a member of the Council.*

*(4) The Lieutenant Governor in Council shall designate one of the members of the Council as chairman and another as vice-chairman.*

*(5) If at a meeting of the Council the chairman and vice-chairman are absent or unable to act, the remaining members of the Council shall elect one of their number to preside at that meeting.*

*(6) The Lieutenant Governor in Council may authorize, fix and provide for the payment of remuneration and expenses to the members of the Council.*

*54(1) The Council may make rules respecting the calling of and the conduct of business at its meetings and at meetings of a panel of the Council.*

*(2) The Board shall give to the Council any information that it reasonably requires to enable the Council to advise the Board and the Minister on any matter referred to the Council under section 56 or being reviewed by a panel of the Council under section 57.*

*(3) The Council or a panel of the Council may hold meetings and conduct investigations, inquiries and reviews at any place in Alberta.*

*39 Section 57 is repealed and the following is substituted:*

**57(1)** A person

(a) who has been refused a licence after a hearing by the Board,

*(4) If it is in the public interest to do so, the Minister may direct that the whole or any portion of an investigation or inquiry by the Council or a review by a panel of the Council be held in private.*

*(5) Any person likely to be affected by an inquiry or investigation by the Council or a review by a panel of the Council is entitled to appear before and be heard by the Council or the panel of the Council, as the case may be, and to be represented by counsel or agent.*

*55(1) The Minister may provide to the Council at no cost to it any supplies and the services of employees of the Government under his administration to carry out any work that in the opinion of the Minister may reasonably be required by the Council and by panels of the Council to enable them to perform their functions under this Act.*

*(2) The Minister shall designate an employee referred to in subsection (1) to be secretary to the Council who shall*

*(a) keep a record of all inquiries or investigations by the Council and of all reviews by panels of the Council, and*

*(b) have the custody and care of the records and documents of the Council and of panels of the Council.*

*(3) A member of a panel of the Council may act as secretary in the absence of the designated secretary at a meeting of the panel of the Council.*

*56(1) The Council shall, on request of the Minister or the Board, investigate or inquire into any matter referred to it by the Minister or the Board that he or it, as the case may be, considers necessary or appropriate in connection with the administration of this Act and the regulations.*

*(2) The Council shall after each investigation or inquiry on a matter referred to it under subsection (1) make a written report to both the Minister and the Board on that investigation or inquiry and may make any recommendations to both or either of them that the Council considers appropriate in connection with the matter referred to it for investigation or inquiry, with reasons for the recommendations.*

**39** Section 57 presently reads:

*57(1) A person*

*(a) who has been refused a licence,*

*(b) whose licence has been suspended or cancelled,*  
*or*

(b) who is not satisfied with a decision at a hearing under section 117(3),

(c) whose licence has been suspended or cancelled after a hearing by the Board, or

(d) who is a licensee who is not satisfied with

(i) a fine,

(ii) a condition of a licence, or

(iii) a condition imposed or amended with respect to his licensed premises,

ordered by the Board after a hearing,

may appeal the matter to the Appeal Council by serving the chairman of the Appeal Council or his delegate with a notice of appeal within 30 days of being notified in writing of the refusal, decision, cancellation or suspension, the fine, or the condition with which he is not satisfied.

(2) A notice of appeal under subsection (1) shall set out the reasons for the appeal and, when made under subsection (1)(d), the reasons why the licensee is not satisfied, and a copy shall be delivered to the Chairman of the Board or his delegate.

(3) The chairman of the Appeal Council shall, on receipt of a notice of appeal under subsection (1), convene at least 3 members of the Appeal Council as a panel for the purpose of hearing the appeal.

(4) Three members of a panel constitutes a quorum of that panel.

(5) On the hearing of the appeal, no evidence other than the evidence that was submitted to the Board shall be considered by the Appeal Council.

(6) The Appeal Council is bound by the written policies of the Board made under section 12(b) that relate to the matter under appeal.

(7) The Board is entitled to make representation on any appeal from its decisions.

(8) The matter under appeal may be confirmed, reversed, varied or referred back to the Board.

(c) *who is a licensee who is not satisfied with*

*(i) a condition of a licence,*

*(ii) a condition imposed with respect to his licensed premises by the Board otherwise than in a licence,*

*(iii) a decision, direction or order made by the Board, with respect to his licensed premises, or*

*(iv) a requirement of the Board with respect to his licensed premises*

*because he considers that the condition, decision, direction, order or requirement has or will have an adverse effect on the proper operation, in accordance with this Act and the regulations, of his licensed premises*

*may request a review of the matter by serving the chairman of the Council with a written request for a review within 30 days of being notified in writing of the refusal, cancellation or suspension, or the condition, decision, direction, order or requirement with which he is not satisfied.*

*(2) A request for a review under subsection (1) shall describe the matter requested to be reviewed and shall set out the reasons for making the request and, when made under subsection (1)(c), the reasons why the licensee is not satisfied.*

*(3) The chairman of the Council shall, on receipt of a request for review under subsection (1), constitute 3 members of the Council as a panel for the purpose of reviewing the matter described in the request for review.*

