

1991 BILL 55

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Third Session, 22nd Legislature, 40 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 55

MISCELLANEOUS STATUTES AMENDMENT ACT, 1991

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THE ATTORNEY GENERAL

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## **BILL 55**

1991

### **MISCELLANEOUS STATUTES AMENDMENT ACT, 1991**

*(Assented to , 1991)*

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

*1 The Alberta Resources Railway Corporation Act is amended by repealing section 3(1)(c) and substituting the following:*

- (c) an employee of the Treasury Department designated by the Provincial Treasurer;*

*2(1) The Alberta School Trustees' Association Act is amended by this section.*

*(2) The title is repealed and the following is substituted:*

#### **ALBERTA SCHOOL BOARDS ASSOCIATION ACT**

*(3) Section 1 is amended by striking out "Trustees' " and substituting "Boards".*

*(4) Section 2 is amended by renumbering it as section 2(1) and by adding the following after subsection (1):*

- (2) Notwithstanding subsection (1), the name of the Association is changed to the "Alberta School Boards Association" on July 1, 1991.*

*(5) Section 3(b) is amended by striking out "trustees" and substituting "boards".*

## Explanatory Notes

**1** This section will amend chapter A-36 of the Revised Statutes of Alberta 1980. Section 3(1)(c) presently reads:

*3(1) The affairs of the Corporation shall be conducted by a board of directors consisting of the following members:*

*(c) the Deputy Provincial Treasurer;*

**2**(1) This section will amend chapter A-37 of the Revised Statutes of Alberta 1980.

(2) The title presently reads:

*ALBERTA SCHOOL TRUSTEES' ASSOCIATION ACT*

(3) Section 1 presently reads:

*1 In this Act "association" means the Alberta School Trustees' Association constituted under this Act.*

(4) Section 2 presently reads:

*2 The Alberta School Trustees' Association as heretofore constituted is continued as a corporation with the same name.*

(5) Section 3(b) presently reads:

*3 The association has the following objects, powers and purposes:*

*(6) The change of name of the Alberta School Trustees' Association to the Alberta School Boards Association does not affect any right, privilege, obligation or liability of the Association or any proceeding by or against the Association.*

*(7) This section comes into force on July 1, 1991.*

*3(1) The Child Welfare Act is amended by this section.*

*(2) Section 18(1)(b) is amended by striking out "section 20(1)(b)" and substituting "section 20(1)(a)".*

*(3) Section 34(3) is amended by striking out "Children's Guardian" and substituting "director".*

*4(1) The Commissioners for Oaths Act is amended by this section.*

*(2) Sections 1 and 2 are repealed and the following is substituted:*

**1(1)** A member of The Law Society of Alberta, other than an honorary member, is ex officio a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in Alberta.

**(2)** A person who is registered as a student-at-law under the *Legal Profession Act* is ex officio a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in Alberta.

**(3)** A member of The Law Society of Alberta and a person registered as a student-at-law under the *Legal Profession Act* are not entitled to exercise the powers of a commissioner under this section while membership or registration is suspended.

*(b) to provide a medium for expression of the views and suggestions of the school trustees of Alberta on matters pertaining to education;*

(6) Transitional.

(7) Coming into force.

**3(1)** This section will amend chapter C-8.1 of the Statutes of Alberta, 1984.

(2) Section 18(1)(b) presently reads:

*18(1) If a child has been apprehended, the director shall notify the guardian of the child forthwith*

*(b) of the intention, if any, of the director to confine the child pursuant to section 20(1)(b), and*

(3) Section 34(3) presently reads in part:

*(3) The Court may make an order appointing a person as a guardian of a child jointly with the Children's Guardian if it is satisfied that*

*(a) the person is capable of assuming and willing to assume the responsibility of joint guardianship of the child,*

**4(1)** This section will amend chapter C-19 of the Revised Statutes of Alberta 1980.

(2) Sections 1 and 2 presently read:

*1 A barrister and solicitor of Alberta is a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in Alberta.*

*2 Every student-at-law under the Legal Profession Act is, while he is registered as a student-at-law, a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in Alberta.*

*(3) The following is added after section 2.1:*

**2.2** Every provincial judge, judge of the Surrogate Court, master in chambers, judge of the Court of Queen's Bench and judge of the Court of Appeal is ex officio a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in Alberta.

*(4) Section 4 is amended*

*(a) by repealing subsection (1);*

*(b) in subsection (2) by striking out "so appointed" and substituting "appointed under subsection (1) before that subsection was repealed".*

**5** *The Companies Act is amended in section 121(2)(a) by striking out "subsection (2)" and substituting "subsection (1)".*

**6(1)** *The Corrections Act is amended by this section.*

*(2) The following is added after section 33:*

**34(1)** In this section, "fine option program" means a program in which an individual against whom a fine is imposed in respect of an offence against an enactment of Alberta or an offence referred to in section 718.1 of the *Criminal Code* (Canada) may discharge the fine in whole or in part by earning credits for work performed.

**(2)** The Lieutenant Governor in Council may make regulations establishing and governing a fine option program.

**(3)** The regulations under this section may authorize the official responsible for the fine option program to delegate any of his powers and duties.

(3) Judges.

(4) Section 4 presently reads:

*4(1) The Inspector of Legal Offices may appoint commissioners to administer oaths and take and receive affidavits, declarations and affirmations outside Alberta for use in Alberta.*

*(2) A commissioner so appointed continues to be a commissioner until his appointment is cancelled in writing by the Inspector of Legal Offices.*

5 This section will amend chapter C-20 of the Revised Statutes of Alberta 1980. Section 121(2)(a) presently reads:

*(2) Every receiver or manager of the property of a company who has been appointed under the powers contained in any instrument shall*

*(a) within one month after he ceases to act as a receiver or manager pursuant to the appointment, file with the Registrar an abstract showing his receipts and payments during the period from the end of the 6-month period to which the last abstract under subsection (2) related up to the date of his so ceasing, and*

6(1) This section will amend chapter C-26 of the Revised Statutes of Alberta 1980.

(2) Regulations.

*(3) This section is deemed to have come into force on January 10, 1991.*

*7(1) The Department of the Attorney General Act is amended in section 2(j)(ii) by striking out “justices of the peace,”.*

*(2) This section comes into force on Proclamation.*

*8 The Department of Tourism Act is amended by adding the following after section 6:*

**6.1** The Minister may charge fees for any service or materials provided or research done by the Department.

*9(1) The Fatality Inquiries Act is amended by this section.*

*(2) Section 4 is amended*

*(a) by repealing clause (b);*

*(b) in clause (c) by adding the following after “under this Act”:*

and, in relation to the review of a complaint, make recommendations to the Attorney General, including recommendations concerning the suspension or termination of a medical examiner

*(3) Section 10(2)(f) is amended by adding “or” at the end of subclause (iii) and by repealing subclause (iv).*



(3) Coming into force.

7(1) This section will amend chapter D-13 of the Revised Statutes of Alberta 1980. Section 2(j)(ii) presently reads:

*2 The Attorney General*

*(j) is responsible for the conduct of the matters hereinafter set out, the enumeration of which shall not be taken to restrict the general nature of any provision of this Act:*

*(ii) the recommendation of the appointment of and the giving of advice to sheriffs, registrars, judicial officers, justices of the peace, medical examiners, notaries public and commissioners for oaths;*

(2) Coming into force.

8 This section will amend chapter D-29.1 of the Statutes of Alberta, 1986. Fees.

9(1) This section will amend chapter F-6 of the Revised Statutes of Alberta 1980.

(2) Section 4 presently reads:

*4 The Board shall*

*(a) review investigations under this Act in order to determine the need for holding a public inquiry;*

*(b) recommend the appointment of medical examiners;*

*(c) review complaints respecting misbehaviour or incompetence or neglect of duty by medical examiners or the inability of medical examiners to perform their duties under this Act.*

(3) Section 10(2)(f) presently reads:

*(2) Deaths that occur under any of the following circumstances require notification under subsection (1):*

*(f) deaths that occur*

*(i) during an operative procedure,*

*(4) Section 14 is repealed.*

*(5) Section 15 is repealed and the following is substituted:*

**15(1)** When a body is brought into Alberta for ultimate disposal, a funeral director, undertaker, embalmer, mortuary attendant or other person who intends to dispose of the body shall, before disposing of the body, notify a medical examiner.

**(2)** After being notified under subsection (1), the medical examiner or an investigator authorized by the medical examiner shall

- (a) inspect the medical certificate of death or other documents that accompany the body,
- (b) make such investigation as may be necessary to establish or confirm the cause of death, and
- (c) countersign the burial permit before disposal of the body.

