

1992 BILL 52

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 52

MISCELLANEOUS STATUTES AMENDMENT ACT, 1992

THE ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 52

1992

MISCELLANEOUS STATUTES AMENDMENT ACT, 1992

(Assented to _____, 1992)

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

Alberta Health Care Insurance Act

1 The Alberta Health Care Insurance Act is amended in section 7(a) by striking out “prescribing” and substituting “respecting”.

Alberta Heritage Savings Trust Fund Act

2(1) The Alberta Heritage Savings Trust Fund Act is amended by this section.

(2) Section 6(7) is amended

- (a) in clause (e) by striking out “registered under the Canadian and British Insurance Companies Act (Canada)” and substituting “that is a company as defined in the Insurance Companies Act (Canada) that is approved to carry on business by order under that Act”;*
- (b) in clause (f) by striking out “authorized investments under subsection 63(1) of the Canadian and British Insurance Companies Act (Canada)” and substituting “within the classes of investments enumerated in section 86 of the Canadian and British Insurance*

Explanatory Notes

Alberta Health Care Insurance Act

1 This section will amend chapter A-24 of the Revised Statutes of Alberta 1980. Section 7(a) presently reads:

7 The Minister may make regulations

(a) prescribing the rates of benefits in respect of basic health services or extended health services;

Alberta Heritage Savings Trust Fund Act

2(1) This section will amend chapter A-27 of the Revised Statutes of Alberta 1980.

(2) Section 6(7)(e), (f) and (h) presently read:

(7) Investments of the Commercial Investment Division pursuant to subsection (6) shall be made in or by way of any or all of the following:

(e) mortgages or hypothecs or loans secured by mortgages or hypothecs of real estate or leaseholds in Canada notwithstanding that the mortgage or hypothec or the amount of the loan exceeds the amount authorized under clause (d) if the excess is guaranteed or insured by, or through an agency of, the Government of Canada or a province in Canada or by an insurance company registered under the Canadian and British Insurance Companies Act (Canada);

Companies Act (Canada) as it read on May 31, 1992”;

(c) by repealing clause (h) and substituting the following:

(h) securities of a company designated as a mortgage investment company under the Trust and Loan Companies Act (Canada);

(3) Section 10(1)(f) is amended by striking out “authorized investments under subsection 63(1) of the Canadian and British Insurance Companies Act (Canada)” and substituting “within the classes of investments enumerated in section 86 of the Canadian and British Insurance Companies Act (Canada) as it read on May 31, 1992”.

(4) Subsections (2) and (3) are deemed to have come into force on June 1, 1992.

Alberta Resources Railway Corporation Act

3 The Alberta Resources Railway Corporation Act is amended in section 11 by adding “to” after “addition”.

Arbitration Act

4 The Arbitration Act is amended in section 46(1)(b) by striking out “44(3)” and substituting “44(2)”.

- (f) *securities of or guaranteed by any corporation, if those securities are authorized investments under subsection 63(1) of the Canadian and British Insurance Companies Act (Canada);*
- (h) *securities of a loan company designated as a mortgage investment company under the Loan Companies Act (Canada);*

(3) Section 10(1)(f) presently reads:

10(1) Notwithstanding section 6, if any money in the Trust Fund has not been or is not being invested pursuant to that section, the Provincial Treasurer may invest and may reinvest that money in any or all of the following:

- (f) *the bonds, debentures or other evidences of indebtedness or guaranteed by a corporation, if those bonds, debentures or other evidences of indebtedness are authorized investments under subsection 63(1) of the Canadian and British Insurance Companies Act (Canada);*

(4) Coming into force.

Alberta Resources Railway Corporation Act

3 This section will amend chapter A-36 of the Revised Statutes of Alberta 1980. Section 11 presently reads in part:

11 In addition its other corporate powers, the Corporation has power to

Arbitration Act

4 This section will amend chapter A-43.1 of the Statutes of Alberta, 1991. Section 46(1)(b) presently reads:

46(1) The following must be commenced within 30 days after the appellant or applicant receives the award, correction, explanation, change or statement of reasons on which the appeal or application is based:

- (b) *an application for leave to appeal under section 44(3);*

Bulk Sales Act

5 The Bulk Sales Act is repealed.

Business Corporations Act

6 The Business Corporations Act is amended in section 168(5) by striking out “Subject to sections 254(2) and (3), the” and substituting “The”.

Central Western Railway Corporation Act

7(1) The Central Western Railway Corporation Act is amended by this section.

(2) Section 1 is amended

(a) by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):

(a) “Canadian Rail Operating Rules” means the Canadian Rail Operating Rules approved by the Minister of Transport of Canada under the Railway Safety Act (Canada);

Bulk Sales Act

5 This section will repeal chapter B-13 of the Revised Statutes of Alberta 1980.

Business Corporations Act

6 This section will amend chapter B-15 of the Statutes of Alberta, 1985. Section 168(5) presently reads:

(5) Subject to sections 254(2) and (3), the Lieutenant Governor in Council may make regulations with respect to a corporation that constrains the issue or transfer of its shares prescribing

- (a) the disclosure required of the constraints in documents issued or published by the corporation,*
- (b) the duties and powers of the directors to refuse to issue or register transfers of shares in accordance with the articles of the corporation,*
- (c) the limitations on voting rights of any shares held contrary to the articles of the corporation,*
- (d) the powers of the directors to require disclosure of beneficial ownership of shares of the corporation and the right of the corporation and its directors, employees and agents to rely on such disclosure and the effects of such reliance, and*
- (e) the rights of any person owning shares of the corporation at the time of an amendment to its articles constraining share issues or transfers.*

Central Western Railway Corporation Act

7(1) This section will amend chapter 71 of the Statutes of Alberta, 1984.

(2) Section 1(a) and (d) presently read:

1 In this Act,

- (a) "Corporation" means the Central Western Railway Corporation incorporated by this Act;*
- (d) "Uniform Code of Operating Rules" means the Uniform Code of Operating Rules prescribed by the Canadian*

(b) by repealing clause (d).

(3) Section 6(2) is amended by striking out “Uniform Code of Operating Rules as though that Code” and substituting “Canadian Rail Operating Rules as though those Rules”.

(4) Section 7(1)(a) and (4)(b) are amended by striking out “Uniform Code of Operating Rules” and substituting “Canadian Rail Operating Rules”.

Commissioners for Oaths Act

8 The Commissioners for Oaths Act is amended by adding the following after section 2.2:

Notaries public

2.3 Every notary public appointed under the *Notaries Public Act* is ex officio a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in Alberta.

Conflicts of Interest Act

9(1) The Conflicts of Interest Act is amended by this section.

Transport Commission pursuant to the Railway Act (Canada).

(3) Section 6(2) presently reads:

(2) The railways of the Corporation shall be operated and maintained in accordance with the Uniform Code of Operating Rules as though that Code had been prescribed pursuant to an Act of the Legislature.

(4) Section 7(1)(a) and (4)(b) presently read:

7(1) The Corporation shall not employ any person to perform any operational functions relating to the operation of a railway of the Corporation, other than as a locomotive engineer, unless the employee

(a) is qualified to perform the functions of his class of employment by reason of having passed the examinations and having become so qualified under the provisions of the Uniform Code of Operating Rules applicable to that class of employment, and

(4) The Corporation may employ as a locomotive engineer a person who has been employed as a locomotive engineer by another railway corporation in Canada or the United States of America if that person

(b) completes an examination under the Uniform Code of Operating Rules, as presented by the Corporation, to levels of performance as required by the Corporation, and

Commissioners for Oaths Act

8 This section will amend chapter C-19 of the Revised Statutes of Alberta 1980. It declares all notaries public to be commissioners for oaths.

Conflicts of Interest Act

9(1) This section will amend chapter C-22.1 of the Statutes of Alberta, 1991.

(2) Section 1(6) is amended by adding “or” at the end of clause (c), striking out “or” at the end of clause (d) and repealing clause (e).

(3) Section 25(1)(b)(ii) is amended by adding “may” after “Assembly”.

(4) The Schedule is amended by striking out “Board of examiners under the Electrical Protection Act” and “Board of examiners under the Gas Protection Act” and by adding “Safety Codes Council under the Safety Codes Act” before “School Buildings Board”.

Contributory Negligence Act

10 The Contributory Negligence Act is amended by repealing section 3.

Dental Mechanics Act

11 The Dental Mechanics Act is amended in section 8 by adding “, credit union, trust corporation” after “bank”.

(2) Section 1(6) presently reads:

(6) *Subsection (5)(c) does not apply where the corporation is*

(e) *The Alberta Wheat Pool.*

(3) Section 25(1)(b) presently reads:

25(1) A report by the Ethics Commissioner to the Speaker of the Legislative Assembly under section 23(6) shall set out

(b) *the Ethics Commissioner's findings as to whether or not the Member has breached this Act and, if so,*

(i) *the nature of the breach, and*

(ii) *the Ethics Commissioner's recommendation for the sanction, if any, that the Legislative Assembly impose on the Member for the breach.*

(4) Schedule updated in accordance with Safety Codes Act.