*(4) Notwithstanding subsection (3), the chairman of the Council is, by virtue of his office, a member of each panel of the Council.*

*(5) The chairman of the Council shall designate one of the members of a panel of the Council as its chairman.*

*(6) If at a meeting of a panel of the Council the chairman of the panel is absent or unable to act, the remaining members of the panel shall elect one of their number to preside at that meeting.*

*(7) Two members of a panel of the council constitute a quorum of that panel.*

*(8) A panel of the Council, after reviewing a matter under this section, shall make a written report to the Board on that review and may make any recommendations that it considers appropriate in connection with the matter reviewed, with reasons for the recommendations.*

(9) The Appeal Council shall give written notification to the appellant and the Board of its decision, with reasons, within 30 days after the appeal has been heard.

(10) A decision of the Appeal Council is not effective until written notice of the decision has been received by the Board.

**57.1** The Appeal Council may stay a decision made by it under section 57

(a) until the time period for making an application for judicial review under section 57.2 expires, or

(b) until the decision on the application for judicial review is made, the application is otherwise concluded or abandoned, or the court otherwise directs,

whichever is later.

### **Judicial Review**

**57.2(1)** A party to an appeal under section 57, including the Board, may make an application for judicial review within 30 days after receiving notification of the Appeal Council's decision.

(2) An application for judicial review may be made on the grounds that the Appeal Council failed to comply with the written policies of the Board made under section 12(b) or on other jurisdictional grounds.

*40 Section 58 is repealed and the following is substituted:*

**58** The Lieutenant Governor in Council may make regulations

(a) respecting any matter the Lieutenant Governor in Council considers necessary to ensure that any premises that an applicant for a licence or permit proposes to use for the purposes of the licence or permit are adequate for those purposes and will readily permit compliance with this Act and the regulations;

(b) defining words and phrases used in this Act that are not otherwise defined in this Act;

(c) respecting the procedure for obtaining an authorization under section 13(1)(k);

(d) respecting agreements referred to in section 35(1)(b);

*(9) A panel of the Council shall provide a copy of the report, recommendations and reasons referred to in subsection (8) to the person who requested the review.*

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

*58(1) In this section,*

*(a) "sports stadium" means a stadium, arena or other facility where members of the public may witness the performance of sports events;*

*(b) "theatre" means a theatre, opera house, concert hall, auditorium or any other building or place where members of the public may witness the performance of theatrical, musical or other entertainment;*

*(c) "water-excursion craft" means a boat or other watercraft, registered under the Canada Shipping Act (Canada), on which members of the public for a fee or other charge are transported for excursion purposes on natural or man-made water bodies.*

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

- (e) prohibiting or regulating the display and keeping of liquor for sale and the selling of liquor;
- (f) respecting the lawful conveyance and possession of liquor;
- (g) respecting places or classes of places other than residences, temporary residences, licensed premises or premises described in a permit where liquor may be kept and consumed;
- (h) prescribing, for the purposes of section 68(d)(v), when a boat or watercraft is moored or at anchor so as to be a temporary residence;
- (i) respecting the advertising and promotion of liquor in Alberta;
- (j) governing, controlling and prohibiting the advertising of products that use or may use any trademarks, trade names or designs that are similar to or suggestive of trademarks, trade names or designs of persons manufacturing or brewing liquor or that use or may use the name of any of those persons;
- (k) respecting the holding of plebiscites under Part 4, including forms and their contents for the purposes of Part 4, and prescribing fees and costs associated with holding plebiscites;
- (l) prescribing for the purposes of section 81(1) when a person may enter into and be bound by a management contract, contract of employment, franchise agreement, licensing agreement or other similar agreement described in section 81(1);
- (m) respecting the disposition of fines imposed by the Board;
- (n) respecting standards relating to the ingredients contained in liquor;
- (o) respecting the types and classes of licences and permits that may be issued under this Act;
- (p) respecting circumstances under which section 62 does not apply;
- (q) respecting the conditions applicable to licences and permits;

*(a) respecting any matter he considers necessary to assure that any premises that an applicant for a licence or permit proposes to use for the purposes of the licence or permit issued to him are adequate for those purposes and will readily permit compliance with this Act and the regulations;*

*(b) repealed 1983 c34 s3;*

*(c) fixing the fee for licences and permits or for anything done or permitted to be done under this Act or the regulations and providing, in the circumstances specified in the regulations, for the refund of a portion of a licence or permit fee paid;*

*(d) respecting the eligibility of applicants for licences or permits, and governing the conditions that applicants for licences or permits must meet to qualify for a licence or permit;*