*(6) Section 16(1) is amended*

- (ii) *within 10 days of an operative procedure,*
- (iii) *while under anesthesia,*
- (iv) *during recovery from anesthesia, or*
- (v) *any time after anesthesia and that may reasonably be attributed to that anesthesia;*

(4) Section 14 presently reads:

*14(1) Any person who knows or believes that a battery or other device containing a sealed, long-lived radio-nuclide is present in a body shall notify a medical examiner.*

*(2) If a medical examiner has been notified under subsection (1) or has reason to believe that a battery or other device containing a sealed, long-lived radio-nuclide is present in a body, a medical examiner*

- (a) may be present at any autopsy,*
- (b) shall authorize the removal of the battery or other device whether or not an autopsy is conducted, and*
- (c) is responsible for the return of the long-lived radio-nuclide to a person who is licensed to deal with it by the Atomic Energy Control Board.*

(5) Section 15 presently reads:

*15 When a body is brought into Alberta for ultimate disposal, a funeral director, undertaker, embalmer, mortuary attendant or other person who intends to dispose of the body shall, before disposing of the body, notify a medical examiner who shall*

- (a) inspect the medical certificate of death or other documents which accompany the body,*
- (b) cause to be made such investigation as may be necessary to establish or confirm the cause of death, and*
- (c) countersign the burial permit before disposal of the body.*

(6) Section 16(1) presently reads:

(a) *by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following after clause (b):*

(c) dissect a body or otherwise subject a body to study or research under section 58 of the *Universities Act*,

(b) *by repealing the words that follow clause (c) and substituting the following:*

until a medical examiner or an investigator authorized by a medical examiner issues a certificate stating that he has inspected the body and has examined the medical certificate of death.

(7) *Section 27 is repealed and the following is substituted:*

**27** Notwithstanding section 26(2)(b), a medical examiner may remove or allow the removal of tissue in accordance with the *Human Tissue Gift Act*, if the removal of the tissue does not interfere with any investigation or proceeding under any law in force in Alberta.

(8) *Section 30 is repealed and the following is substituted:*

**30** A medical examiner shall, immediately after completing an investigation under this Act, provide the Chief Medical Examiner with a record of the investigation and the reports, certificates and other documents that are prescribed by the regulations.

*16(1) No person shall*

*(a) cremate a body, or*

*(b) ship or take a body from a place in Alberta to a place outside of Alberta,*

*until a medical examiner issues a certificate stating that he has caused the body to be inspected and has examined the medical certificate of death.*

(7) Section 27 presently reads:

*27(1) Notwithstanding section 26(2)(b), a medical examiner may remove or allow the removal of*

*(a) tissue in accordance with the Human Tissue Gift Act, or*

*(b) pituitary glands that are intended to be delivered to a person or agency to be used for therapeutic purposes, medical education or scientific research,*

*if the removal of the tissue or pituitary gland does not interfere with any investigation or proceeding under any law in force in Alberta.*

*(2) A pituitary gland shall not be removed from the body of a deceased person under subsection (1)(b) if the medical examiner or the person performing the autopsy has reason to believe that the deceased prior to his death objected, or his next of kin or personal representative objects, to the body being so dealt with.*

*(3) Subject to subsection (2), a pituitary gland may be removed notwithstanding that a consent otherwise required by law has not been given.*

(8) Section 30 presently reads:

*30 Every medical examiner shall provide the Chief Medical Examiner with a record of each investigation that the medical examiner conducts under this Act including the reports, certificates and other documents that are prescribed by the regulations.*

*(9) Section 33(1)(g) is amended by striking out “cause of death is unnatural or the manner of death is” and substituting “manner of death is unnatural or”.*

*(10) Section 36(1) is amended by adding “or similar” after “same”.*

*(11) This section comes into force on August 1, 1991.*

*10 The Garagemen's Lien Act is amended in section 7(2)(a) by striking out “a certified copy of the registered financing statement or of the registered financing change statement referred to in subsection (3) relating to the lien” and substituting “proof satisfactory to the sheriff that the lien is the subject of a subsisting registration in the Registry”.*

*11(1) The Highway Traffic Act is amended by this section.*

*(2) Section 15(2) is repealed and the following is substituted:*

*(2) Without restricting subsection (1), the council of a county, municipal district or Metis settlement may authorize the erection of stop signs at railway crossings in the county, municipal district or Metis settlement.*

(9) Section 33(1)(g) presently reads:

*33(1) The Chief Medical Examiner shall notify the Board of any death that has been the subject of an investigation if*

*(g) the death is one referred to in section 13 and the cause of death is unnatural or the manner of death is undetermined or the death has occurred under suspicious circumstances.*

(10) Section 36(1) presently reads:

*36(1) The Attorney General*

*(a) shall on the recommendation of the Board, and*

*(b) may in any other case,*

*order that a judge conduct a public inquiry into a death or 2 or more deaths that arose out of the same circumstances.*

(11) Coming into force.

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

*(2) A lien determines on the expiry of 6 months from the date of registration of a financing statement unless, within that 6-month period,*

*(a) there is delivered to the sheriff a certified copy of the registered financing statement or of the registered financing change statement referred to in subsection (3) relating to the lien and a warrant in the prescribed form addressed to the sheriff of the judicial district in which the motor vehicle or farm vehicle that is subject to the lien is for the time being and directing the sheriff to seize the motor vehicle or farm vehicle in accordance with the requirements of the Seizures Act, and*

**11(1)** This section will amend chapter H-7 of the Revised Statutes of Alberta 1980.

(2) Section 15(2) presently reads:

*(2) Without restricting subsection (1), the council of a county or municipal district (or Metis settlement\*) may authorize the erection of stop signs at railway crossings in the county or municipal district (or Metis settlement\*).*

*(\* See 1990 cM-14.3 s269.)*

*(3) Section 16 is amended by adding the following after subsection (1):*

**(1.1)** The council of a municipality may make by-laws with respect to public or private property that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles,

- (a) establishing and governing the use of parking places that are for the exclusive use of persons with disabilities who display on their vehicles a handicap placard or licence plate that is issued or recognized by the Solicitor General;
- (b) providing for the enforcement of the by-laws;
- (c) authorizing persons to enforce the by-laws without those persons, the owner of the property or the municipality incurring any liability for doing so;
- (d) providing for the placing on a vehicle parked in contravention of the by-laws of a parking tag that is in the form prescribed by the municipality, or if no form is prescribed by the municipality, by the Lieutenant Governor in Council, that allows for the payment of a penalty to the municipality in lieu of prosecution for the offence and setting the penalty applicable to the offence.

*12(1) The Hydro and Electric Energy Act is amended by this section.*

*(2) Section 19(3) is amended by striking out “Minister of Transportation and Utilities” and substituting “Minister of Energy”.*

*(3) Section 34 is amended by renumbering subsection (2) that begins “When an operator” as subsection (1.1).*



(3) Parking for disabled persons.

**12(1)** This section will amend chapter H-13 of the Revised Statutes of Alberta 1980.

(2) Section 19(3) presently reads:

*(3) Notwithstanding section 8, 9 or 14, when an operator has discontinued the operation of but has not dismantled or removed a hydro development, power plant or transmission line and an interruption or emergency is experienced or is reasonably foreseen, the Board may authorize, or with the approval of the Minister of Transportation and Utilities may order, the operation of the hydro development, power plant or transmission line and associated facilities until the interruption or emergency or the foreseen interruption or emergency has passed.*

(3) Section 34 presently reads:

*34(1) When an operator requires an estate or interest in land, other than in patented land as defined in the Metis Settlements Act, for the purposes of a power plant or a transmission line, the*



*estate or interest may be acquired in land owned by the Crown or by any other person*

*(a) by negotiation with the owner,*

*(b) by expropriation under the Expropriation Act, in the case of a power plant, or*

*(c) by proceedings under the Surface Rights Act, in the case of a transmission line.*

*(2) When an operator requires an estate or interest less than the fee simple in patented land as defined in the Metis Settlements Act for the purposes of a power plant or transmission line, the estate or interest may be acquired*

*(a) by negotiation,*

*(b) under section 6 of the Metis Settlements Land Protection Act, in the case of a power plant, or*

*(c) by proceedings under Part 4 of the Metis Settlements Act, in the case of a transmission line.*

*(2) Notwithstanding anything in this Act, any structure that is part of a transmission line and is located on land comprising a public highway, street, lane, road allowance or other public place and any power line attached to or resting on the structure may project into the airspace over the property adjoining that land without the consent of the owners or occupants of the adjoining property, to the greater of*

*(a) the maximum extent to which any cross arm or any component attached to the cross arm other than a power line extends in any one direction from the rest of the structure, and*

*(b) the maximum extent to which any power line*

*(i) that is attached to or rests on the structure, and*

*(ii) that in the absence of wind does not project over the adjoining property further than any part of the structure*