Contributory Negligence Act

10 This section will amend chapter C-23 of the Revised Statutes of Alberta 1980. Section 3 presently reads:

3 If no cause of action exists against the owner or driver of a motor vehicle by reason of section 182 of the Highway Traffic Act, no damages, contribution or indemnity shall be recovered from any person for the portion of the damage or loss caused by the negligence of that owner or driver but the portion of the damage or loss so caused by the negligence of that owner or driver shall be determined although that owner or driver is not a party to the action.

Dental Mechanics Act

11 This section will amend chapter D-9 of the Revised Statutes of Alberta 1980. Section 8 presently reads:

Dental Profession Act

12 The Dental Profession Act is amended in section 26(3)(a) by striking out “listed with the World Health Organization”.

Department of Education Act

13 The Department of Education Act is amended in sections 1(a) and 13(2)(c)(iii) by striking out “school committee” and substituting “board of education”.

8 The funds of the Society shall be deposited in a bank or treasury branch for the credit of the Society and the expenses of the Society shall be paid therefrom.

Dental Profession Act

12 This section will amend chapter D-9.5 of the Statutes of Alberta, 1983. Section 26(3)(a) presently reads:

(3) The Professional Examination Board in Dentistry of the Universities Co-ordinating Council may recommend that the Secretary of the Universities Co-ordinating Council issue a certificate of approval to an applicant who

- (a) is a graduate in dentistry from a school, college or university outside of Alberta listed with the World Health Organization whose degree in dentistry or dental surgery is, in the opinion of the Professional Examination Board in Dentistry or a committee of it, equivalent to a degree of doctor of dental surgery from an approved faculty of dentistry,*

Department of Education Act

13 This section will amend chapter D-17 of the Revised Statutes of Alberta 1980. Sections 1 and 13 presently read in part:

1 In this Act,

- (a) "board" means the board of trustees of a school district or division or regional district, the board of education of a county or the school committee of a city or town whose administration has been merged under the Municipal and School Administration Act;*

13(2) An official trustee appointed under subsection (1)

- (c) notwithstanding the County Act or the Municipal and School Administration Act has, with the prior approval of the Minister, power to*
 - (iii) revoke any resolution or by-law concerning school administration that may be passed or may previously have been passed by a board of education of a county, a county council or the school committee or the council of a city or town whose administration has been merged under the Municipal and School Administration Act.*

Family and Community Support Services Act

14 The Family and Community Support Services Act is amended by repealing section 1(a) and substituting the following:

- (a) “Minister” means the Member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;

Fatality Inquiries Act

15(1) The Fatality Inquiries Act is amended by repealing section 20(5) and substituting the following:

(5) Notwithstanding subsection (1), a medical examiner is not required to investigate a death that occurred through natural causes or in the circumstances described in section 10(2)(f)(i) or (ii) if

- (a) a physician is able to certify the information in subsection (6)(a) to (e), and
- (b) the medical examiner is satisfied that an investigation is not required.

(6) A medical examiner who does not investigate a death under subsection (5) shall, based on information provided by the physician, record

- (a) the identity of the deceased;
- (b) the date, time and place of death;
- (c) the circumstances under which the death occurred;
- (d) the cause of death;
- (e) the manner of death;
- (f) the name of the physician who provided the information.

(7) If a medical examiner does not conduct an investigation under subsection (5), the physician is authorized to complete and sign the medical certificate of death referred to in section 15 of the *Vital Statistics Act*.

Family and Community Support Services Act

14 This section will amend chapter F-1.1 of the Statutes of Alberta, 1981. Section 1(a) presently reads:

1 In this Act,

(a) "Minister" means the Minister of Health;

Fatality Inquiries Act

15(1) This section will amend chapter F-6 of the Revised Statutes of Alberta 1980. Section 20(5) presently reads:

(5) If a medical examiner has consented to a physician completing a medical certificate of death under section 15(2)(b) of the Vital Statistics Act, the medical examiner shall establish and record

(a) the identity of the deceased;

(b) the date, time and place of death;

(c) the circumstances under which the death occurred;

(d) the cause of death;

(e) the manner of death;

(f) the name of the physician who completes the medical certificate of death.

(2) This section comes into force on August 1, 1992.

Glenbow-Alberta Institute Act

16(1) The Glenbow-Alberta Institute Act is amended by this section.

(2) Sections 16(2)(a), 17(2)(a) and 18(a) are repealed and the following is substituted for each of them:

- (a) invested within the classes of investments enumerated in section 86 or 88 of the Canadian and British Insurance Companies Act (Canada) as they read on May 31, 1992, or*

(3) Subsection (2) is deemed to have come into force on June 1, 1992.

(2) Coming into force.

Glenbow-Alberta Institute Act

16(1) This section will amend chapter G-5 of the Revised Statutes of Alberta 1980.

(2) Sections 16(2), 17(2) and 18 presently read:

16(2) Subject to subsection (4), the Harvie Foundation's gift or any part of it shall be

- (a) invested in those classes of investments enumerated in subsections 63(1) and (2) of the Canadian and British Insurance Companies Act (Canada), or*
- (b) if permitted under the Financial Administration Act, deposited in the Consolidated Cash Investment Trust Fund.*

17(2) The Government's gift or any part of it shall be

- (a) invested in those classes of investments enumerated in subsections 63(1) and (2) of the Canadian and British Insurance Companies Act (Canada), or*
- (b) if permitted under the Financial Administration Act, deposited in the Consolidated Cash Investment Trust Fund.*

18 Notwithstanding section 16(3) or 17(3), any funds that are derived from the gifts referred to in sections 16 and 17 or that are otherwise acquired by the Institute and that are not immediately required by the Institute to further its objects shall be, subject to any trust or condition to which the funds are subject,

- (a) invested in those classes of investments enumerated in subsections 63(1) and (2) of the Canadian and British Insurance Companies Act (Canada), or*
- (b) if permitted under the Financial Administration Act, deposited in the Consolidated Cash Investment Trust Fund.*

(3) Coming into force.

Insurance Act

17(1) The Insurance Act is amended by this section.

(2) Section 1(d.1) is repealed and the following is substituted:

- (d.1) “Canadian authorized company” means an insurer that is a company, society or foreign company as defined in the Insurance Companies Act (Canada) approved by order under that Act to carry on business or to insure risks in Canada;*

(3) Section 22(a.15) is amended by striking out “registered under the Canadian and British Insurance Companies Act (Canada) or the Foreign Insurance Companies Act (Canada)” and substituting “Canadian authorized companies”.

(4) Section 34.1 is amended

- (a) in subsection (11) by striking out “under the Canadian and British Insurance Companies Act (Canada)” and substituting “is a company as defined in the Insurance Companies Act (Canada)”;*
- (b) in subsection (12) by striking out “registered under the Canadian and British Insurance Companies Act (Canada) or the Foreign Insurance Companies Act (Canada)” and substituting “a Canadian authorized company”.*

Insurance Act

17(1) This section will amend chapter I-5 of the Revised Statutes of Alberta 1980.

(2) Section 1(d.1) presently reads:

1 In this Act, except where inconsistent with the interpretation sections of any Part,

(d.1) "Canadian registered company" means an insurer that is registered under the Canadian and British Insurance Companies Act (Canada), or under the Foreign Insurance Companies Act (Canada), and in either case has obtained its certificate of registry from the Minister of Finance of Canada;

(3) Section 22(a.15) presently reads:

22 The Lieutenant Governor in Council may make regulations

(a.15) prescribing a maximum proportion of risks that may be reinsured with insurers that are not registered under the Canadian and British Insurance Companies Act (Canada) or the Foreign Insurance Companies Act (Canada) or are not incorporated by or under the laws of Canada, Alberta or another province, and varying the proportions for different classes of insurance;

(4) Section 34.1 presently reads in part:

(11) If the reinsurer is not registered under this Act and is incorporated by or under the laws of a province or under the Canadian and British Insurance Companies Act (Canada), the reduction authorized under this section shall not be made unless the Superintendent is satisfied that, in his opinion,

(a) the financial condition of the reinsurer is satisfactory, and

(b) the operations of the reinsurer are conducted in accordance with sound business and financial practices.

(12) If the reinsurer is not registered under the Canadian and British Insurance Companies Act (Canada) or the Foreign Insurance Companies Act (Canada) or is not incorporated by or under the laws of Canada, Alberta or another province, the aggregate amount referred to in subsection (3) may be reduced

(5) *Section 46 is repealed and the following is substituted:*

Application of
ss43 to 45

46 Sections 43 to 45 do not apply to a Canadian authorized company.

Licences of
Canadian
authorized
companies

46.1(1) In this section, “order” means an order under the *Insurance Companies Act* (Canada) that approves a Canadian authorized company to carry on business or to insure risks in Canada.

(2) If the order of a Canadian authorized company is rescinded or if the authorization in the order to carry on the business of insurance or to insure risks in Canada is revoked, the licence of the company under this Act is automatically cancelled.