*(e) respecting the conditions of a licence and of a permit;*

*(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;*

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

*(i) a beverage room;*

*(ii) a canteen;*

*(iii) a commercial passenger airplane;*

*(iv) a commercial passenger bus other than a local transit bus;*

*(v) club premises;*

*(vi) a dining lounge;*

*(vii) a lounge;*

*(viii) an institution that is*

*(A) a post-secondary educational institution, or*

*(B) a residential facility for senior citizens,*

*approved by the Board;*

- (r) respecting fees for licences and permits or for anything done or permitted to be done under this Act or the regulations;
- (s) respecting the term of licences and permits;
- (t) respecting the eligibility of applicants for licences or permits, and governing the conditions that applicants for licences or permits must meet to qualify for a licence or permit;
- (u) respecting the procedures for obtaining licences and permits, including the publishing of notices of applications for licences and the filing of objections to applications for licences;
- (v) respecting the conditions that premises must meet to qualify for the issuance of a licence or permit;
- (w) respecting the conditions governing the sale and consumption of liquor sold or provided in premises under a licence or permit, whether for use on or off the premises;
- (x) respecting the provision of food in premises under a licence or permit;
- (y) governing the days on which and hours during which liquor may be sold, provided or consumed in premises under a licence or permit;
- (z) prescribing classes of events on licensed premises for which a municipality may by by-law specify
  - (i) the hours of sale and consumption of liquor on the licensed premises, and
  - (ii) the areas of the licensed premises where the sale and consumption of liquor may occur;
- (aa) respecting persons authorized to be in premises under a licence or permit at a time when the sale and consumption of liquor in those premises is prohibited;
- (bb) respecting the types of licensed premises or events under a licence or permit that a minor may not attend, enter or be in;
- (cc) respecting the conditions governing the presence of minors in premises under a licence or permit;

- (ix) a night club;*
- (x) a passenger train other than a local transit train;*
- (xi) a race track used primarily for any or all forms of horse racing governed, controlled and regulated by the Alberta Racing Commission under the Racing Commission Act;*
- (xii) a recreational facility consisting of a commercially operated building or part of a building, pavilion, court or structure or a place approved by the Board where members of the public may undertake or engage in recreational activities;*
- (xiii) repealed 1985 c36 s13;*
- (xiv) a sports stadium;*
- (xv) a theatre;*
- (xvi) a travellers lounge;*
- (xvii) a water-excursion craft;*
- (g) authorizing the consumption of liquor sold or provided under a licence or permit in the licensed premises or the premises described in the permit where the liquor is sold or provided or elsewhere in those premises than where the liquor is sold or provided;*
- (h) governing the days on which and the hours during which liquor may be sold or provided in premises under a licence or permit for consumption on the premises and for consumption off the premises and during which the liquor so sold or provided may be consumed where the liquor is sold or provided;*
- (i) respecting the maximum seating capacity of licensed premises and premises in respect of which a permit has been issued;*
- (j) authorizing licensees of licensed premises that are, in the opinion of the Board, suitable for the provision of entertainment to patrons,*
  - (i) to permit live entertainment to be performed, given or rendered by an orchestra, a band or individual musicians or by singers or dancers or other persons, and*
  - (ii) to provide, if appropriate, a space for dancing with appropriate musical accompaniment approved by the Board,*

(dd) governing the books and records to be kept by licensees and permittees and the making of returns by licensees and permittees when requested by the Corporation;

(ee) authorizing the licensees of licensed premises that are, in the opinion of the Board, suitable for the provision of entertainment to patrons,

(i) to permit entertainment to be performed, given or rendered by musicians, singers, dancers or other persons, and

(ii) to provide, if appropriate, a space for dancing with appropriate musical accompaniment approved by the Board,

and prescribing generally with respect to licences, or authorizing the Board to prescribe in individual cases, any conditions that the Board considers to be reasonably applicable with respect to the performance of entertainment or the space for dancing so authorized or provided;

(ff) prescribing generally with respect to licences, or authorizing the Board to prescribe in individual cases, any conditions that the Board considers to be reasonably applicable with respect to the performance or provision of entertainment;

(gg) regulating and controlling the provision of entertainment in licensed premises, including prohibiting or restricting specified types or kinds of entertainment;

(hh) regulating the use on licensed premises of paintings, signs, decorations, refrigeration and dispensing equipment provided by liquor manufacturers;

(ii) regulating the sale or provision of liquor by manufacturers from licensed premises or other premises approved by the Board;

(jj) respecting rules governing the relationship between manufacturers and licensees and the relationship between manufacturers and operators of agency stores or duty-free stores and the giving of samples of liquor by manufacturers to licensees who sell at retail and to operators of agency and duty-free stores;

(kk) respecting the amount of liquor that may be imported under section 69;

*and prescribing generally with respect to licences, or authorizing the Board to prescribe in individual cases, any terms and conditions that the Board considers to be reasonably applicable with respect to the performance of entertainment or the space for dancing so authorized or provided;*

*(k) prescribing the terms and conditions particularly applicable with respect to a licence issued to*

*(i) an airline company in respect of*

*(A) a travellers lounge at an airport terminal building, and*

*(B) the operation of its aircraft while on commercial passenger flights,*

*(ii) a railway company in respect of its trains, while en route, other than local transit passenger trains or rail cars,*

*(iii) a bus service company in respect of its buses, while en route, providing commercial passenger bus service, other than local transit bus passenger service,*

*(iv) the operator of a water-excursion craft while providing commercial passenger excursion services satisfactory to the Board;*