*is capable of extending over the adjoining property under maximum wind conditions.*

*(3) No person is entitled to any remedy or damages or any other compensation or relief as a result of the existence of a projection described in subsection (2).*

*13 The Insurance Amendment Act, 1990 is amended in section 5 as to section 313(1)(a) by striking out “or in regulations made under subsection (9)(c)”.*

*14(1) The Interpretation Act is amended by this section.*

*(2) Section 16 is amended in the words preceding clause (a) by adding “or continuing” after “establishing”.*

*(3) Section 17(2) is amended by adding “or continues” after “establishes”.*

*15(1) The Judicature Act is amended by this section.*

*(2) Section 17(3)(b) is repealed.*

**13** This section will amend chapter 24 of the Statutes of Alberta, 1990. Section 5 presently reads in part:

*5 Sections 313 and 314 are repealed and the following is substituted:*

*313(1) In this section,*

*(a) "benefits" means accident insurance benefits provided for in this section or in regulations made under subsection (9)(c);*

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

*(c) increasing the amount of any of the benefits.*

**14(1)** This section will amend chapter I-7 of the Revised Statutes of Alberta 1980.

(2) Section 16 presently reads in part:

*16 Words in an enactment establishing a corporation*

*(a) vest in the corporation power*

(3) Section 17(2) presently reads in part:

*(2) If an enactment establishes a board,*

*(a) at least 1/2 of the number of members provided for under the enactment constitutes a quorum at a meeting of the board;*

**15(1)** This section will amend chapter J-1 of the Revised Statutes of Alberta 1980.

(2) Section 17(3)(b) presently reads:

*(3) The Court may grant to a defendant respecting an equitable estate or right or other matter of equity and also respecting a legal estate, right or title claimed or asserted by him,*

*(b) all such relief relating to or connected with the original subject of the proceeding and in like manner claimed against any other person, whether already a party to the same proceeding or not, who has been served with notice in writing of the claim pursuant to this Act or an order of the Court, that might properly have been granted against that person if he had been a defendant to a proceeding instituted by the same defendant for the like purpose, and a person served with the notice shall thenceforth be deemed a party to the proceeding with the same rights in respect of the defence*

*(3) Part 5 is repealed.*

*against the claim as if he had been sued in the ordinary way by the defendant.*

(3) Part 5 presently reads:

## *PART 5*

### *Reports of Judicial Proceedings*

*30(1) No person shall within Alberta print or publish or cause or procure to be printed or published in relation to a judicial proceeding in a court of civil jurisdiction in Alberta for dissolution of marriage or nullity of marriage or for judicial separation or for restitution of conjugal rights or in relation to a marriage or an order, judgment or decree in respect of a marriage, any matter or detail the publication of which is prohibited by this section, or any other particulars except*

*(a) the names, addresses and occupations of the parties and witnesses,*

*(b) a concise statement of the charges, defences and countercharges in support of which evidence has been given,*

*(c) submissions on a point of law arising in the course of the proceedings and the decision of the court thereon, and*

*(d) the summing up of the judge and the finding of the jury, if any, and the judgment of the court and observations made by the judge in giving judgment.*

*(2) No person shall, before the trial of any proceedings had in a court of civil jurisdiction in Alberta or, if there is no trial, before the determination of the proceedings within Alberta, print or publish or cause to be printed or published anything contained in a statement of claim, statement of defence or other pleading, examination for discovery or in an affidavit or other document other than*

*(a) the names and addresses of the parties and their solicitors, and*

*(b) a concise statement of the nature of the claim or of the defence, as the case may be, in general words such as, "the claim is for the price of goods sold and delivered", or "the claim is for damages for personal injuries caused by the negligent operation of an automobile", or as the case may be.*

*(3) Nothing in this section applies*





*(a) to the printing of a pleading, transcript of evidence or other document for use in connection with a judicial proceeding,*

*(b) to the communication of a pleading, transcript of evidence or other document for use in connection with a judicial proceeding to persons concerned in the proceeding,*

*(c) to the printing or publishing of a notice or report pursuant to an order or direction given by a court competent to so order or direct, or*

*(d) to the printing or publishing of a matter*

*(i) in a separate volume or part of a bona fide series of law reports that does not form part of another publication and that consists solely of reports of proceedings in courts of law, or*

*(ii) in a publication of a technical character bona fide intended for circulation among members of the legal or medical professions.*

*31(1) A person who contravenes section 30 is guilty of an offence and, in respect of each offence, liable*

*(a) if a natural person to a fine of not more than \$1000 and in default of payment to imprisonment for a term of not more than one year, and*

*(b) if a corporation to a fine of not more than \$5000.*

*(2) When the offence consists in the printing and publication of a matter, detail or thing in a newspaper, circular or other publication printed and published in Alberta, the proprietor of the newspaper, the editor of the newspaper and the publisher are each guilty of the offence.*

*(3) When the offence consists of the publication in Alberta of a matter or thing contained in a newspaper, circular or other publication that is printed outside Alberta and that continually or repeatedly publishes writings or articles that are obscene, immoral or otherwise injurious to public morals, every person within Alberta is guilty of an offence who*

*(a) receives that newspaper, circular or other publication, and*

*(b) is engaged in the public distribution of it or does an act or thing for the purpose of the public distribution of it.*

*16(1) The Justice of the Peace Act is amended by this section.*

*(2) Section 2(2) and (3) are repealed.*

*(3) Section 4(1) is repealed and the following is substituted:*

**4(1)** The Lieutenant Governor in Council may designate a justice of the peace as a sitting justice of the peace.

**(1.1)** In the absence of any provision to the contrary in any relevant Act and subject to the regulations made under this Act, a complaint or information may be heard, tried and determined by one sitting justice of the peace.

*(4) The following is added after section 5:*

**5.1(1)** The Lieutenant Governor in Council shall, subject to the regulations, establish a Justices of the Peace Review Council.

**(2)** The Justices of the Peace Review Council shall

- (a)** review complaints respecting the lack of competence of, conduct or misbehaviour of, or neglect of duty by, justices of the peace or the inability of justices of the peace to perform their duties, and
- (b)** make recommendations to the Lieutenant Governor in Council in respect of matters reviewed under clause (a).

**5.2** Notwithstanding section 5, the appointment of a justice of the peace may be terminated by the Lieutenant Governor in

*(4) In a prosecution with respect to an offence under subsection (3), the fact that the accused was in possession of more than 6 copies of a newspaper, circular or other publication referred to in subsection (3) is prima facie proof that the accused was engaged in the public distribution of it.*

*(5) No prosecution for an offence under subsection (3) may be commenced by any person without the consent of the Attorney General.*

**16(1)** This section will amend chapter J-3 of the Revised Statutes of Alberta 1980.

(2) Section 2(2) and (3) presently read:

*(2) Unless otherwise provided by law, no barrister or solicitor may be appointed as a justice of the peace during the time he continues to so practise.*

*(3) Subsection (2) does not apply to a person who is a justice of the peace by virtue of an appointment as a provincial judge.*

(3) Section 4(1) presently reads:

*4(1) In the absence of any provision to the contrary in any relevant Act, a complaint or information may be heard, tried and determined by one justice of the peace.*

(4) Justices of the Peace Review Council.

Council on the recommendation of the Justices of the Peace Review Council.

*(5) Section 6 is amended by striking out “Attorney General” and substituting “Chief Judge of the Provincial Court”.*

*(6) Section 7 is repealed and the following is substituted:*

**6.1** Where a sitting justice of the peace hears, tries and determines a complaint or information, that sitting justice of the peace while carrying out those functions

- (a) shall hear, try and determine the matter in the Provincial Court, and
- (b) for the purpose of hearing, trying and determining the matter is, subject to the regulations, empowered to exercise all the powers and to perform all the duties of a provincial judge.

**6.2** Sections 5, 14 and 16 of the *Provincial Court Judges Act* apply to a justice of the peace in the same manner as if the justice of the peace were a provincial judge.

**6.3** The Chief Judge of the Provincial Court

- (a) shall supervise and assign duties to justices of the peace, and
- (b) may delegate the supervision and assignment of duties referred to in clause (a) to a provincial judge or a supernumerary provincial judge.