(3) The Superintendent may revive the licence of a Canadian authorized company that has been cancelled under this section if the company obtains a new order or if the authorization to carry on the business of insurance or to insure risks in Canada is reinstated in the company’s order.

(6) *Section 54(1) is amended by striking out “, other than a Canadian registered company,”.*

(7) *Section 89(1)(e) is amended*

- (a) *by striking out “Canadian registered company” wherever it occurs and substituting “Canadian authorized company”;*
- (b) *by striking out “Canadian and British Insurance Companies Act (Canada) or under the Foreign Insurance Companies Act (Canada)” and substituting*

- (a) *in respect of a policy, group of policies or a claim in Canada reinsured with that reinsurer, only to the extent that security is maintained in Canada, and*
- (b) *in respect of any other policy, group of policies or a claim reinsured with that reinsurer, only to the extent that security is maintained,*

in respect of the potential obligations of the reinsurer in an amount, of a nature and under arrangements satisfactory to the Superintendent.

(5) Section 46 presently reads:

46 Sections 43 to 45 do not apply to a Canadian registered company, but withdrawal of the Canadian certificate of registry ipso facto acts as a suspension or cancellation of the licence, if any, under this Act.

(6) Section 54(1) presently reads:

54(1) A provincial company or extra-provincial company, other than a Canadian registered company, licensed to transact the business of life insurance shall keep \$500 000 on deposit with the Minister.

(7) Section 89(1)(e) presently reads:

89(1) When an insurer has its head office for Canada in Alberta and makes a deposit under this Act for the purposes of this section, by virtue of which the insurer will not be required to make a deposit in another province in which it is or may become licensed to undertake insurance, the following provisions have effect, and to the extent that they are inconsistent with any other provision of this Act prevail over that provision:

“Insurance Companies Act (Canada) or any predecessor of that Act”.

(8) Section 94(2) is amended

(a) by repealing clause (i) and substituting the following:

(i) the bonds, debentures or other evidences of indebtedness of a company designated as a mortgage investment company under the Trust and Loan Companies Act (Canada);

(b) in clause (1.1) by striking out “registered under the Canadian and British Insurance Companies Act (Canada)” and substituting “as defined in the Insurance Companies Act (Canada) that is approved to carry on business by order under that Act”;

(c) by repealing clause (q) and substituting the following:

(q) the shares of the capital stock of a company designated as a mortgage investment company under the Trust and Loan Companies Act (Canada);

(9) Section 94(3.1) is amended by striking out “registered under the Canadian and British Insurance Companies Act (Canada)” and substituting “as defined in the Insurance Companies Act (Canada) that is approved to carry on business by order under that Act”.

(10) Section 105(4)(b) is repealed and the following is substituted:

- (e) if the insurer is a Canadian registered company authorized to carry on business in Alberta or another province and as a Canadian registered company makes a deposit under the Canadian and British Insurance Companies Act (Canada) or under the Foreign Insurance Companies Act (Canada), the Minister may, on the request of the insurer, authorize the Provincial Treasurer to deliver to the insurer or to transfer to the Minister of Finance for Canada the whole or part of the deposit under this Act as the Minister thinks fit, having regard to the extent to which the Canadian registered company is authorized to carry on business in Canada, and the Superintendent forthwith shall give notice of the delivery or transfer to the superintendent of insurance of each reciprocating province;*

(8) Section 94(2) presently reads in part:

- (2) A company may only invest its funds or any portion thereof in
 - (i) the bonds, debentures or other evidences of indebtedness of a loan company designated as a mortgage investment company under the Loan Companies Act (Canada);*
 - (l.1) any instrument evidencing an interest in a debt obligation if the payment of the debt and interest is insured under a policy of insurance issued by a company registered under the Canadian and British Insurance Companies Act (Canada);*
 - (q) the shares of the capital stock of a loan company designated as a mortgage investment company under the Loan Companies Act (Canada);**

(9) Section 94(3.1) presently reads:

- (3.1) A company may lend its funds or any portion of them to a corporation incorporated in Canada if the repayment of the loan with interest is insured under a policy of insurance issued by a company registered under the Canadian and British Insurance Companies Act (Canada).*

(10) Section 105(4)(b) presently reads:

- (4) Notwithstanding subsection (3), an insurer may adopt*

- (b) a standard of valuation that satisfies the requirements of the *Insurance Companies Act* (Canada) if the insurer is a Canadian authorized company.

(11) Section 517(b) is amended by striking out “Canadian and British Insurance Companies Act (Canada) or the Foreign Insurance Companies Act (Canada)” and substituting “Insurance Companies Act (Canada) or any predecessor of that Act”.

(12) The following provisions are amended by striking out “registered” wherever it occurs and substituting “authorized”:

section 1(h);
section 17(1);
section 31(1), (2);
section 34(1), (2);
section 34.2(2)(a);
section 40(2);
section 49;
section 62(1);
section 96(1);
section 101;
section 113(1);
section 122;
section 463;
section 549(1).

(13) This section is deemed to have come into force on June 1, 1992.

Insurance Amendment Act, 1990

18 The Insurance Amendment Act, 1990 is amended in section 6 as to section 517(1)(b) by striking out “Canadian and British Insurance Companies Act (Canada), the Foreign Insurance Companies Act (Canada)” and substituting “Insurance Companies Act (Canada) or any predecessor of that Act”.

- (b) *a standard of valuation that satisfies the requirements of the Canadian and British Insurance Companies Act (Canada).*

(11) Section 517(b) presently reads:

517 A certificate of authority may be revoked or suspended by the Superintendent if, after due investigation by him or his accredited representative, he determines that the holder of the certificate

- (b) *has contravened any of the provisions of the Canadian and British Insurance Companies Act (Canada) or the Foreign Insurance Companies Act (Canada), or of this Act or any rule or regulation made for the purpose of this Act,*

(12) Changes in wording consequential to subsection (2).

(13) Coming into force.

Insurance Amendment Act, 1990

18 This section amends chapter 24 of the Statutes of Alberta, 1990. Section 6 presently reads in part:

6 Section 517 is repealed and the following is substituted:

517(1) If, after due investigation by the Superintendent or his accredited representative, the Superintendent decides

Judgment Interest Act

19 The Judgment Interest Act is amended in section 8 by adding the following after subsection (3):

(4) Section 6 applies only to a judgment given after section 6 comes into force.

Justice of the Peace Act

20(1) The Justice of the Peace Act is amended by this section.

(2) Section 4 is amended by adding the following after subsection (1.1):

(1.2) A sitting justice of the peace may conduct a hearing or settlement conference or hear an application under Part 4 of the *Provincial Court Act*.

(3) Section 6.1 is repealed and the following is substituted:

Determination
of a complaint
or information

6.1 Where a sitting justice of the peace

- (a) hears, tries and determines a complaint or information, or
- (b) conducts a hearing or settlement conference or hears an application under Part 4 of the *Provincial Court Act*,

that the holder or a former holder of a certificate of authority

- (a) has been guilty of misrepresentation, fraud, deceit or dishonesty,*
- (b) has contravened any provision of the Canadian and British Insurance Companies Act (Canada), the Foreign Insurance Companies Act (Canada), this Act or the regulations or any rule made for the purpose of this Act,*

Judgment Interest Act

19 This section will amend chapter J-0.5 of the Statutes of Alberta, 1984. Section 8 presently reads:

8(1) This Act applies to a judgment given after this Act comes into force whether the cause of action in respect of which the judgment is given arose before or after this Act comes into force.

(2) No interest shall be awarded under Part 1 for the period before April 1, 1984.

(3) If a cause of action arose before April 1, 1984 in respect of which section 15 of the Judicature Act applies, section 15 of the Judicature Act applies in respect of the period before April 1, 1984.

Justice of the Peace Act

20(1) This section will amend chapter J-3 of the Revised Statutes of Alberta 1980.

(2) Sitting Justices of the Peace will be permitted to hear civil claims.

(3) Section 6.1 presently reads:

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*

that sitting justice of the peace while carrying out those functions

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

Land Titles Act

21(1) The Land Titles Act is amended by this section.

(2) Section 30(1)(h) is amended by adding “or continued” after “incorporated”.

(3) Section 32(2) is amended by striking out “or under half-breed land scrip or military bounty land scrip”.

(4) Subsection (2) is deemed to have come into force on June 1, 1992.

Law of Property Act

22(1) The Law of Property Act is amended by adding the following after section 59.1:

all the powers and to perform all the duties of a provincial judge.

Land Titles Act

21(1) This section will amend chapter L-5 of the Revised Statutes of Alberta 1980.

(2) Section 30(1)(h) presently reads:

30(1) The Registrar may reject any instrument or caveat under which an interest in land is claimed or dealt with on behalf of a corporation unless he is satisfied that the corporation is

(h) incorporated under the Bank Act (Canada) or the Railway Act (Canada), or

(3) Section 32(2) presently reads:

(2) If a person has obtained a patent under a homestead or under a homestead and pre-emption entry or under half-breed land scrip or military bounty land scrip in accordance with any statutory provision, a duplicate certificate shall be issued to the party free of all fees and charges by this Act provided to be paid, and in the case of other patentees the duplicate certificate shall be issued on the payment of the fees fixed by the Lieutenant Governor in Council.