*(l) governing the types of live professional sports events held at a sports stadium in connection with which beer or cider or both may be sold at and consumed at a sports stadium and the period of time during which the sale and consumption of beer and cider at those sports events is authorized;*

*(m) governing the types of entertainment at a theatre in connection with which a licence may be issued and liquor sold and consumed at the theatre under the licence, and the period of time during which the sale and consumption of liquor at entertainment performances at the theatre is authorized;*

*(n) respecting the issuance of a special events licence to a corporation, municipality or unincorporated association of persons satisfactory to the Board that intends to conduct an exhibition, fair, combined exhibition and rodeo, or a special sports event or other special event approved by the Board;*

*(o) respecting the issuance of permits to druggists, physicians and registered veterinarians or permit holders under the Veterinary Profession Act for the purchase of liquor for use in the practice of their professions;*

(ll) prohibiting any game, sport or other activity on premises with respect to which a licence or permit has been issued for the purposes of section 95(3);

(mm) prescribing for the purposes of section 1(2) the percentage of alcohol by volume.

*(p) respecting the issuance of a permit authorizing the permittee, under the supervision of the Board, to import, purchase from the Board, store and sell any wines the Board approves for sacramental purposes, and authorizing the conveyance of any wine so sold from the place where it is stored by the permittee to the premises of*

*(i) the authorities of a church or religious body, or*

*(ii) a priest, clergyman or minister*

*for use in the performance of the religious ceremonies or sacraments of the faith;*

*(q) respecting the issuance of a permit authorizing*

*(i) the permittee to hold or sponsor a competition to display homemade wine, cider or beer at the premises described in the permit during the period of time specified in it,*

*(ii) persons whose homemade wine, cider or beer is entered in the competition described in the permit to carry and convey homemade wine, cider or beer to and from the competition and display and taste homemade wine, cider or beer at the competition, and*

*(iii) persons judging the competition described in the permit to taste homemade wine, cider or beer displayed at the competition;*

*(r) respecting the lawful conveyance and possession of liquor;*

*(s) prescribing places or classes of places other than residences, temporary residences, licensed premises or premises described in a permit where liquor may be kept and consumed;*

*(t) prescribing, for the purposes of section 68(d)(v), when a boat or watercraft is moored or at anchor so as to be a temporary residence;*

*(u) governing, controlling and prohibiting the advertising of liquor in Alberta in or through any form of advertising in Alberta;*

*(v) governing, controlling and prohibiting the advertising of products that use or may use any trademarks, trade names or designs that are similar to or suggestive of the trademarks, trade names or designs of persons manufacturing or brewing liquor or that use or may use the name of any of those persons;*

*41 Section 62 is amended*

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

**62(1)** Subject to the regulations, a licensee shall request and

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

*(w) prescribing, for the purposes of section 81(1), when a person may enter into and be bound by a management contract, contract of employment, franchising agreement, licensing agreement or other similar agreement described in section 81(1).*

*(3) Regulations respecting the sale and consumption of liquor under a licence issued with respect to a night club may authorize the sale or consumption of liquor at the night club if, in the opinion of the Board, a substantial number of the persons who will be entertaining at a performance at the night club are adults.*

*(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 or other professional entertainment 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 or entertainers 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.*

*(5) Regulations respecting the sale and consumption of liquor under a licence issued with respect to a theatre may authorize the sale or consumption of liquor at the theatre, if in the opinion of the Board*

*(a) a substantial number of the persons who will be entertaining at a performance at the theatre, or*

*(b) a substantial number of the members of the audience who will be attending at a performance at the theatre,*

*are adults.*

**41** Section 62 presently reads in part:

*62(1) When it is proposed to construct new premises or to alter, repair, add to or reconstruct any existing premises in respect of which a licence is desired or in respect of which a licence has*

obtain approval in principle from the Board before undertaking any construction, alteration, repair or reconstruction of or addition to a licensed premises.

(1.1) When it is proposed to construct new premises or to alter, repair, add to or reconstruct any existing premises in respect of which a licence is desired, the applicant may file his application for the licence before undertaking any construction, alteration, repairs or reconstruction or the construction of any additions.

*(b) in subsection (3) by striking out “On evidence that notice of the application has been given, the” and substituting “The”;*

*(c) by repealing subsection (4) and substituting the following:*

(4) The Board shall not issue a licence until the construction, alteration, repair, addition or reconstruction is completed in accordance with the plans and specifications and any modifications of them directed by the Board.

42 Section 63 is amended by adding “permit or of the” before “licensed”.

43 Section 64 is amended

*(a) by repealing subsection (2) and substituting the following:*

(2) The Board may, if it considers it proper to do so, give written permission to any person to carry on the business under the licence in the premises specified in the written permission.

*(b) by repealing subsection (5) and substituting the following:*

(5) A person who has been granted a permission under subsection (2) may, within the period referred to in subsection (3), apply to the Board for a licence in respect of the premises, and the Board may hear and consider the application as a normal application for a licence under this Act.