**7(1)** The Lieutenant Governor in Council may make regulations

- (a) governing the process under which a person may be selected to be appointed as a justice of the peace;
- (b) governing appointments to the Justices of the Peace Review Council;
- (c) governing the procedure to be followed by the Justices of the Peace Review Council in the carrying out of its duties;
- (d) prescribing the statutes and the regulations or any provision of them in respect of which a sitting

(5) Section 6 presently reads:

*6 A justice of the peace may at any time resign his position in writing signed by him and delivered to the Attorney General.*

(6) Section 7 presently reads:

*7 The Lieutenant Governor in Council may make regulations*

*(a) fixing the fees and allowances to be paid to justices of the peace;*

*(b) requiring and governing the making of returns and reports by justices of the peace;*

*(c) governing the remission of fines, penalties, forfeitures or other sums of money;*

*(d) respecting any matter necessary and advisable to carry out effectively the intent and purposes of this Act.*

justice of the peace may hear, try and determine a complaint or information;

- (e) prescribing duties that shall not be assigned to justices of the peace;
- (f) fixing and governing the fees, allowances and salaries to be paid to justices of the peace or any class of justices of the peace who carry out their duties on a full-time or part-time basis;
- (g) prescribing fees to be paid for each proceeding or specified service;
- (h) providing for and governing the benefits to which justices of the peace are entitled, including
  - (i) personal expense allowances and services;
  - (ii) travel and moving allowances;
  - (iii) leaves of absence and vacations;
  - (iv) sick leave credits and payments in respect of those credits;
  - (v) pension benefits for justices of the peace and their spouses or survivors;
- (i) providing for the transfer or other disposition of benefits referred to in clause (h) to which persons appointed as justices of the peace under this Act were entitled under the *Public Service Act*, the *Public Service Pension Plan Act* or the *Public Service Management Pension Plan Act* and the regulations under those Acts at the time of their appointment under this Act;
- (j) requiring and governing the making of returns and reports by justices of the peace;
- (k) governing the remission of fines, penalties, forfeitures or other sums of money;
- (l) respecting any matter necessary and advisable to carry out effectively the intent and purposes of this Act.



(2) A regulation made under subsection (1)(f) to (i) shall, if so provided in the regulation, be effective from a date prior to the making of the regulation.

(7) *This section comes into force on Proclamation.*

*17(1) The Land Titles Act is amended in section 107*

(a) *by repealing subsection (1)(a);*

(b) *by repealing subsection (4).*

(2) *This section is deemed to have come into force on October 1, 1990.*

*18 The Law of Property Act is amended in section 49 by adding the following after subsection (5):*

(6) This section does not apply to

(a) goods unless they were acquired from the seller for use as consumer goods, or



(7) Coming into force.

**17(1)** This section will amend chapter L-5 of the Revised Statutes of Alberta 1980. Section 107 presently reads:

*107(1) A mortgage, charge or encumbrance on land or on any estate or interest therein*

*(a) contained in a purchase-money security agreement that may be registered under the Personal Property Security Act, or*

*(b) contained in, endorsed on or annexed to a written order, contract or agreement for the purchase or delivery of any chattel or chattels,*

*is void to all intents and purposes whatsoever, notwithstanding anything in any Act.*

*(2) No such mortgage, charge or encumbrance, and no caveat founded thereon, or on any such writing or instrument, shall be registered or filed under this Act.*

*(3) If any such writing or instrument, by inadvertence, accident or otherwise howsoever, is registered or filed in any Land Titles Office contrary to this section, the registration or filing is ineffective and nugatory to all intents and purposes whatsoever, and may be cancelled by a judge of the Court of Queen's Bench on the application, of any person interested, by originating notice.*

*(4) In this section, "purchase-money security agreement" means an agreement that provides for a purchase-money security interest as defined in the Personal Property Security Act.*

(2) Coming into force.

**18** This section will amend chapter L-8 of the Revised Statutes of Alberta 1980. Application.

- (b) a purchase-money security agreement to the extent that it provides for a security interest that is not a purchase-money security interest.

*19(1) The Legal Profession Act is amended by this section.*

*(2) Section 4(3)(b) is amended by striking out “or committee” and substituting “, committee or other body”.*

*(3) Section 7(2) is amended by adding the following after clause (aa):*

- (bb) respecting the licensing or regulation of persons holding professional legal qualifications obtained in a country other than Canada in relation to services provided in Alberta by those persons in giving legal advice respecting the laws of that country.

*(4) The following is added after section 45:*

**45.1(1)** Those persons enrolled as members under section 45 of the *Legal Profession Act* (RSA 1980 cL-9) immediately before the repeal of that section do not cease to be members merely because of the repeal of that section.

**(2)** A member referred to in subsection (1) may act as counsel in any civil or criminal proceedings in Alberta and in any matters in connection with or incidental to those proceedings but shall not carry on a general practice in Alberta as a barrister or solicitor until the Education Committee is satisfied that the member has, in accordance with the rules,

- (a) passed a bar examination, and
- (b) passed any special examination that the Coordinating Council requires, if the member has not received a degree in law or has received a degree in law from a university outside Alberta.

**19**(1) This section will amend chapter L-9.1 of the Statutes of Alberta, 1990.

(2) Section 4(3) presently reads:

(3) *No action lies against*

*(a) a board, committee or other body referred to in subsection (2)(b), or*

*(b) any person who is or was a member or officer of a board or committee referred to in subsection (2)(b),*

*in respect of anything done by any of them in good faith in the operation of a legal aid plan established under this section.*

(3) Section 7(2) presently reads in part:

(2) *Without restricting the generality of subsection (1), the Benchers may make rules*

*(aa) respecting the rights and duties of students-at-law and the circumstances in which they may act as counsel in proceedings before the courts and judges referred to in section 102.*

(4) Members enrolled under section 45 of former Legal Profession Act.

*(5) Section 103(2) is amended by adding the following after clause (l):*

- (m) a person holding professional legal qualifications obtained in a country outside Canada in respect of services permitted to be provided by that person in accordance with the rules in giving legal advice respecting the laws of that country.

*(6) Section 115 is repealed and the following is substituted:*

**115** The Alberta Law Foundation, in this Part called the “Foundation”, is continued as a corporation consisting of the members of its board of directors.

*(7) Section 116(a) is amended by adding the following after subclause (iv):*

- (v) contributing to the costs incurred by a board, committee or other body that administers a plan to provide legal aid under an agreement under section 4;

*(8) Section 119(1) is amended by striking out “The board” and substituting “Subject to section 119.1, the board”.*

(5) Section 103 presently reads in part:

*103(1) No person shall, unless he is an active member of the Society,*

*(a) practise as a barrister or as a solicitor,*

*(b) act as a barrister or as a solicitor in any court of civil or criminal jurisdiction,*

*(c) commence, carry on or defend any action or proceeding before a court or judge on behalf of any other person, or*

*(d) settle or negotiate in any way for the settlement of any claim for loss or damage founded in tort.*

*(2) Subsection (1) does not apply to the following:*

(6) Section 115 presently reads:

*115 There is hereby established a corporation with the name "Alberta Law Foundation", in this Part called the "Foundation", consisting of the members of its board of directors.*

(7) Section 116(a) presently reads:

*116 The objects of the Foundation are*

*(a) to receive money and property and to maintain and manage a fund, the interest and capital of which is to be used from time to time as the board of directors of the Foundation sees fit for*

*(i) conducting research into and recommending reform of law and the administration of justice;*

*(ii) establishing, maintaining and operating law libraries;*

*(iii) contributing to the legal education and knowledge of the people of Alberta and providing programs and facilities for those purposes;*

*(iv) providing assistance to native people's legal programs, student legal aid programs and programs of like nature;*

(8) Section 119(1) presently reads:

*119(1) The board shall apply and cause to be applied the funds of the Foundation in any manner the board may decide in carrying out the objects of the Foundation.*

*(9) The following is added after section 119:*

**119.1(1)** Not more than 6 months after the beginning of each fiscal year of the Foundation, the Foundation shall pay to a board, committee or other body that administers a plan to provide legal aid under an agreement under section 4 an amount to be used to defray the cost of providing legal aid under that agreement.

**(2)** The amount paid under subsection (1) shall be 25% of the money remitted to the Foundation under section 122 during the fiscal year of the Foundation that immediately precedes the fiscal year in which the payment is required to be made.

**(3)** The Foundation may make payments to the board, committee or other body during a fiscal year in addition to the payment referred to in subsection (1).

**(4)** The board, committee or other body to which money is paid under subsection (1) shall give the Foundation a detailed audited statement of its accounts and financial transactions for a fiscal year not more than 4 months after the end of the fiscal year.

*(10) Section 140(2) is repealed.*

*(11) Subsections (3), (5), (7), (8) and (9) come into force on Proclamation.*

*(12) Subsection (6) is deemed to have come into force on May 1, 1991.*

*20(1) The Licensing of Trades and Businesses Amendment Act, 1990 is amended by this section.*

(9) Payment by Foundation.

(10) Section 140(2) presently reads:

*(2) A person who, immediately before the coming into force of section 46, was enrolled as a member pursuant to the predecessor of section 46, ceases to be a member*

*(a) at the expiration of the 1-year period following the date on which this section comes into force, or*

*(b) at the conclusion of all matters on which he was acting in Alberta in his capacity as a member,*

*whichever event occurs first, unless that person, before that event occurs, satisfies the Education Committee that he has met the requirements for enrolment under another provision of Part 2.*

*(NOTE: Section 140(2) comes into force on Proclamation.)*

(11) Coming into force.