(4) Coming into force.

Law of Property Act

22(1) This section will amend chapter L-8 of the Revised Statutes of Alberta 1980. It allows for the registration of floating charges.

59.2(1) In this section,

- (a) “agreement” means an agreement creating or providing for a charge on land;
- (b) “charge on land” means an interest, whether arising immediately or in the future, in real property given by a corporation, that secures payment or performance of an obligation;
- (c) “real property” means land, an interest in land, including a leasehold interest in land, and a right to payment arising in connection with an interest in land, including an interest in rental payments payable under a lease of land, but does not include a right to payment evidenced by a security or an instrument to which the *Personal Property Security Act* applies;
- (d) “registered” means registered by means of a financing statement in the Personal Property Registry in accordance with the *Personal Property Security Act* and the regulations made under that Act.

(2) Subject to subsections (8) and (12), except in the case of fraud, priority among successive charges on land affecting the same interest shall be determined as follows:

- (a) priority between registered charges on land shall be determined by the order of registration without regard to the order of creation of the charges or execution of the agreements providing for the charges;
- (b) a registered charge on land has priority over an unregistered charge on land;
- (c) priority between unregistered charges on land shall be determined by the order of execution of the agreements providing for the charges.

(3) Sections 18, 40, 67.1 and 70 of the *Personal Property Security Act* and Part 4 of that Act, other than sections 44(2), 49 and 50(1) to (5) and (8), apply with

necessary modifications to registrations under this section.

(4) In subsections (5) to (7),

- (a) “debtor” means a person identified as debtor in a financing statement registered in respect of a charge on land;
- (b) “secured party” means a person identified as secured party in a financing statement registered in respect of a charge on land.

(5) Where a financing statement is registered in respect of a charge on land, and

- (a) all of the obligations under the agreement to which it relates have been performed,
- (b) no agreement exists between the debtor and the secured party, or
- (c) the agreement to which it relates does not confer an interest in all the present and after-acquired real property of the debtor,

the debtor may give a written demand to the secured party.

(6) The demand referred to in subsection (5) shall require that the secured party, not later than 40 days after the demand is given, either

- (a) register a financing change statement
 - (i) discharging the registration in a case falling within subsection (5)(a) or (b), or
 - (ii) amending the registration so as to identify by date the agreement to which it relates in a case falling within subsection (5)(c),

or

- (b) provide to the Registrar an order of the Court confirming that the registration need not be amended or discharged,

accompanied by a completed financing change statement in respect of the order.

(7) If the secured party fails to comply with a demand referred to in subsection (5), the debtor may register the financing change statement referred to in subsection (6) on providing to the Registrar satisfactory proof that the demand has been given to the secured party.

(8) This section is subject in all respects to the *Land Titles Act* and the *Mines and Minerals Act*, and the priority of any interest registered or filed under either Act shall be determined pursuant to that Act.

(9) For the purposes of subsection (2) and the *Land Titles Act*, a person does not act fraudulently merely because the person acts with knowledge of a charge on land, regardless of whether it has been registered under this section or not.

(10) An agreement registered under the *Business Corporations Act* or the *Companies Act* is, until September 30, 1993, deemed to have been registered under this section as of the date it was registered under the *Business Corporations Act* or the *Companies Act*, and that deemed registration shall continue to be effective after September 30, 1993 if a registration in respect of the agreement is made in the Personal Property Registry on or before September 30, 1993.

(11) A charge on land arising under an agreement executed after September 30, 1990 and before this section comes into force that is registered under this section within 60 days from the date this section comes into force is deemed to have been registered under this section at the date this section comes into force.

(12) Where there are successive charges on land affecting the same interest, arising under agreements executed after September 30, 1990 and before this section comes into force,

- (a) subject to clause (b), priority between them shall be determined by the date of execution of the agreements, and
- (b) a charge registered not later than 60 days from the date this section comes into force has priority over a charge not registered during that period.

(2) Subsection (1) comes into force on Proclamation.

Libraries Act

23 The Libraries Act is amended in section 1(n) by striking out “school committee of a county or school district” and substituting “school district or board of education under the County Act or Municipal and School Administration Act”.

Loan and Trust Corporations Act

25(1) The Loan and Trust Corporations Act is amended by this section.

(2) Section 34 is amended by adding the following after subsection (1):

(1.1) The Minister may exempt a corporation from the operation of subsection (1) if the Minister is satisfied that the name of the corporation will not mislead the general public into believing that the corporation is of a kind other than that for which the application for registration was made.

(3) Section 103(4)(d) is amended by adding “or a director, officer or employee of a significant borrower” after “borrower”.

(4) Section 168(1) is amended by adding “and” at the end of clause (c) and by repealing clause (d).

- (2) Coming into force.

Libraries Act

23 This section will amend chapter L-12.1 of the Statutes of Alberta, 1983. Section 1(n) presently reads:

1 In this Act,

(n) "school authority" means a school division, school committee of a county or school district, as the case may be.

Loan and Trust Corporations Act

25(1) This section will amend chapter L-26.5 of the Statutes of Alberta, 1991.

- (2) Section 34 presently reads in part:

34(1) Subject to the regulations, no corporation shall be registered with a name that does not meet the requirements of section 20(1).

- (3) Section 103(4)(d) presently reads:

(4) An individual is not eligible to be an unaffiliated director of a provincial corporation for the purposes of subsection (3) if the individual

(d) is a significant borrower,

- (4) Section 168(1) presently reads:

168(1) A provincial corporation or a subsidiary of the corporation, without the prior approval of the board of directors of the corporation, may

(a) enter into a transaction with a restricted party that involves minor or general expenditures by the corporation or the subsidiary,

(5) *Section 204(2)(b)(ii) is repealed and the following is substituted:*

- (ii) insured by a policy of mortgage insurance issued by an insurance company that
 - (A) is a company or foreign company as defined in the *Insurance Companies Act* (Canada) that is approved to carry on business or to insure risks in Canada by order under that Act, or
 - (B) is registered or licensed under the *Insurance Act* or any similar legislation of another province,

(6) *Section 297 is repealed and the following is substituted:*

Prohibition re
use of name

297(1) No person, other than a registered trust corporation, shall use the words “trust corporation”, “trust company”, “compagnie de fiducie” or “société de fiducie” or any similar words in its name in connection with its business or undertakings.

(2) No person, other than a registered loan corporation, shall use the words “loan corporation”, “loan company”, “compagnie de prêts” or “société de prêts” or any similar words in its name in connection with its business or undertakings.

(b) *enter into a transaction with a restricted party for*

(i) *the sale of goods, or*

(ii) *the provision of financial services*

that are normally sold or provided to the public by the corporation or the subsidiary in the ordinary course of business, so long as the prices and rates charged by the corporation or subsidiary are at fair market rate,

(c) *enter into a transaction by which it takes a deposit from a restricted party, other than a financial institution, so long as the deposit is made at fair market rate,*

(d) *enter into a transaction by which it takes a security interest in securities of a restricted party as collateral for a loan or guarantee or for the performance of any other obligation, and*

(e) *enter into any other transaction that the regulations permit it to enter into without the prior approval of the board of directors of the corporation.*

(5) Section 204(2)(b)(ii) presently reads:

(2) *This section does not apply so as to restrict investments in*

(b) *mortgages that are*

(ii) *insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the Canadian and British Insurance Companies Act (Canada), the Foreign Insurance Companies Act (Canada) or the Insurance Act or any similar legislation of another province,*

(6) Section 297 presently reads:

297(1) *No person, other than a registered trust corporation, shall use "trust" or "fiducie" together with "corporation", "company", "compagnie" or "société" in its name in conjunction with its business or undertakings.*

(2) *No person, other than a registered loan corporation shall use "loan" or "prêts" together with "corporation", "company", "compagnie" or "société" in its name in conjunction with its business or undertakings.*

(3) *The Minister may exempt from the operation of subsection (1) or (2) a body corporate that is not itself a trust corporation or loan*

(3) The Minister may exempt a person from the operation of subsection (1) or (2) if the Minister is satisfied that the name of the person will not mislead the general public into believing that the person is a trust corporation or a loan corporation.

(4) Subsection (1) does not apply where the name was legally in use on the coming into force of this section.

(7) Subsection (5) is deemed to have come into force on June 1, 1992.