*been issued and is in effect, the applicant may file his application for the licence or, when the licence is in effect, shall request and obtain approval in principle from the Board, before undertaking the construction, alteration, repair, addition or reconstruction.*

*(2) When the application for a licence or the request for approval under subsection (1) is made, the applicant shall give the information required by the Board concerning the premises as completely constructed, altered, repaired, added to or reconstructed, and shall file with the Board plans and specifications showing the location, lay-out and construction of the proposed premises to the satisfaction of the Board.*

*(3) On evidence that notice of the application has been given, the Board may consider the application or request for approval and determine whether or not to issue a licence or grant approval in principle, as the case may be, to the applicant.*

*(4) The Board shall not issue a licence or give final approval under this section until the construction, alteration, repair, addition or reconstruction is completed in accordance with the plans and specifications and any modifications of them directed by the Board and until the premises are inspected by an inspector and approved by the Board.*

**42** Section 63 presently reads:

*63 If a company is a licensee or permittee or an applicant for a licence or permit and a duty or responsibility is imposed on that licensee, permittee or applicant, that duty or responsibility is also imposed on any director or officer of that company and on the employee or agent of that company who is in charge of the premises described in the application or the licensed premises, as the case may be.*

**43** Section 64 presently reads in part:

*(2) The Board may, if it considers it proper to do so, give written permission to carry on the business under the licence in the premises specified in the written permission to any person who claims to be and appears to the Board to be entitled to the benefit of the licence as assignee or trustee in bankruptcy or otherwise by operation of law.*

*(5) A person who appears to the Board to be entitled to the benefit of a licence under subsection (2) may, within the period referred to in subsection (3), apply to the Board for a licence in respect of the same or other premises and the Board may hear and consider the application as a normal application for a licence under this Act.*

44 *Section 65 is amended by adding “or another licensee” after “new licensee”.*

45 *Section 66 is amended by striking out “to a licensee”.*

46 *Section 67 is repealed and the following is substituted:*

**67** If the Board issues a licence to the owner of commercial public conveyances, other than local transit buses and trains, the Board may, notwithstanding this Act and the regulations, authorize the licensee to purchase elsewhere than from the Corporation and under the conditions that the Board prescribes, liquor for sale to passengers on the commercial public conveyances in accordance with the licence.

47 *Section 68(b) is repealed and the following is substituted:*

(b) “public place” includes

(i) a place or building to which the public has or is permitted to have access,

(ii) a place of public resort,

(iii) a conveyance in a public place, and

(iv) the premises of a club with respect to which no licence has been issued under Part 2;

**44** Section 65 presently reads:

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

**45** Section 66 presently reads:

*66 The sheriff may seize liquor in accordance with the Seizures Act, and the Board may, subject to any terms and conditions it considers advisable and notwithstanding anything in this Act or the regulations, authorize the sheriff to sell to a licensee the liquor so seized.*

**46** Section 67 presently reads:

*67 If the Board issues a licence to*

*(a) a railway company in respect of its trains,*

*(b) an airline company in respect of its aircraft while on commercial passenger flights,*

*(c) a commercial bus company in respect of its buses, other than local transit buses, while providing commercial passenger bus services, and*

*(d) an operator of a water-excursion craft while providing commercial excursion service,*

*the Board may, notwithstanding any provision of this Act, authorize the licensee to purchase elsewhere than from the Board and under the conditions that the Board prescribes, liquor for sale to passengers on trains, aircraft or buses in accordance with the licence issued for those purposes.*

**47** Section 68(b) presently reads:

*68 In this Part,*

*(b) "public place" includes*

*(i) a place or building to which the public has or is permitted to have access,*

*(ii) a place of public resort,*

*(iii) a conveyance in a public place, and*

*(iv) the premises of a club*

48 *Section 69(2) is amended*

(a) *in clause (a) by striking out “Board, a licensee or a permittee,” and substituting “Corporation, a licensee, a permittee, an agency store or a duty-free store or as otherwise directed by the Corporation”;*

(b) *by repealing clauses (b) and (c) and substituting the following:*

(b) import into Alberta, on any single occasion, liquor of any kind and up to a quantity that is permitted under the regulations that he has purchased outside Alberta, or that a person from whom he received it as a bona fide gift has lawfully purchased outside Alberta,

(c) *by adding “and” at the end of clause (d).*

49 *Section 70 is repealed and the following is substituted:*

**70** Subject to sections 79, 79.1, 80 and 100, a person may make a gift of liquor made, purchased or imported as described in section 69, and a person may receive a gift of such liquor.