(12) Coming into force.

**20(1)** This section will amend chapter 26 of the Statutes of Alberta, 1990.

*(2) Section 4 is amended*

- (a) as to section 4.1(4) by striking out “the board” and substituting “a regulatory board”;*
- (b) as to section 4.1(7)(b) by striking out “section” and substituting “subsection”.*

*(3) Section 12 is amended as to section 17(6) by striking out “shall” and substituting “may”.*

*21(1) The Local Authorities Pension Act is amended in section 1(b)(vii) by striking out “Trustees’ ” and substituting “Boards”.*

*(2) This section comes into force on July 1, 1991.*

*22(1) The Local Authorities Pension Plan Act is amended in section 1(1)(h)(ix) by striking out “Trustees’ ” and substituting “Boards”.*



(2) Section 4 presently reads in part:

*4 The following is added after section 4:*

*(4) The Regulations Act does not apply to a by-law of the board.*

*(7) The Minister may make regulations respecting*

*(a) the collection of fees by a regulatory board on the Government's behalf and their remission to the Provincial Treasurer, and*

*(b) the payment of a commission to a regulatory board for its services under this section.*

(3) Section 12 presently reads in part:

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

*(6) If the judge is not satisfied that entry into the dwelling-house is necessary for any purpose relating to the administration of this Act, he shall*

*(a) order the occupant of the dwelling-house to provide reasonable access to a person named in the order to any records or documents that are being or should be kept in the dwelling-house, and*

*(b) make any other order that is appropriate in the circumstances to carry out the purposes of this Act.*

**21**(1) This section will amend chapter L-28 of the Revised Statutes of Alberta 1980. Section 1(b)(vii) presently reads:

*1 In this Act,*

*(b) "local authority" means*

*(vii) the Alberta School Trustees' Association, and*

(2) Coming into force.

**22**(1) This section will amend chapter L-28.1 of the Statutes of Alberta, 1985. Section 1(1)(h)(ix) presently reads:

*1(1) In this Act,*

*(h) "local authority" means*

*(ix) the Alberta School Trustees' Association, and*

*(2) This section comes into force on July 1, 1991.*

*23 The Maintenance Enforcement Act is amended in section 25 by adding the following after subsection (1):*

**(1.1)** Notice of an application under subsection (1) or (4) must be served on the Director.

*24(1) The Matrimonial Property Act is amended by this section.*

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

**16** Where a person dies after commencing an action under this Part,

- (a) the action may be continued by the estate of the deceased person, and
- (b) the rights conferred on that person under this Part prior to that person's death survive that person's death for the benefit of that person's estate.

*(3) Section 16 of the Matrimonial Property Act as enacted by subsection (2) applies only to actions that are commenced after the coming into force of subsection (2).*

*(4) Section 16 of the Matrimonial Property Act as it read immediately before the coming into force of subsection (2) shall continue to apply to actions that are commenced before the coming into force of subsection (2) in the same manner as if subsection (2) had not come into force.*

*25 The Metis Betterment Act Restoration Act is repealed.*

*26 The Motor Vehicle Accident Claims Act is amended by repealing section 27(1) and substituting the following:*

**27(1)** In any case where a payment on a judgment has been made from the Fund, the debt owing to the Fund may be written off pursuant to the *Financial Administration Act*.

(2) Coming into force.

**23** This section will amend chapter M-0.5 of the Statutes of Alberta, 1985. Section 25(1) and (4) presently read:

*25(1) If garnishment or continuing attachment proceedings are taken by the Director or the creditor or an order is made under section 14, the debtor may apply by notice of motion to the Court of Queen's Bench for an order suspending the garnishment or continuing attachment on any condition the Court considers appropriate for a period specified in the order.*

*(4) The period of suspension in an order made under subsection (1) to which subsection (3) applies may be extended by the Court of Queen's Bench on application by the debtor before the order expires for 1 further period of not more than 3 months.*

**24(1)** This section will amend chapter M-9 of the Revised Statutes of Alberta 1980.

(2) Section 16 presently reads:

*16 Notwithstanding the Survival of Actions Act, the rights conferred on a person by this Part do not survive the death of that person for the benefit of his estate.*

(3) Application.

(4) Application.

**25** Repeals chapter 26 of the Statutes of Alberta, 1982.

**26** This section will amend chapter M-21 of the Revised Statutes of Alberta 1980. Section 27(1) presently reads:

*27(1) In any case where*

*(a) a payment on a judgment has been made from the Fund or the Unsatisfied Judgment Fund, and*

*27(1) The Municipal District of Badlands No. 7 Incorporation Act is amended by this section.*

*(2) Section 2(1) is amended by adding “, and is deemed to have been incorporated on January 1, 1991” after “No. 7”.*

*(3) Section 3(2) is amended by striking out the words preceding clause (a) and substituting the following:*

*(2) On January 1, 1991 or beginning on that date,*

*(4) Section 4(1) is repealed and the following is substituted:*

**4(1)** Notwithstanding section 27 of the *Municipal Taxation Act*, for the purpose of taxation, the council shall adopt the assessed values of the property within the Municipality as made for 1990 by the assessor for Improvement District No. 7.

*(5) Section 5 is amended by striking out “on the date this section comes into force” and substituting “on December 31, 1990”.*

*(6) This section is deemed to have come into force on December 20, 1990.*

*28(1) The Notaries Public Act is amended by this section.*

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

**2(1)** A member of The Law Society of Alberta, other than an honorary member, is ex officio a notary public for Alberta.

**(2)** A person who is registered as a student-at-law under the *Legal Profession Act* is ex officio a notary public for Alberta.

*(b) more than 10 years have elapsed since the payment was made,*

*the debt owing to the Fund may be written off pursuant to the Financial Administration Act.*

**27(1)** This section will amend chapter M-24.2 of the Statutes of Alberta, 1990.

(2) Section 2(1) presently reads:

*2(1) The reeve and councillors and all other electors within the Municipality are a corporation with the name "The Municipal District of Badlands No. 7".*

(3) Section 3(2) presently reads in part:

*(2) When this Act comes into force,*

*(a) Improvement District No. 7 is dissolved;*

(4) Section 4(1) presently reads:

*4(1) Notwithstanding section 27 of the Municipal Taxation Act, for the purpose of taxation in the year in which this Act comes into force, the council shall adopt the assessed values of the property within the Municipality as made in the prior year by the assessor for Improvement District No. 7.*

(5) Section 5 presently reads:

*5 The persons appointed to the Advisory Council for Improvement District No. 7 on the date this section comes into force are deemed to be the council of the Municipality until a new council is elected under the Local Authorities Election Act.*

(6) Coming into force.

**28(1)** This section will amend chapter N-11 of the Revised Statutes of Alberta 1980.

(2) Section 2 presently reads:

*2(1) Every member of The Law Society of Alberta is and has always been a notary public for Alberta.*

*(2) A person who is registered as a student-at-law under the Legal Profession Act is a notary public for Alberta while he is so registered.*

(3) A member of The Law Society of Alberta and a person registered as a student-at-law under the *Legal Profession Act* are not entitled to exercise the powers of a notary public under this section while membership or registration is suspended.

(3) *Section 3 is amended by striking out “and has always been, from the time of his appointment to that office,” and substituting “ex officio”.*

(4) *Section 5(2) is amended by adding the following after clause (c):*

(d) certifying copies of documents as being true copies.

*29(1) The Personal Property Security Act is amended by this section.*

(2) *Section 1(1) is amended*

(a) *by repealing clause (b.1) and substituting the following:*

(b.1) “advance” means the payment of money, the provision of credit or the giving of value and includes any liability of the debtor to pay interest, credit or other charges or costs, in connection with an advance or the enforcement of the security interest securing an advance;

(b) *in clause (k)*

(i) *by striking out “but does not include trees other than” and substituting “but includes trees only if they are”;*

(ii) *by striking out “and” at the end of subclause (ii) and substituting “or”;*

(c) *by adding the following after clause (dd):*

*(3) If a member of The Law Society of Alberta or a student-at-law is suspended by the Society he is not entitled to exercise his powers as a notary public until the suspension is terminated.*

(3) Section 3 presently reads:

*3 Every provincial judge, surrogate court judge, master in chambers, judge of the Court of Queen's Bench and judge of the Court of Appeal is and has always been, from the time of his appointment to that office, a notary public for Alberta.*

(4) Section 5(2) presently reads:

*(2) Notwithstanding subsection (1), the appointment of a notary public may be made so that the powers of the notary public are limited to the following:*

*(a) administering oaths and taking affidavits, affirmations and declarations attested by his signature and seal;*

*(b) attesting all commercial instruments that are brought before him for public protestation;*

*(c) issuing certificates under the Guarantees Acknowledgment Act.*

**29(1)** This section will amend chapter P-4.05 of the Statutes of Alberta, 1988.

(2) Section 1(1) presently reads in part:

*1(1) In this Act,*

*(b.1) "advance" means the payment of money, the provision of credit or the giving of value;*

*(k) "crops" means crops, whether matured or otherwise, and whether naturally grown or planted, attached to land by roots or forming part of trees or plants attached to land, but does not include trees other than*

*(i) nursery stock,*

*(ii) trees being grown for uses other than the production of lumber or wood products, and*

*(iii) trees being grown for use in reforestation of land other than the land on which the trees are growing;*

*(ff) "prescribed" means prescribed by the regulations;*

(dd.1) “personal property” means goods, chattel paper, a security, a document of title, an instrument, money or an intangible;

(d) in clause (ff) by striking out “by” and substituting “under”.