Marketing of Agricultural Products Act

26 *The Marketing of Agricultural Products Act is amended in section 1(k) by striking out “under Part 2 and includes any amendments to it” and substituting “, continued, revised or amended under this Act”.*

Metis Settlements Act

27(1) *The Metis Settlements Act is amended by this section.*

(2) *Schedule 2 is amended in section 1(2)*

- (a) *in clause (c) by adding “, loan corporation, trust corporation” after “bank” wherever it occurs;*
- (b) *by repealing clause (e);*
- (c) *in clause (h) by adding “as it read on May 31, 1992” after “(Canada)”;*
- (d) *by repealing clause (i) and substituting the following:*
 - (i) *securities of a company designated as a mortgage investment company under the Trust and Loan Companies Act (Canada);*
- (e) *in clause (l) by striking out “registered under the Canadian and British Insurance Companies Act (Canada)” and substituting “as defined in the*

corporation but is a subsidiary of a registered trust corporation or a registered loan corporation if he is satisfied that the name of the body corporate will not mislead the general public into believing that the body corporate is a trust corporation or a loan corporation.

(4) Subsections (1) and (2) do not apply where the name was legally in use on the coming into force of this section.

(7) Coming into force.

Marketing of Agricultural Products Act

26 This section will amend chapter M-5.1 of the Statutes of Alberta, 1987. Section 1(k) presently reads:

I In this Act,

(k) "plan" means a plan established under Part 2 and includes any amendments to it;

Metis Settlements Act

27(1) This section will amend chapter M-14.3 of the Statutes of Alberta, 1990.

(2) Schedule 2 presently reads in part:

SCHEDULE 2

INVESTMENTS

1(1) In this section, "Provincial corporation" and "securities" have the same meaning as they have in the Financial Administration Act.

(2) The General Council or a settlement council may, in accordance with this Act, invest money in all or any of the following:

- (a) securities of a Provincial corporation;*
- (b) securities of a city, town, village, municipal district, county, drainage district or hospital district in Alberta or of the board of trustees of a school district or school division in Alberta;*
- (c) certificates of deposit, deposit receipts or other evidence of indebtedness given by a bank or treasury branch in*

Insurance Companies Act (Canada) that is approved
to carry on business by order under that Act”;

consideration of a deposit or deposits made with the bank or treasury branch;

- (d) securities unconditionally guaranteed by a bank as to repayment of principal and interest;*
- (e) investment certificates as defined in the Trust Companies Act issued or entered into by a trust company registered under that Act;*
- (f) securities of the Alberta Energy Company;*
- (g) securities of the Export Development Corporation under the Export Development Act (Canada);*
- (h) an investment within the classes of investments enumerated in section 86 of the Canadian and British Insurance Companies Act (Canada);*
 - (i) securities of a loan company designated as a mortgage investment company under the Loan Companies Act (Canada);*
- (j) bonds, debentures or other evidence of indebtedness of or guaranteed as to the repayment of principal and interest by the government of a country other than Canada;*
- (k) units or shares of*
 - (i) a real estate investment trust,*
 - (ii) a mutual or pooled fund, or*
 - (iii) a corporation that does not issue debt obligations and holds at least 98% of its assets in cash, investments and loans, and obtains at least 98% of its income from those investments and loans*

if the investments or loans that may be made on behalf of the trust, fund or corporation are of those classes of investments authorized under clauses (a) to (j);
- (l) an instrument evidencing an interest in a debt obligation where the payment of the debt and the interest on the debt is insured by a company registered under the Canadian and British Insurance Companies Act (Canada);*
- (m) options or futures traded under the supervision of a regulated market designated by the Provincial Treasurer;*
- (n) investments authorized by a General Council Policy passed by all 8 settlement councils.*

(3) Subsection (2) is deemed to have come into force on June 1, 1992.

Metis Settlements Accord Implementation Act

28(1) The Metis Settlements Accord Implementation Act is amended by this section.

(2) Schedule 2 is amended in section 1(2)

- (a) in clause (c) by adding “, loan corporation, trust corporation” after “bank” wherever it occurs;*
- (b) by repealing clause (e);*
- (c) in clause (h) by adding “as it read on May 31, 1992” after “(Canada)”;*
- (d) by repealing clause (i) and substituting the following:*
 - (i) securities of a company designated as a mortgage investment company under the Trust and Loan Companies Act (Canada);*
- (e) in clause (l) by striking out “registered under the Canadian and British Insurance Companies Act (Canada)” and substituting “as defined in the Insurance Companies Act (Canada) that is approved to carry on business by order under that Act”.*

(3) Subsection (2) is deemed to have come into force on June 1, 1992.

Mines and Minerals Act

29(1) The Mines and Minerals Act is amended by this section.

- (3) Coming into force.

Metis Settlements Accord Implementation Act

28 This section amends chapter M-14.5 of the Statutes of Alberta, 1990.

- (2) Schedule 2, section 1(2) presently reads in part:

(2) The Commissioner may invest money from the Transition Fund in any or all of the following:

- (c) certificates of deposit, deposit receipts or other evidence of indebtedness given by a bank or treasury branch in consideration of a deposit or deposits made with the bank or treasury branch;*
- (e) investment certificates as defined in the Trust Companies Act issued or entered into by a trust company registered under that Act;*
- (h) an investment within the classes of investments enumerated in section 86 of the Canadian and British Insurance Companies Act (Canada);*
- (i) securities of a loan company designated as a mortgage investment company under the Loan Companies Act (Canada);*
- (l) an instrument evidencing an interest in a debt obligation where the payment of the debt and the interest on the debt is insured by a company registered under the Canadian and British Insurance Companies Act (Canada);*

- (3) Coming into force.

Mines and Minerals Act

29(1) This section will amend chapter M-15 of the Revised Statutes of Alberta 1980.

(2) Section 24(2)(c) is amended by adding “or continued” after “incorporated”.

(3) Section 140(6) is amended by striking out “section 177 of the Bank Act (Canada)” and substituting “section 426 of the Bank Act (Canada) or section 177 of the Bank Act (Canada) as that section was in force prior to June 1, 1992, and after December 1, 1980”.

(4) This section is deemed to have come into force on June 1, 1992.

Motor Vehicle Administration Act

30 The Motor Vehicle Administration Act is amended in section 36(3)(b)(i.1) by striking out “or”.

(2) Section 24(2)(c) presently reads:

(2) A corporation is ineligible to become the lessee or 1 of the lessees of an agreement by offer, application or transfer unless the corporation is

(c) incorporated under the Bank Act (Canada),

(3) Section 140(6) presently reads:

(6) If a security interest was acquired before the commencement of this Division otherwise than pursuant to section 177 of the Bank Act (Canada) or section 82 of the Bank Act (Canada) as that section was in force prior to December 1, 1980,

(a) subsection (4) does not apply to that security interest, and

(b) any priority of the secured party in relation to that security interest

(i) is not affected by his inability to obtain a valid registration of a security notice relating to that security interest, and

(ii) shall be determined as if this Division had not been enacted.

(4) Coming into force.

Motor Vehicle Administration Act

30 This section will amend chapter M-22 of the Revised Statutes of Alberta 1980. Section 36(3)(b)(i.1) presently reads:

(3) No person may apply for, procure or attempt to procure the registration of a motor vehicle or trailer in the name of

(b) a corporation incorporated otherwise than under the laws of Alberta that is required to be but is not or has ceased to be

(i.1) registered under the Business Corporations Act, or

Municipal Government Act

31(1) The Municipal Government Act is amended by this section.

(2) Section 143(1) is amended by adding “as it read on May 31, 1992” after “Canadian and British Insurance Companies Act (Canada)”.

(3) Section 377(2)(e) is repealed and the following is substituted:

- (e) in any of the investments authorized for insurance companies by the Canadian and British Insurance Companies Act (Canada) as it read on May 31, 1992, other than investments under section 90 of that Act as it read on May 31, 1992,*

(4) This section is deemed to have come into force on June 1, 1992.

Municipal and School Administration Act

32 The Municipal and School Administration Act is amended

- (a) in sections 6(1)(c), 10(2), (6)(a), (b) and (c) and (7), 11(1) and (2), 12(1), (2), (3) and (4) and 13(1), (2), (4) and (5) by striking out “school committee” wherever it occurs and substituting “board of education”;*
- (b) in section 6(2) by striking out “school committee of the council” and substituting “board of education”;*
- (c) in section 13*
 - (i) in subsection (2) by striking out “the committee” and substituting “the board of education”;*

Municipal Government Act

31(1) This section amends chapter M-26 of the Revised Statutes of Alberta 1980.

(2) Section 143(1) presently reads:

143(1) A council may invest any surplus money standing to the credit of the funds in any of the investments authorized for insurance companies by the Canadian and British Insurance Companies Act (Canada) and may sell, assign or transfer those securities and reinvest the proceeds thereof or any part of the proceeds in like securities.

(3) Section 377(2)(e) presently reads:

(2) Subject to sections 378 and 384, the council shall from time to time invest the sinking fund

(e) in any of the investments authorized for insurance companies by the Canadian and British Insurance Companies Act (Canada), other than investments under section 63(4) of that Act,

(4) Coming into force.

Municipal and School Administration Act

32 This section will amend chapter M-29 of the Revised Statutes of Alberta 1980. Sections 6, 10, 11, 12 and 13 presently read in part:

6(1) On the effective date of the order

(c) the chairman of the board of trustees becomes and holds the office of chairman of the school committee,

(2) The members of the council who were school trustees immediately before the effective date of the order constitute the school committee of the council until the time their successors are appointed.