50 *Section 71(2) is amended by adding “agency store, duty-free store” after “liquor store.”.*

*with respect to which no licence has been issued under Part 2;*

**48** Section 69(2) presently reads in part:

*(2) An adult may*

*(a) purchase liquor in accordance with this Act and the regulations from the Board, a licensee or a permittee,*

*(b) import into Alberta, on any single occasion, one bottle of liquor (other than beer) that he has purchased outside Alberta, or that a person from whom he received it as a bona fide gift has purchased outside Alberta, from a liquor board, commission or similar body in any province or territory of Canada,*

*(c) import into Alberta, on any single occasion, not more than 12 bottles of beer that he has purchased outside Alberta, or that a person from whom he received it as a bona fide gift has purchased outside Alberta, from a liquor board, commission or similar body in any province or territory of Canada,*

*(d) import into Alberta, on any single occasion, liquor of a kind and up to a quantity that he is permitted under an Act of Canada to import into Canada, or that a person from whom he received it as a bona fide gift is permitted under an Act of Canada to import into Canada, without payment of duty or tax on it, if the package in which the liquor is contained has, while containing that liquor, been stamped or marked by a Canadian customs officer,*

**49** Section 70 presently reads:

*70 Subject to sections 80 and 100, 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.*

**50** Section 71(2) presently reads:

*(2) A common carrier or other person may, in accordance with this Act and the regulations, convey*

*(a) liquor, when lawfully sold by a manufacturer, from the premises in which the liquor was manufactured, and*

*(b) liquor to or from premises where the liquor may be lawfully kept and sold,*

*to a liquor store, warehouse or depot established by the Board or to any other place where the liquor may lawfully be kept under this Act or the regulations.*

51 *Section 72 is repealed.*

52 *Section 73(1) is repealed and the following is substituted:*

**73(1)** If a person who appears to be a minor

(a) requests to purchase liquor at a liquor store, agency store or duty-free store or from a licensee or permittee, or

(b) requests to be given any liquor,

the manager of the liquor store, agency store or duty-free store or the licensee, permittee or other person to whom the request is made may, before acceding to the request, demand that proof of age satisfactory to him be produced to him by the person making the request.

53 *Section 74(2) is amended by striking out “wine” and substituting “liquor”.*

54 *Section 76(1) is repealed and the following is substituted:*

**76(1)** An employee or agent of the Corporation, an operator of an agency store or duty-free store, a licensee or permittee or an employee of a licensee or permittee or of an operator of an

**51** Section 72 presently reads:

*72(1) Subject to section 84, a minor may enter, be in and remain in*

*(a) licensed premises, and*

*(b) premises in respect of which a permit has been issued under Part 2.*

*(2) A minor who is engaged by a licensee to repair or service equipment or to repair furnishings in licensed premises may, with the authority and under the supervision of the licensee, enter, be in and remain in the licensed premises for the time required to complete the repairs or services.*

**52** Section 73(1) presently reads:

*73(1) If a person who appears to be a minor*

*(a) requests to purchase liquor at a liquor store or from a licensee, or*

*(b) requests to be given any liquor,*

*the manager of the liquor store, or the licensee, permittee or any other person to whom the request is made may, before acceding to the request, demand that proof of age satisfactory to him be produced to him by the person making the request.*

**53** Section 74 presently reads:

*74(1) Liquor made, purchased or imported as described in section 69 may be provided to a minor*

*(a) in a residence by the parent, guardian or spouse of that minor, or*

*(b) by or on the prescription of a physician for medicinal purposes as provided by this Act or the regulations.*

*(2) A priest, clergyman or minister may, in the performance of the religious ceremonies or sacraments of the faith of a church or religious body, provide wine, approved by the Board for sacramental purposes, to a minor.*

**54** Section 76(1) presently reads:

*76(1) An employee or agent of the Board, a licensee or permittee or an employee of a licensee or permittee may refuse to sell*

agency store or duty-free store may for any reasonable cause refuse to sell liquor to any person.

55 *Section 77 is amended*

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

**77(1)** No person shall be in an intoxicated condition in a public place.

(1.1) Where a peace officer on reasonable and probable grounds believes that a person is in an intoxicated condition in a public place, the peace officer may, instead of charging the person with an offence, take the person into custody to be dealt with in accordance with this section.

(b) *in subsection (2) by striking out “, in the opinion of the person responsible for his custody,” and substituting “on reasonable and probable grounds the person responsible for his custody believes that”.*

56 *Section 78 is repealed and the following is substituted:*

**78(1)** In this section, “representative” means an agent or representative of a manufacturer or of a person who sells or intends to sell liquor to the Corporation or to a person authorized by this Act, the regulations or the Board.

(2) No person shall directly or indirectly hold himself out to be or act as a representative unless he is registered with the Corporation.

(3) No person shall directly or indirectly employ or engage a person to act as its representative unless that person is registered with the Corporation.

(4) The Board may determine the number of representatives to be registered and, in order to control and regulate the business activities of the registered representatives, may prescribe the manner and extent to which section 101(1)(a) and (c) apply to them.