(3) Section 3(2) is repealed and the following is substituted:

(2) Subject to sections 4 and 55, this Act applies to

- (a) a transfer of an account or chattel paper,
- (b) a lease of goods for a term of more than one year, and
- (c) a commercial consignment,

that does not secure payment or performance of an obligation.

(4) Section 10 is amended

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

- (i) a description of the collateral by item or kind or as “goods”, “chattel paper”, “securities”, “documents of title”, “instruments”, “money” or “intangibles”,

(b) in subsection (1)(b)(iii)

- (i) by adding “personal” after “after-acquired”;
- (ii) by adding “or except personal property described as “goods”, “chattel paper”, “securities”, “documents of title”, “instruments”, “money” or “intangibles” ” after “kinds of personal property”.

(5) Section 20(1)(a)(iii) is repealed and the following is substituted:

- (iii) where collateral has been seized under legal process, an execution creditor entitled by law to participate in a distribution relating to that collateral under the *Execution Creditors Act*, and



(3) Section 3(2) presently reads:

*(2) Subject to sections 4 and 55, this Act applies to a transfer of an account or chattel paper, a lease of goods for a term of more than 1 year and a commercial consignment, notwithstanding that the transfer, lease or consignment does not secure payment or performance of an obligation.*

(4) Section 10(1)(b) presently reads:

*10(1) Subject to subsection (2), a security interest is enforceable against a third party only where*

*(b) the debtor has signed a security agreement that contains*

*(i) a description of the collateral by item or kind,*

*(ii) a statement that a security interest is taken in all of the debtor's present and after-acquired personal property, or*

*(iii) a statement that a security interest is taken in all of the debtor's present and after-acquired property except specified items or kinds of personal property.*

(5) Section 20(1)(a) presently reads:

*20(1) A security interest*

*(a) in collateral is subordinate to the interest of*

*(i) a person who causes the collateral to be seized under legal process to enforce a judgment, including execution, attachment or garnishment, or who obtains a charging order or equitable execution affecting or relating to the collateral,*

*(6) Section 48(2) is repealed.*

*(7) Section 49(3) is amended by striking out “of a condominium corporation” and substituting “shown on that plan”.*

*(8) Section 57(1) is amended by adding “and” at the end of clause (a) and repealing clause (b).*

*(9) Section 60(4) is amended*

*(a) in clause (a) by striking out “or” and substituting “and”;*

*(ii) a sheriff who has seized or has a right to the collateral under the Execution Creditors Act,*

*(iii) an execution creditor entitled by law to participate in the distribution of property or its proceeds seized under legal process as provided in the Execution Creditors Act, and*

*(iv) a representative of creditors, but only for the purposes of enforcing the rights of a person referred to in subclause (i)*

*if that security interest is unperfected at the time the interest of the person mentioned in subclause (i), (ii) or (iv) arises or at the time the execution creditor mentioned in subclause (iii) delivers a writ of execution to the sheriff under section 10(2) of the Execution Creditors Act;*

(6) Section 48(2) presently reads:

*(2) A printed search result that purports to be issued by the Registry is receivable in evidence as prima facie proof of its contents.*

(7) Section 49(3) presently reads:

*(3) The registrar of the land titles office to which the notice in subsection (2) is tendered shall make a memorandum of the notice on the certificate of title in respect of the parcel of land to which the notice relates, or on the condominium plan if the notice relates to common property of a condominium corporation.*

(8) Section 57(1) presently reads:

*57(1) Where so agreed and in any event on default under a security agreement, a secured party is entitled*

*(a) to notify a debtor on an intangible or chattel paper or an obligor on an instrument to make payment to him whether or not the assignor was making collections on the collateral before the notification,*

*(b) to take control of any proceeds to which he is entitled under section 28, and*

*(c) to apply any money taken as collateral to the satisfaction of the obligation secured by the security interest.*

(9) Section 60(4) presently reads:

*(4) Not less than 20 days prior to the disposition of the collateral, the secured party shall give notice of disposition to*

(b) *in clause (b) by adding “, prior to the date that the notice of disposition is given to the debtor,” before “registered”.*

(10) *Section 62(1)(b)(i) is amended by adding “, prior to the date that the notice of the proposal is given to the debtor,” before “registered”.*

(11) *Section 68.1 is amended by adding the following after subsection (2):*

(3) This section does not apply to ex parte applications authorized under this Act.

(12) *Section 75 is amended*

(a) *in subsection (3)*

*(a) the debtor or any other person who is known by the secured party to be an owner of the collateral,*

*(b) a creditor or person with a security interest in the collateral whose interest is subordinate to that of the secured party, and*

*(i) who has registered a financing statement according to the name of the debtor or according to the serial number of the collateral in the case of goods of a kind prescribed by the regulations as serial number goods, or*

*(ii) whose interest was perfected by possession at the time the secured party seized the collateral,*

*and*

*(c) any other person with an interest in the collateral who has given notice to the secured party of his interest in the collateral prior to the date that the notice of disposition is given to the debtor.*

(10) Section 62(1)(b)(i) presently reads:

*62(1) After default, the secured party may propose to take the collateral in satisfaction of the obligations secured, and shall give a notice of the proposal to*

*(b) a creditor or person who has a security interest in the collateral whose interest is subordinate to that of the secured party, and*

*(i) who has registered a financing statement according to the name of the debtor or according to the serial number of the collateral in the case of goods of a kind prescribed by the regulations as serial number goods, or*

(11) Section 68.1 presently reads:

*68.1(1) An application under this Act shall be made by originating notice unless it is further to proceedings that have been commenced.*

*(2) Where a provision of this Act providing for an application to the Court does not specify the persons to whom notice is to be given, unless the Court otherwise directs notice shall be given to all persons whose rights may be affected.*

(12) Section 75 presently reads in part:

*(3) A prior security interest registered under the Business Corporations Act or the Companies Act is deemed to have been*

- (i) *by adding "registered and" before "perfected status";*
  - (ii) *by striking out "October 1" and substituting "September 30";*
- (b) *in subsection (4.1)(b) by striking out "or perfection";*
- (c) *in subsection (5.1) by striking out "subsection (5)" and substituting "this Act".*

*(13) Section 93 is repealed.*

*registered and perfected under this Act, and the perfected status of the interest ceases to be effective after September 30, 1993, but may be further continued under this Act by registration under this Act if the security interest could have been perfected by registration if it had attached after October 1, 1990.*

*(4.1) Where the perfection of a prior security interest that is deemed registered or perfected under this section is continued by registration under this Act,*

*(a) registration under this Act continues any registration or perfected status under prior registration law for the purposes of section 74(4), and*

*(b) the registration under this Act supersedes any registration or perfection under prior law.*

*(5.1) For the purposes of subsection (5), a security interest was perfected under prior law when the secured party complied with such law with respect to the creation and continuation of the security interest, and the security interest has a status in relation to the interests of other secured parties, buyers, judgment creditors or the trustee in bankruptcy of the debtor, similar to that of an equivalent security interest created and perfected under this Act.*

(13) Section 93 presently reads:

93 *The Partnership Act is amended*

*(a) in section 1*

*(i) by repealing clause (b);*

*(ii) by adding the following after clause (e):*

*(f) "Personal Property Registry" means the Personal Property Registry under the Personal Property Security Act.*

*(b) in sections 51(3) and 70(2) by striking out "Chattel Security Registries Act" and substituting "Personal Property Security Act";*

*(c) in the following provisions by striking out "Central Registry" wherever it occurs and substituting "Personal Property Registry":*

*section 51(1) and (1.1);*

*section 71;*

*section 77(2);*

*section 81;*

*(14) Section 102 is amended*

- (a) in subsection (1) by striking out “, except section 93,”;*
- (b) by repealing subsection (2).*