10(2) If the number of pupils resident in the areas outside the boundaries of the city or town comprise 5% or more of the total number of resident pupils of the school district, the electors of the public school district in all those areas, combined, may elect one representative to be appointed to the school committee pursuant to section 11.

- (ii) *in subsection (4) by striking out “that committee” and substituting “the board of education”.*

(6) A representative

- (a) has the same rights, duties, responsibilities, privileges and powers as the other members of the school committee in school matters,*
- (b) may attend the meetings of the council when the business before the council is the annual estimates of the school committee and in so doing may exercise the rights, duties, responsibilities, privileges and powers of a member of the council, and*
- (c) shall receive the same remuneration and expenses as the other members of the school committee for attendance at meetings of the school committee and for attendance at any meetings of the council that he is entitled to attend.*

(7) If a representative is elected chairman of the school committee, he

- (a) may attend the meetings of the council, and*
- (b) may exercise the rights, privileges and powers of a member of the council,*

when the business before the council lies within the school committee portion of the budget or concerns a matter governed by the School Act.

11(1) At its first meeting following the general election, a council shall appoint a school committee which shall consist of

- (a) in the case of a city, not less than 5 members of the council, or*
- (b) in the case of a town, not less than 3 members of the council,*

and the representative, if any, elected pursuant to section 10.

(2) A person who is an elector of a separate school district is not eligible to be appointed and shall not be appointed to a school committee.

12(1) A school committee shall, at its first meeting following its appointment, elect a chairman from among its number.

(2) A school committee shall exercise on behalf of the council all the duties and powers that are conferred on or exercised by a board of trustees under the School Act, except that

- (a) it may not borrow money,*
- (b) it may not pass a by-law, and*

Natural Gas Marketing Act

33 The Natural Gas Marketing Act is amended in section 9.1(1)(a) by striking out “subsection (5)” and substituting “subsection (6)”.

Occupational Health and Safety Act

34 The Occupational Health and Safety Act is amended in section 31(1) by adding the following after clause (v):

- (v.1) prescribing fees for licences and for any services and materials provided under this Act;*

(c) *it may not exercise any other duty or power of a board of trustees that the council, by by-law, reserves to itself.*

(3) *A school committee may exercise and perform its powers and duties in like manner and with the same effect as if the powers were exercised or the duties were performed by a council.*

(4) *Subject to the restrictions contained in subsection (2), the chairman of a school committee may exercise and perform the rights, duties, privileges and powers of the chairman of a board of trustees of a city or town school district.*

13(1) *A school committee shall submit its estimates to the council in each year.*

(2) *The council shall consider and review the estimates and may reduce or increase the estimates of the school committee or may return the estimates to the committee for revision.*

(4) *The portion of the budget approved for the school committee shall be administered and expended under the supervision of that committee.*

(5) *Any expenditures made by the city or the town for or on behalf of any matter that would come under the jurisdiction of the school committee shall be charged to that portion of the budget allocated to the school committee.*

Natural Gas Marketing Act

33 This section will amend chapter N-2.8 of the Statutes of Alberta, 1986. Section 9.1(1)(a) presently reads:

9.1(1) *In this section,*

(a) *"continuation period", in relation to a netback pricing agreement to which a designated shipper is a party, means the period commencing on the effective date of the designation order applicable to the shipper and ending on the date on which this section ceases to apply to the shipper by reason of subsection (5);*

Occupational Health and Safety Act

34 This section will amend chapter O-2 of the Revised Statutes of Alberta 1980. Section 31(1) presently reads in part:

31(1) *The Lieutenant Governor in Council may make regulations*

(v) *prescribing fees to be paid by the Government to physicians for services performed under this Act;*

Personal Property Security Act

35(1) The Personal Property Security Act is amended by this section.

(2) Section 4 is amended

- (a) by striking out “in this Act” and substituting “under this Act”;*
- (b) in (b) by striking out “Division B of Part V of the Bank Act (Canada)” and substituting “sections 425 to 436 of the Bank Act (Canada)”.*

(3) Section 42(1.1) is amended by striking out “other”.

(4) Section 71(1) is amended

- (a) by adding the following after clause (e):*
 - (e.1) permitting the registration in the Registry of any interest, right or claim relating to property;*
- (b) in clause (f.1) by striking out “pursuant to other enactments”.*

(5) Subsection (2)(b) is deemed to have come into force on June 1, 1992.

Pipeline Act

36(1) The Pipeline Act is amended in section 27(1)(f) by adding “or continued” after “incorporated”.

Personal Property Security Act

35(1) This section will amend chapter P-4.05 of the Statutes of Alberta, 1988.

(2) Section 4 presently reads in part:

4 Except as otherwise provided in this Act, this Act does not apply to the following:

(b) a security agreement governed by an Act of the Parliament of Canada that deals with rights of parties to the agreement or the rights of third parties affected by a security interest created by the agreement, and any agreement governed by Division B of Part V of the Bank Act (Canada);

(3) Section 42(1.1) presently reads in part:

(1.1) Where any other enactment permits or requires a registration to be made in the Registry, unless the regulations otherwise provide,

(4) Section 71 presently reads in part:

71(1) The Lieutenant Governor in Council may make regulations

(f.1) respecting the application of Part 4 to interests that are permitted or required to be registered in the Registry pursuant to other enactments;

(5) Coming into force.

Pipeline Act

36(1) This section will amend chapter P-8 of the Revised Statutes of Alberta 1980. Section 27(1)(f) presently reads:

27(1) No corporation shall acquire or hold a permit or licence unless it is

(f) incorporated under the Bank Act (Canada).

(2) Subsection (1) is deemed to have come into force on June 1, 1992.

Plumbing and Drainage Act

37 The Plumbing and Drainage Act is amended in section 24(1)(c) by striking out “for applications for permits” and substituting “under this Act”.

Provincial Court Act

38(1) The Provincial Court Act is amended by this section.

(2) Section 1 is amended

(a) by adding the following after clause (b):

(b.1) “justice of the peace” has the same meaning as in the Justice of the Peace Act;

(b) by adding the following after clause (d):

(e) “sitting justice of the peace” means a justice of the peace designated by the Lieutenant Governor in Council as a sitting justice of the peace under the Justice of the Peace Act.

(3) Section 19 is amended by striking out “and the judges” and substituting “, the judges and the sitting justices of the peace”.

(4) Section 35 is amended by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):

(a) “Court” includes a sitting justice of the peace;

- (2) Coming into force.

Plumbing and Drainage Act

37 This section will amend chapter P-10 of the Revised Statutes of Alberta 1980. Section 24(1)(c) presently reads:

24(1) The Lieutenant Governor in Council may make regulations

- (c) prescribing the fees payable to the Minister for applications for permits;*

Provincial Court Act

38(1) This section will amend chapter P-20 of the Revised Statutes of Alberta 1980.

- (2) Section 1 presently reads:

I In this Act,

- (a) "clerk" means a clerk or deputy clerk of the Provincial Court;*
- (b) "judge" has the same meaning as in the Provincial Court Judges Act;*
- (c) repealed 1981 cP-20.1 s21;*
- (d) "Provincial Court" or "Court" means The Provincial Court of Alberta.*

- (3) Section 19 presently reads:

19 Sheriffs, deputy sheriffs, persons employed at correctional institutions and peace officers shall give assistance to and comply with the directions of the Court and the judges in the exercise of the jurisdiction of the Court.

- (4) New definition.

Provincial Offences Procedure Act

39(1) The Provincial Offences Procedure Act is amended by this section.

(2) Section 3 is amended by adding “, including the provisions in Part XV respecting search warrants,” after “Criminal Code (Canada)”.

(3) Section 27(3) is repealed and the following is substituted:

(3) If a defendant fails to appear in Court in person or by an agent at the time fixed for the trial, a justice, on proof of service of the summons, shall

- (a) on application by a prosecutor, adjourn the proceedings, set a new trial date and direct that the defendant be notified of the new trial date by ordinary mail at his address for service,**
- (b) on application by a prosecutor, issue a warrant for the arrest of the defendant, or**
- (c) proceed to conduct the trial ex parte.**

Psychology Profession Act

40 The Psychology Profession Act is amended in section 8(1)(b) by striking out “the Council,” and substituting “the Council, and”.

Provincial Offences Procedure Act

39(1) This section will amend chapter P-21.5 of the Statutes of Alberta, 1988.

(2) Section 3 presently reads:

3 Except to the extent that they are inconsistent with this Act and subject to the regulations, all provisions of the Criminal Code (Canada) that are applicable in any manner to summary convictions and related proceedings apply in respect of every matter to which this Act applies.