57 *Section 80 is amended*

(a) *in subsection (1)*

(i) *by striking out “or of the Board,” and substituting “or of the Corporation, and no”;*

*liquor to any person, and need not give a reason to that person for so refusing.*

**55** Section 77 presently reads in part:

*77(1) When a peace officer finds a person in a public place who is, in his opinion, in an intoxicated condition, the peace officer may, instead of charging the person with an offence under section 97(2), take the person into custody to be dealt with in accordance with this section.*

*(2) A person in custody pursuant to this section may be released from custody at any time if, in the opinion of the person responsible for his custody,*

*(a) the person in custody has recovered sufficient capacity that, if released, he is unlikely to injure himself or be a danger, nuisance or disturbance to others, or*

*(b) a person capable of taking care of the person in custody undertakes to take care of that person on his being released.*

**56** Section 78 presently reads:

*78(1) No person shall directly or indirectly hold himself out to be or act as an agent or representative of a manufacturer unless he is registered with the Board as a representative of that manufacturer.*

*(2) No manufacturer shall directly or indirectly employ or engage a person to act as its agent or representative unless that person is registered with the Board as a representative of that manufacturer.*

*(3) The Board may determine the number of representatives to be registered with the Board and, in order to control and regulate the business activities of the registered representatives, may prescribe the manner and extent to which section 101(1)(a) and (c) apply to them.*

**57** Section 80 presently reads:

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

*(ii) by adding “or Appeal Council” after “member of the Board”;*

*(b) in subsection (2)*

*(i) by striking out “or of the Board,” and substituting “or of the Corporation, and no”;*

*(ii) by striking out “to the Board” and substituting “to the Corporation”;*

*(c) in subsection (3)*

*(i) by striking out “Board” wherever it occurs and substituting “Corporation”;*

*(ii) by striking out “to a member,” and substituting “to a member of the Board or the Appeal Council or an”.*

*58 Section 84 is amended*

*(a) in subsection (1) by striking out “a licensed beverage room, lounge, night club or any other kind of” and substituting “any”;*

*(b) in subsection (2) by striking out “Subject to section 72(2) and the regulations, no” and substituting “No”.*

*59 Section 86 is amended by adding “, agency store or duty-free store” after “liquor store” wherever it occurs.*

*(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 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 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, 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, member, employee or agent.*

**58** Section 84(2) presently reads:

*(2) Subject to section 72(2) and the regulations, no licensee shall permit a minor to enter, be in or remain in any licensed premises, except licensed premises that a minor may enter, be in or remain in under this Act or the regulations.*

**59** Section 86 presently reads:

*86(1) No minor shall*

*(a) purchase or attempt to purchase liquor in a liquor store, on licensed premises, premises described in a permit, or anywhere, or*

*(b) subject to section 74,*

*(i) obtain or receive liquor,*

*(ii) attempt to obtain or receive liquor, or*

*(iii) possess liquor.*

60 Section 92(1) is amended by striking out “No” and substituting “Except as provided in the regulations, no”.

61 Section 95 is amended

(a) in subsection (1)(c) by striking out “Board” and substituting “Corporation”;

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

(3) No licensee or permittee shall permit or allow any entertainment, game, sport or other activity on any premises with respect to which a licence or permit has been issued that

(a) is unlawful,

(b) may be detrimental to the orderly operation of the premises, or

(c) is prescribed in the regulations.

(4) The Board may by order restrict or prohibit any

(a) gambling or gambling device,

(b) contest or lottery, or

(c) sale or purchase of lottery tickets,

on any premises with respect to which a licence or permit has been issued.

(5) No licensee or employee or agent of a licensee shall allow a disorderly or intoxicated person to be in or about the premises.

62 Section 96(1) is repealed and the following is substituted:

96(1) Except in those licensed premises prescribed in the regulations, every person other than the licensee and his employees or agents shall leave licensed premises when the sale and consumption of liquor in those premises is required to cease under the regulations or by-laws pursuant to the regulations.

*(2) No minor shall enter, be in or remain in a liquor store unless accompanied by his parent or guardian.*

**60** Section 92(1) presently reads:

*92(1) No licensee or permittee and no employee or agent of a licensee or permittee shall promote, induce or further or attempt to promote, induce or further the sale of any particular kind, class or brand of liquor.*

**61** Section 95(3) presently reads:

*(3) No licensee or employee or agent of a 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.*

**62** Section 96(1) presently reads:

*96(1) Every person who is in a licensed beverage room, lounge or night club, other than the licensee and his employees or agents, shall leave those licensed premises when the sale and consumption of liquor in those licensed premises is required to cease under the regulations or by-laws pursuant to the regulations.*

63 Section 102 is amended by renumbering it as section 102(1) and by adding the following after subsection (1):

(2) Section 101(1)(a), (b) and (c) do not apply to the operator of an agency store or duty-free store.

64 Section 104(1) is amended by adding “, an order under section 13” after “Act, the regulations”.

65 Section 105 is amended

(a) in subsection (1)(a) by striking out “\$1500” and substituting “\$50 000”;

(b) in subsection (2) by striking out “\$10 000” and substituting “\$50 000”;

(c) in subsection (4)(a) by striking out “\$500” and substituting “\$1000”;

(d) in subsection 4(b) by striking out “\$1000” and substituting “\$1500”.

66 Section 106(1) is amended by striking out “member or employee of the Board” and substituting “member of the Board or employee of the Corporation”.