*(15) Subsection (12) is deemed to have come into force on October 1, 1990.*

*30 The Plumbing and Drainage Act is amended by adding the following after section 24(1):*

*(1.1) If a code or standard relating to plumbing equipment or plumbing systems and related matters has been published by any association or body of persons, the Lieutenant Governor in Council may, in addition to or instead of any regulation under subsection (1), by regulation declare the code or standard to be in force in whole or in part or with variations.*

*31(1) The Police Act is amended by this section.*

*(2) Section 9(2) is repealed and the following is substituted:*

*(2) At least one member of the board shall be an active member of The Law Society of Alberta.*

*(3) Section 10(1) is amended by striking out “a member of the judiciary” and substituting “an active member of The Law Society of Alberta”.*

*(4) Section 34 is amended*

- (a) by renumbering it as section 34(1);*
- (b) in subsection (1) by striking out the words preceding clause (a) and substituting the following:*

**34(1)** Subject to subsection (2), to be eligible to be appointed as



*section 82(2);  
section 85(1);  
section 86;  
section 91.*

*(NOTE: This section comes into force on Proclamation.)*

(14) Section 102 presently reads:

*102(1) This Act, except section 93, comes into force on October 1, 1990.*

*(2) Section 93 comes into force on Proclamation.*

(15) Coming into force of subsection (12).

**30** This section will amend chapter P-10 of the Revised Statutes of Alberta 1980. Adoption of codes.

**31(1)** This section will amend chapter P-12.01 of the Statutes of Alberta, 1988.

(2) Section 9(2) presently reads:

*(2) At least 1 member of the Board shall be a judge of the Court of Appeal or the Court of Queen's Bench.*

(3) Section 10(1) presently reads:

*10(1) The Lieutenant Governor in Council shall designate one of the members of the Board who is a member of the judiciary as Chairman of the Board.*

(4) Section 34 presently reads:

*34 To be eligible to be appointed as*

*(a) a police officer, other than a chief of police, or*

*(b) a special constable,*

*a person must be a Canadian citizen or lawfully admitted to Canada for permanent residence and,*

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

(2) In the case of a special constable, the Solicitor General may exempt a person from having to be a Canadian citizen or lawfully admitted to Canada for permanent residence if the Solicitor General believes the exemption will assist in improving the enforcement of law in Alberta.

**32** *The Premier's Council on Science and Technology Act is amended in section 4*

(a) *in subsection (1) by striking out "28" and substituting "29";*

(b) *in subsection (4) by striking out "28" and substituting "29";*

(c) *in subsection (5) by striking out "3" and substituting "4".*

**33** *The Provincial Offences Procedure Act is amended by repealing section 38 and substituting the following:*

**38** Where a defendant has a reasonable excuse for failing to dispute the charge or failing to appear in person or by agent at a trial, the defendant or the defendant's agent may, if not more than 15 days have elapsed since the conviction first came to the attention of the defendant, appear before a justice and the justice on being satisfied by affidavit that the defendant's excuse is reasonable shall set aside the conviction and

(a) give the person appearing a notice of trial in accordance with section 32, or

(b) proceed in accordance with section 35.

**34** *The Provincial Parks Act is amended in section 8(1)(c) and (d) by adding "or authorizing the Minister to prescribe" after "prescribing".*

*(c) in the case of a police officer, meet the other qualifications specified by the regulations and the commission, or*

*(d) in the case of a special constable, meet the other qualifications specified by the regulations and the employer of the special constable.*

**32** This section will amend chapter P-14.2 of the Statutes of Alberta, 1990. Section 4 presently reads in part:

*4(1) The Council shall consist of the Premier, the Minister and not more than 28 other members appointed in accordance with this section.*

*(4) The Lieutenant Governor in Council may appoint not more than 28 other members to the Council.*

*(5) Not more than 3 of the members of the Council appointed under subsection (4) may be Members of the Legislative Assembly.*

**33** This section will amend chapter P-21.5 of the Statutes of Alberta, 1988. Section 38 presently reads:

*38 If through no fault of his own a defendant has not had an opportunity to dispute the charge or to appear in person or by agent at a trial because a necessary notice or document failed to be delivered, and if not more than 15 days has elapsed since the conviction first came to the attention of the defendant, the defendant or his agent may appear before a justice to provide evidence of those facts and the justice, on being satisfied by affidavit of those facts, shall set aside the conviction and give the person appearing a notice of trial in accordance with section 32 or proceed in accordance with section 35.*

**34** This section will amend chapter P-22 of the Revised Statutes of Alberta 1980. Section 8(1)(c) and (d) presently read:

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

*(c) prescribing the duties and obligations of the persons to whom the dispositions are made in relation to the use and occupation of the land by them;*

*(d) prescribing the terms and conditions to which dispositions are subject;*

*35(1) The School Act is amended in section 160(2)(j)(i)(A) by striking out "Trustees' " and substituting "Boards".*

*(2) This section comes into force on July 1, 1991.*

*36(1) The Social Care Facilities Licensing Act is amended by this section.*

*(2) Section 1(a) is repealed and the following is substituted:*

*(a) "day care centre" means a facility defined in the regulations as a day care centre for the purposes of this Act;*

*(3) Section 11(h.1) is amended by adding "day care centre and" after "defining".*

*(4) This section comes into force on Proclamation.*

*37 The St. John's Hospital, Edson Act is repealed.*

*38 The Students Finance Act is amended in section 5(1) by striking out "an audited financial statement for that period and".*

**35(1)** This section will amend chapter S-3.1 of the Statutes of Alberta, 1988. Section 160(2)(j) presently reads:

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

*(j) authorizing the Minister*

*(i) to deduct from grants payable to a board any amounts owing by the board in the nature of*

*(A) fees payable to the Alberta School Trustees' Association, or*

*(B) unpaid payments of principal and interest under debentures,*

*and*

*(ii) to pay the amount deducted on behalf of the board in the manner the Minister directs;*

**(2)** Coming into force.

**36(1)** This section will amend chapter S-14 of the Revised Statutes of Alberta 1980.

**(2)** Section 1(a) presently reads:

*1 In this Act,*

*(a) "day care centre" means a facility that provides care, development or supervision for 7 or more children under the age of 6 years for more than 3 consecutive hours per day;*

**(3)** Section 11(h.1) presently reads:

*11 The Lieutenant Governor in Council may make regulations*

*(h.1) defining day care facility for the purposes of this Act;*

**(4)** Coming into force.

**37** This section will repeal chapter 105 of the Statutes of Alberta, 1961.

**38** This section will amend chapter S-24 of the Revised Statutes of Alberta 1980. Section 5(1) presently reads:

*5(1) The Board shall annually, after the end of each fiscal year of the Government, prepare and submit to the Minister a general report summarizing its transactions and affairs during the*

*39 The Surveys Act is amended in section 41(5) by striking out “subsection (3)” and substituting “subsection (4)”.*

*40 The Trustee Act is amended by repealing section 34(1) and substituting the following:*

**34(1)** When property is held by a trustee in trust for a person for any interest whatever, whether contingent or vested either defeasibly or indefeasibly, the trustee may in his discretion,

- (a) in the case of a beneficiary who is a minor, pay to the parent or guardian having custody or control of the minor, or pay on behalf of the beneficiary, or
- (b) in the case of a beneficiary who is not a minor and not immediately entitled to payment of the income, pay to that beneficiary, or pay on behalf of the beneficiary,

the whole or any part of the income of the property held in trust for the maintenance, education, benefit or advancement of the beneficiary.