(3) Section 27(3) presently reads:

(3) If a defendant fails to appear in Court in person or by an agent at the time fixed for the trial, a justice, on proof of service of the summons,

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

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

Psychology Profession Act

40 This section will amend chapter P-25.01 of the Statutes of Alberta, 1985. Section 8(1)(b) presently reads:

8(1) The Council shall consist of

(b) when the number of persons elected under clause (a) does not exceed 10, 2 members of the public or, when the number of persons elected under clause (a) is more than 10, 3 members of the public who shall be appointed for a term of not more than 3 years by the Lieutenant Governor in Council after consultation with the Council.

Public Utilities Board Act

41 The Public Utilities Board Act is amended by repealing section 1(i)(iv) and substituting the following:

- (iv) an oil pipeline the proprietor of which is declared by the Energy Resources Conservation Board to be a common carrier;

Radiation Protection Act

42 The Radiation Protection Act is amended in section 18 by adding the following after clause (n):

- (o) respecting fees for the registration of designated radiation equipment or services provided under this Act.

Regional Airports Authorities Act

43(1) The Regional Airports Authorities Act is amended by this section.

(2) Section 24(3) is repealed and the following is substituted:

- (3) A document may be served on an authority
 - (a) by delivering the document during the authority's usual business hours to its registered office, or
 - (b) by sending the document by registered mail to
 - (i) the registered office, or
 - (ii) the address for service by mailof the authority as shown in the most recently filed notice containing that information.

Public Utilities Board Act

41 This section will amend chapter P-37 of the Revised Statutes of Alberta 1980. Section 1(i)(iv) presently reads:

1 In this Act,

(i) "public utility" means

(iv) a oil pipeline the proprietor of which may be declared by the Energy Resources Conservation Board to be a common carrier;

Radiation Protection Act

42 This section will amend chapter R-2.1 of the Statutes of Alberta, 1985. Section 18 presently reads in part:

18 The Lieutenant Governor in Council may make regulations

(n) regulating the methods of disposal of radiation equipment.

Regional Airports Authorities Act

43(1) This section will amend chapter R-9.05 of the Statutes of Alberta, 1989.

(2) Section 24(3) presently reads:

(3) A document may be served on an authority by

(a) delivering the document to its registered office during its usual business hours, or

(b) sending it by registered mail to

(i) its registered office, or

(ii) the address for service by mail designated in the latest notice of that address under this section filed.

(3) *Section 40(1)(c) is amended by striking out “and the liabilities of appointers”.*

Securities Act

44(1) The Securities Act is amended in section 109(3)

- (a) in clause (a)(ii) by adding “as they read on May 31, 1992” after “(Canada)”.*
- (b) in clause (b)(i) and (ii) by adding “as it read on May 31, 1992” after “(Canada)”.*

(2) Subsection (1) is deemed to have come into force on June 1, 1992.

Seizures Act

45 The Seizures Act is amended in section 26(1) by striking out “red letters and”.

(3) Section 40(1)(c) presently reads:

40(1) The Lieutenant Governor in Council may make regulations

(c) respecting the duties and liabilities of members, directors, officers and employees of authorities and the liabilities of appointers;

Securities Act

44(1) This section amends chapter S-6.1 of the Statutes of Alberta, 1981. Section 109(3) presently reads in part:

(3) *Subsection (2) only applies to the following:*

(a) *securities that*

(ii) comply with the requirements of either section 86(m) or (n) of the Canadian and British Insurance Companies Act (Canada), and

(b) *securities that*

(i) are bonds, debentures or other evidences of indebtedness issued or guaranteed by an issuer and comply with the requirements of section 86(k) of the Canadian and British Insurance Companies Act (Canada), or

(ii) are preferred shares of an issuer and comply with the requirements of section 86(m) of the Canadian and British Insurance Companies Act (Canada),

and have been held for at least 6 months from the date of the initial exempt trade or the date the issuer became a reporting issuer, whichever is the later;

(2) Coming into force.

Seizures Act

45 This section will amend chapter S-11 of the Revised Statutes of Alberta 1980. Section 26(1) presently reads:

26(1) The notice of seizure shall bear a heading in red letters and larger type than the body of the document, as follows: "NOTICE

Seniors Advisory Council for Alberta Act

46 The Seniors Advisory Council for Alberta Act is amended in section 3(6) by striking out “2(3)(d)” and substituting “2(4)(d)”.

Special Waste Management Corporation Act

47 The Special Waste Management Corporation Act is amended in section 11(2)(b) by striking out “of any premiums payable under” and substituting “of, and any premiums payable under.”.

Surrogate Court Act

48(1) The Surrogate Court Act is amended by adding the following after section 11:

Applications to
the Court

11.1(1) Notwithstanding any other Act, all matters or applications touching or relating to the administration of the estate of a deceased person or the estate of a minor child shall be made to the Surrogate Court.

(2) The practice on all applications under subsection (1) is governed by the Rules.

Administration of Estates Act

(2) The Administration of Estates Act is amended

(a) in section 1

(i) in clause (d) by striking out “or the Court of Queen’s Bench, as the case requires”;

OF SEIZURE OF GOODS", and the names of the debtor and creditor shall be inserted therein before the seizure is made.

Seniors Advisory Council for Alberta Act

46 This section will amend chapter S-13.2 of the Statutes of Alberta, 1991. Section 3(6) presently reads:

(6) The members of the Council and members of committees appointed under section 2(3)(d) shall receive

(a) remuneration, and

(b) travelling, living and other expenses incurred in the course of their duties under this Act

as determined by the Minister.

Special Waste Management Corporation Act

47 This section will amend chapter S-21.5 of the Statutes of Alberta, 1982. Section 11(2)(b) presently reads:

(2) The repayment of

(b) the principal and interest of any premiums payable under any notes, bonds, mortgages, debentures or other securities issued by the Corporation, and

Surrogate Court Act

48(1) This section will amend chapter S-28 of the Revised Statutes of Alberta 1980. All court matters respecting the administration of estates and the estates of minors are to be made to the Surrogate Court.

Administration of Estates Act

(2) This subsection will amend chapter A-1 of the Revised Statutes of Alberta 1980. Sections 1(d), (e) and (f), 10(3) and (4), 16, 17, 31(1), 34(2), 41(1) and (6)(a), 42, 53(b) and 61(1) presently read:

1 In this Act,

- (ii) *in clause (e) by striking out “or the Court of Queen’s Bench”;*
 - (iii) *in clause (f) by striking out “or a judge of the Court of Queen’s Bench, as the case requires”;*
- (b) *in section 10*
 - (i) *in subsection (3) by striking out “originating notice to the Court of Queen’s Bench” and substituting “notice of motion to the Surrogate Court”;*
 - (ii) *by repealing subsection (4) and substituting the following:*

(4) The Surrogate Court may order costs to be paid by any of the applicants or out of the estate and a copy of the order certified by the clerk of the Surrogate Court shall be filed with the Court of Queen’s Bench having jurisdiction, and on filing the order has the same force and effect as if the order were an order of that Court.
- (c) *in section 16 by striking out “returnable not less than 5 days after service” and substituting “in accordance with the Rules”;*
- (d) *in section 17 by striking out “by mailing it to him by registered mail” and substituting “in accordance with the Rules”;*
- (e) *in section 31(1) by striking out “by originating notice” and substituting “by notice of motion”;*
- (f) *in section 34(2) by striking out “originating notice” and substituting “notice of motion”;*
- (g) *in section 41*
 - (i) *by repealing subsection (1) and substituting the following:*

(d) "court" means the Surrogate Court or the Court of Queen's Bench, as the case requires;

(e) "grant" means

(i) a grant of probate,

(ii) a resealed grant of probate or administration,

(iii) a grant of administration, or

(iv) a grant of letters of guardianship of the person or estate, or both, of a minor,

issued by a district court before July 12, 1967 or by the Surrogate Court or the Court of Queen's Bench;

(f) "judge" means a judge of the Surrogate Court or a judge of the Court of Queen's Bench, as the case requires;

10(3) Any of the applicants may apply by originating notice to the Court of Queen's Bench for directions and that Court shall inquire into the matter in a summary way and give directions as to which application is to be proceeded with.

(4) The Court of Queen's Bench may order costs to be paid by any of the applicants or out of the estate and a copy of the order certified by the clerk of the Court of Queen's Bench may be filed with the clerk of the Surrogate Court having jurisdiction, whereupon it becomes enforceable as a judgment of the Surrogate Court.

16 Any person whose application for a grant is affected by a caveat may serve notice of motion returnable not less than 5 days after service, calling on the caveator to show cause why it should not be discharged.

17 Service of any notice or proceeding may be made on a caveator by mailing it to him by registered mail at the address for service given in the caveat.

31(1) At any time before the issue of a grant a person may apply to the court by originating notice, on such notice as the judge may direct, for an order restraining any person from dealing or intermeddling with the property of a deceased person.

34(2) The proceedings on the bond shall be made by originating notice and if the judge hearing the motion is satisfied that the condition of the bond has been broken, the person who instituted the proceedings shall recover thereon as trustee for all persons interested in the full amount recoverable in respect of a breach of the condition of the bond.