67 Section 107 is amended by striking out “who is a manufacturer and” wherever it occurs.

**63** Section 102 presently reads:

*102 Section 101 does not apply*

*(a) to the Board or to an act of the Board or to a liquor store, or*

*(b) to the receipt or transmission of a telegram or letter by a telegraph agent or operator or post office employee in the ordinary course of his employment as agent, operator or employee.*

**64** Section 104(1) presently reads:

*104(1) A person who contravenes any provision of this Act, the regulations or by-laws pursuant to the regulations is guilty of an offence under this Act, whether otherwise so declared or not.*

**65** Section 105 presently reads in part:

*105(1) An individual who, or a partnership or other association of persons, other than a corporation, that contravenes section 88(1) or 91, is guilty of an offence and liable for a first offence*

*(a) to a fine of not less than \$500 and not more than \$1500, or*

*(b) to imprisonment for not more than 6 months without the option of a fine.*

*(2) A corporation convicted of an offence referred to in subsection (1) is liable to a fine of not less than \$2000 and not more than \$10 000.*

**66** Section 106(1) presently reads:

*106(1) A member or employee of the Board who knowingly recommends the issue of a licence or is a party to the issue of a licence in any case referred to in section 44 or 45 is guilty of an offence.*

**67** Section 107 presently reads:

*107(1) A licensee who is a manufacturer and who contravenes section 31(2) or (3) is guilty of an offence and liable to a fine of not less than \$300 and not more than \$1000.*

*(2) A licensee who is a manufacturer and who omits, neglects or refuses to comply with a requirement of the Board under section 32 is guilty of an offence and liable to a fine of not more than \$1000 for each offence.*

*(3) A person who*

68 *Section 117 is amended*

(a) *in subsection (1) by striking out “Board” and substituting “Corporation”;*

(b) *in subsection (3) by adding “, and the Board may allow or refuse the application” after “received”;*

(c) *by repealing subsection (4) and substituting the following:*

(4) *If no application is made under subsection (2) or the Board refuses an application under subsection (3), the liquor is forfeited to the Corporation.*

69 *Section 119(2) is amended by striking out “to the Board” and substituting “to the Corporation”.*

70 *Section 132(2)(b) is amended by striking out “more than 1 square mile but”.*

*(a) refuses to permit an agent appointed under section 31 to examine any books, vouchers, documents and papers referred to in that section,*

*(b) hinders or impedes an agent appointed under section 31 in making an authorized examination or in the making of any copies or extracts that he is permitted to make by that section, or*

*(c) omits or neglects to make a return that he is required to make pursuant to the regulations within the time fixed by them for the making of that return*

*is guilty of an offence and liable to a fine of \$300 for each offence.*

*(4) A licensee who is a manufacturer and who fails to furnish samples of liquor when required to do so under section 33 is guilty of an offence and liable to a fine of not more than \$500 for each offence.*

**68** Section 117 presently reads:

*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.*

**69** Section 119(2) presently reads:

*(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.*

**70** Section 132(2)(b) presently reads:

*(2) A local option area shall*

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

71 Section 136(1) is amended by adding “submitted to the Lieutenant Governor in Council” after “petition”.

72 Section 143 is amended by adding “received by the Lieutenant Governor in Council” after “the petition”.

73 In the following provisions “Board” is struck out wherever it occurs and “Corporation” is substituted:

section 2(2),(3);  
section 4.1;  
section 9;  
section 11;  
section 15;  
sections 18;  
sections 20 to 23;  
section 28;  
section 36(1);  
section 59;  
section 60;  
section 93;  
section 114(1),(2);  
section 144(b).

74(1) The Public Health Act is amended by this section.

(2) Section 78 is amended

(a) by adding the following after subsection (3):

(3.1) No person shall manufacture or give, sell or offer to sell or give or otherwise distribute a regulated matter if he knows or ought to know that the regulated matter is to be used for the purpose of inducing euphoria, hallucinations or intoxication in any person.

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

(5) A person who contravenes this section is guilty of an offence and liable

**71** Section 136(1) presently reads:

*136(1) 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 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.*

**72** Section 143 presently reads:

*143 On receipt of a petition under section 142, the Lieutenant Governor in Council may submit to a vote of the electors of the local option area, at a time he considers advisable, the question requested by the petition.*

**73** Changes references.

**74** Consequential.

- (a) for a first offence,
  - (i) in the case of an individual, to a fine of not less than \$500 and not more than \$1500, to imprisonment for not more than 6 months or to both a fine and imprisonment, and
  - (ii) in the case of a corporation, to a fine of not less than \$2000 and not more than \$50 000, and
- (b) for a 2nd offence and subsequent offences,
  - (i) in the case of an individual, to imprisonment for not more than 6 months, and
  - (ii) in the case of a corporation, to a fine of not less than \$2000 and not more than \$50 000.

*75 Where prior to the coming into force of this Act a request has been made under section 57 of the Liquor Control Act to the chairman of the Liquor Licensing Review Council and the matter under review has not been heard or completed, the matter to be reviewed shall be heard or completed by the Liquor Licensing Review Council.*

*76 This Act comes into force on Proclamation.*

**75** Transitional.

**76** Coming into force.