*41(1) The Universities Act is amended by this section.*

*(2) Section 58 is amended by striking out “appointed under the Fatality Inquiries Act has countersigned the burial permit or has issued a certificate stating that he has caused the body to be examined and has examined the medical certificate of death” and substituting “or investigator authorized by a medical examiner has issued a certificate under section 16 of the Fatality Inquiries Act”.*

*preceding fiscal year and showing its revenues and the application of its expenditures during that period, together with an audited financial statement for that period and any other information the Minister may require.*

**39** This section will amend chapter S-29.1 of the Statutes of Alberta, 1987. Section 41(5) presently reads:

*(5) Notwithstanding subsection (3), every lot on a linear block boundary in a subdivision survey shown on a plan registered at the Land Titles Office after February 16, 1912, and before the date on which this Act comes into force shall have a frontage measurement proportionate to the total distance between the corners of the block in the same ratio as the frontage measurement of each lot shown on the registered plan bears to the total distance between corners of the block shown on the plan.*

**40** This section will amend chapter T-10 of the Revised Statutes of Alberta 1980. Section 34(1) presently reads:

*34(1) When property is held by a trustee in trust for a person for any interest whatever, whether contingent or vested either defeasibly or indefeasibly, the trustee may in his discretion*

*(a) in the case of a beneficiary who is a minor*

*(i) pay to the parent or guardian having custody or control of the minor, or*

*(ii) otherwise apply for his maintenance, education, benefit or advancement,*

*or*

*(b) in the case of a beneficiary who is not a minor and not immediately entitled to payment of the income, pay to that beneficiary or on his behalf for his maintenance, education, benefit or advancement,*

*the whole or any part of the income of the property so held in trust.*

**41(1)** This section will amend chapter U-5 of the Revised Statutes of Alberta 1980.

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

*58 If a body has been handed over to a university for anatomical purposes or for scientific study or research under section 55 or 56 or under the Human Tissue Gift Act, the university shall not allow the body to be dissected or otherwise subjected to study or research until a medical examiner appointed*

*(3) Section 59(1) is amended by adding “, subject to section 58,” before “at liberty”.*

*42(1) The Young Offenders Act is amended by this section.*

*(2) Section 1(1) is amended*

*(a) by adding the following after clause (d):*

*(d.1) “justice” means a justice of the peace;*

*(b) in clause (l) by adding “and includes a youth court judge and a justice” after “Provincial Court”.*

*(3) Section 2(1) to (3) are repealed and the following is substituted:*

**2(1)** If proceedings are commenced against a young person by issuing an offence notice under Part 3 of the *Provincial Offences Procedure Act*, that Act applies to those proceedings.

**(2)** If proceedings are commenced against a young person other than by issuing an offence notice under Part 3 of the *Provincial Offences Procedure Act*, the *Provincial Offences Procedure Act* applies except to the extent that it is inconsistent with this Act.

*(4) Section 8 is amended*

*(a) in subsections (5) and (8) by adding “or justice” after “youth court judge”;*

*(b) by repealing subsection (12).*



*under the Fatality Inquiries Act has countersigned the burial permit or has issued a certificate stating that he has caused the body to be examined and has examined the medical certificate of death.*

(3) Section 59(1) presently reads:

*59(1) A university shall keep a careful record of each body received by it in accordance with this Act or the Human Tissue Gift Act, and is at liberty to use the bodies for anatomical purposes and for scientific instruction and research.*

**42(1)** This section will amend chapter Y-1 of the Statutes of Alberta, 1984.

(2) Section 1(1) presently reads in part:

*1(1) In this Act,*

*(d) "federal Act" means the Young Offenders Act (Canada);*

*(l) "youth court" means the Provincial Court;*

(3) Section 2(1), (2) and (3) presently read:

*2(1) Subject to subsection (2) and except to the extent that it is inconsistent with this Act, the Provincial Offences Procedure Act applies to proceedings under this Act.*

*(2) The procedure to pay out of court a voluntary payment pursuant to the Provincial Offences Procedure Act does not apply to a young person who is under 16 years of age when the alleged offence is committed.*

*(3) Subject to section 21, section 577 of the Criminal Code (Canada) applies in respect of proceedings under this Act.*

(4) Section 8(5), (8), (11) and (12) presently read:

*(5) If doubt exists as to the person to whom a notice under this section should be given, a youth court judge may give directions as to the person to whom the notice should be given, and a notice given in accordance with those directions is sufficient notice for the purposes of this section.*

*(8) If there has been a failure to give a notice in accordance with this section and none of the persons to whom a notice may be given attends court with the young person, a youth court judge before whom proceedings are held against the young person may*

(5) *The following is added after section 8:*

**8.1(1)** If proceedings have been commenced against a young person under Part 2 of the *Provincial Offences Procedure Act* and the young person fails to enter a plea or fails to make a voluntary payment in the manner provided for on the summons on or before the initial appearance date, a youth court judge or justice may

- (a) enter a plea of not guilty on behalf of the young person and set a time for a trial,
- (b) issue a warrant for the arrest of the young person, or
- (c) direct that a new summons be issued requiring the attendance of the young person before a youth court judge or justice and set a time at which the attendance is required.

(2) If a warrant is issued pursuant to subsection (1) for the arrest of the young person, notice to the parent shall be given in accordance with section 8 on the arrest of the young person.

(3) When a time is set for a trial pursuant to subsection (1)(a), the youth court judge or justice shall direct that the young person be notified by ordinary mail at his address for service of the time fixed for the trial.

(4) If a young person fails to appear in youth court in person or by an agent at the time fixed for the trial, a youth court judge or justice, on proof of service of the summons,

- (a) shall proceed to conduct the trial *ex parte*, or

*(a) adjourn the proceedings and order that the notice be given in the manner and to the person he directs, or*

*(b) dispense with the notice if, in his opinion, having regard to the circumstances, notice should be dispensed with.*

*(11) Subject to subsection (2.1), subsections (1) to (10) do not apply if a young person makes a voluntary payment in accordance with the Provincial Offences Procedure Act.*

*(12) If the person referred to in subsection (11) does not pay out of court the specified sum within the specified time, a youth court judge or justice may issue a warrant for the arrest of that person and notice to the parent shall be given in accordance with subsection (1) on the arrest of that person.*

(5) Failure to reply to summons.

- (b) on application by a prosecutor, shall adjourn the proceedings, set a new trial date, and direct that the young person be notified of the new trial date by ordinary mail at his address for service.

(5) If the proceedings are adjourned under subsection (4) and the young person fails to appear at the new trial date, a youth court judge or justice shall proceed to conduct the trial ex parte and if the young person is convicted the clerk shall give the young person notice by ordinary mail at the young person's address for service of the conviction and of the time allowed for payment of the fine.

(6) *Section 13(1) is amended by striking out "shall" and substituting "may".*

(7) *The following is added after section 15:*

**15.1(1)** If proceedings have been commenced against a young person under Part 2 of the *Provincial Offences Procedure Act* and the young person makes a voluntary payment by cheque and the cheque is dishonoured on the grounds that no funds or insufficient funds were on deposit to the credit of the account in the institution on which the cheque was drawn, the conviction under section 25(2) of the *Provincial Offences Procedure Act* continues and is deemed to be a finding of guilt and the fine remains outstanding and is deemed to be a disposition under this Act.

(2) The clerk shall give notice to the young person by ordinary mail at his address for service that the cheque has been dishonoured, the conviction continues and the fine remains outstanding, and if the fine remains outstanding 15 days after the notice has been sent, the youth court may, by summons or warrant, compel the young person to appear before the youth court to show cause why a review of the fine pursuant to section 15 of this Act should not be made.

(8) *Section 19 is amended by striking out "in proceedings by way of summary conviction in ordinary court" and substituting "in proceedings in ordinary court pursuant to the Provincial Offences Procedure Act".*

(6) Section 13(1) presently reads:

*13(1) The youth court shall, in imposing a fine on a young person under section 12, have regard to the present and future means of the young person to pay.*

(7) Voluntary payment - N.S.F. cheque.

(8) Section 19 presently reads:

*19 An appeal lies under this Act from a finding of guilt, an order dismissing an information or a disposition made under section 12 or 15 in the same manner as if the finding of guilt were a conviction, the order dismissing the information were an order dismissing the information or the disposition were a sentence, in proceedings by way of summary conviction in ordinary court.*

*(9) Section 20(1.2) is amended*

- (a) by striking out “The youth court” and substituting “A youth court judge”;*
- (b) by striking out “if the court” and substituting “if the youth court judge”.*

*(10) The following provisions are amended as follows:*

- (a) section 2(4) is amended by striking out “Section 744” and substituting “Section 809”;*
- (b) section 6(3) is amended by striking out “section 454” and substituting “section 503”;*
- (c) section 6.1(4) is amended by striking out “section 457” and substituting “section 515”;*
- (d) section 21(3)(a) is amended by striking out “section 577” and substituting “section 650”;*
- (e) section 22(2) is amended by striking out “section 636” and substituting “section 708”;*
- (f) section 24 is amended*
  - (i) in subsection (1) by striking out “subsection 704(1)” and substituting “subsection 770(1)”;*
  - (ii) in subsection (6) by striking out “Subsections 704(2) and (4)” and substituting “Subsections 770(2) and (4)”;*
  - (iii) in subsection (7)*
    - (A) by striking out “Sections 706 and 707” and substituting “Sections 772 and 773”;*
    - (B) by striking out “section 705” and substituting “section 771”.*

*(11) This section, except subsection (10), comes into force on Proclamation.*

(9) Section 20(1.2) presently reads:

*(1.2) The youth court may, on the application of any young person or child referred to in subsection (1), make an order permitting any person to publish a report in which the name of that young person or child, or information serving to identify that young person or child, would be disclosed, if the court is satisfied that the publication of the report would not be contrary to the best interests of that young person or child.*

(10) Corrects references to the Criminal Code (Canada).

(11) Coming into force.