41(1) Every creditor or other person filing a claim against the estate of a deceased person shall, if required to do so by the legal representative, verify his claim by statutory declaration showing

Verification of
claims

41(1) Every creditor or other person filing a claim against the estate of a deceased person shall, if required to do so by the legal representative, verify his claim in accordance with the procedures in the Rules.

- (ii) *in subsection (6)(a) by striking out “(of which 3 days’ notice must be given to the claimant)”;*

(h) *in section 42*

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

Deciding
contested
claims

42(1) When a claim is made against the estate of a deceased person or if the legal representative of the estate has notice of a claim, he may contest the claim in whole or in part and, if in part, stating what part, in accordance with the Rules.

- (ii) *by repealing subsections (2) and (3);*

- (iii) *in subsection (4) by striking out “under subsection (2) within the time limited by that subsection” and substituting “in accordance with the Rules within 60 days after the receipt of a notice of contestation under subsection (1)”;*

- (iv) *by repealing subsection (5);*

- (i) *in section 53(b) by striking out “Court of Queen’s Bench” and substituting “Surrogate Court”;*

- (j) *in section 61(1) by striking out “originating notice” and substituting “notice of motion” and by striking out “the Court of Queen’s Bench or”.*

- (a) *full particulars of his claim,*
- (b) *full particulars of any security he holds for his claim, and*
- (c) *a specified value on his security, and whether it is on the property of the deceased or on the property of a third party for whom the deceased is only secondarily liable.*

(6) *If a creditor or other person files with the legal representative of an estate a claim that is wholly or partly secured but fails to value the security,*

- (a) *a judge may, on summary application by the legal representative or any other person interested in the estate (of which 3 days' notice must be given to the claimant), order that unless a statutory declaration specifying the value of the security is filed with the legal representative within the time limited by the order, the claimant will be wholly barred of any right against the estate in respect of the claim or the part of it that is secured, and*

42(1) *When a claim is made against the estate of a deceased person or if the legal representative of an estate has notice of a claim, he may serve the claimant with a notice in writing referring to this section and stating that he contests the claim in whole or in part and, if in part, stating what part.*

(2) *Within 60 days after the receipt of a notice of contestation under subsection (1) or within 3 months thereafter if the judge on application on motion so allows, the claimant may, on filing with the clerk a statement of his claim verified by affidavit and a copy of the notice of contestation, apply to a judge on motion for an order allowing his claim and determining the amount of it and the judge, after hearing the parties and their witnesses, shall make whatever order on the application that he considers just.*

(3) *Not less than 10 days' notice of the application shall be given to the legal representative.*

(4) *If the claimant does not make an application under subsection (2) within the time limited by that subsection, his claim is forever barred.*

(5) *Instead of proceeding as provided by this section, the judge may on the application of the legal representative or the claimant direct an issue to be tried on any terms and conditions the judge considers just.*

(6) *This section applies also to a claim not presently payable and for which, for that reason, an action for the recovery of it could not be brought, but if such a claim is established under this section, no proceedings shall be taken to enforce payment of it without the permission of a judge.*

53 *The powers conferred by section 52 extend*

Devolution of Real Property Act

(3) The Devolution of Real Property Act is amended in section 1(a) by striking out “Court of Queen’s Bench” and substituting “Surrogate Court”.

Dower Act

(4) The Dower Act is amended in section 1(b) by adding “, or the Surrogate Court in the case of an estate of a deceased person” after “Court of Queen’s Bench”.

Family Relief Act

(5) The Family Relief Act is amended

- (a) in section 1(e) by striking out “Court of Queen’s Bench” and substituting “Surrogate Court”;*
- (b) in section 13(1) by striking out “originating notice” and substituting “notice of motion to the Surrogate Court”;*
- (c) in section 16(1)(a) by striking out “Alberta Rules of Court” and substituting “Surrogate Rules”;*
- (d) in section 19 by adding “or the Surrogate Court” after “Court of Queen’s Bench”.*

- (b) *to a person appointed under a power in the will or by the Court of Queen's Bench to succeed to the trusteeship.*

61(1) A legal representative of an estate may apply by originating notice for the opinion, advice or direction of a judge of the Court of Queen's Bench or the Surrogate Court on any question respecting the management or administration of the estate.

Devolution of Real Property Act

- (3) This subsection will amend chapter D-34 of the Revised Statutes of Alberta 1980. Section 1(a) presently reads:

1 In this Act,

- (a) *"Court" means the Court of Queen's Bench;*

Dower Act

- (4) This subsection will amend chapter D-38 of the Revised Statutes of Alberta 1980. Section 1(b) presently reads:

1 In this Act,

- (b) *"Court" means the Court of Queen's Bench;*

Family Relief Act

- (5) This subsection will amend chapter F-2 of the Revised Statutes of Alberta 1980. Sections 1(e), 13(1), 16(1)(a) and 19 presently read:

1 In this Act,

- (e) *"judge" means a judge of the Court of Queen's Bench;*

13(1) An application for maintenance and support under this Act may be made in the matter of the estate of the deceased by originating notice.

16(1) When an application is made on behalf of a dependant

- (a) *the judge shall not make an order until he is satisfied on oath that all persons who are or may be interested in or affected by the order have been served, in accordance with the Alberta Rules of Court, with notice of the application and a copy of this section, and each of those persons is entitled to be heard in person or by counsel at the hearing, and*

19 An order made or direction given under this Act may be enforced in the same way and by the same means as any judgment, order or direction of the Court of Queen's Bench can be enforced,

Income Support Recovery Act

(6) The Income Support Recovery Act is amended in section 48 by adding “in the Surrogate Court” after “Director”.

Law of Property Act

(7) The Law of Property Act is amended in section 1(a) by adding “, or the Surrogate Court in the case of the estate of a deceased person” after “the Court of Queen’s Bench”.

Matrimonial Property Act

(8) The Matrimonial Property Act is amended

- (a) in section 4 by adding “except an application under section 11, which shall be made by notice of motion to the Surrogate Court” after “statement of claim”;*
- (b) in sections 11(3), 12 and 13(1) and (2)(b) by striking out “Court” wherever it occurs and substituting “Surrogate Court”.*

and a judge may make any interim order or direction that appears necessary

- (a) to protect or preserve the assets of the estate, or*
- (b) to provide for the carrying on of the administration of the estate until the application has been finally disposed of.*

Income Support Recovery Act

(6) This section will amend chapter I-1.7 of the Revised Statutes of Alberta 1980. Section 48 presently reads:

48 An order made against a recipient or an agreement entered into by a recipient binds his estate after his death, and each sum payable thereunder is a debt due from and chargeable on the estate of the recipient and recoverable at the suit of the Director.

Law of Property Act

(7) This section will amend chapter L-8 of the Revised Statutes of Alberta 1980. Section 1(a) presently reads:

1 In this Act,

- (a) "Court" means the Court of Queen's Bench;*

Matrimonial Property Act

(8) This section will amend chapter M-9 of the Revised Statutes of Alberta 1980. Sections 4, 11(3), 12 and 13 presently read:

4 An application for a matrimonial property order shall be made by statement of claim.

11(3) When a matrimonial property order is made in favour of a surviving spouse, the Court, in addition to the matters in section 8, shall take into consideration any benefit received by the surviving spouse as a result of the death of the deceased spouse.

12 The Court may make an order suspending in whole or in part the administration of the estate of the deceased spouse until an application for a matrimonial property order has been determined.

13(1) Until the expiration of 6 months from the date of issue of the grant of probate or administration of the estate of a deceased spouse, the executor, administrator or trustee shall not distribute any portion of the estate to a beneficiary without the consent of the living spouse or an order of the Court.

(2) If

Minors' Property Act

(9) The Minors' Property Act is amended

- (a) in section 1 by adding "or the Surrogate Court, as the case may require" after "Court of Queen's Bench";*
- (b) in section 14(1) by adding "or the Surrogate Rules, as the case may be" after "Alberta Rules of Court".*

Perpetuities Act

(10) The Perpetuities Act is amended in section 10(1) by striking out "the court by way of originating notice" and substituting "the Surrogate Court by notice of motion in accordance with the Surrogate Rules".

Ultimate Heir Act

(11) The Ultimate Heir Act is amended in section 5(2) by striking out "Court of Queen's Bench" and substituting "Surrogate Court".

(12) This section comes into force on Proclamation.

(a) *an executor, administrator or trustee distributes a portion of the estate contrary to subsection (1), and*

(b) *the Court makes a matrimonial property order with respect to property in the estate of the deceased spouse,*

the executor, administrator or trustee is personally liable to the living spouse for a loss to that spouse as a result of the distribution.

Minors' Property Act

(9) This subsection amends chapter M-16 of the Revised Statutes of Alberta 1980. Sections 1 and 14(1) presently read:

1 In this Act "Court" means the Court of Queen's Bench.

14(1) The practice and procedure on applications to the Court under this Act are governed by the Alberta Rules of Court.

Perpetuities Act

(10) This subsection will amend chapter P-4 of the Revised Statutes of Alberta 1980. Section 10(1) presently reads:

10(1) An executor or a trustee of any property or a person interested under, or in the validity or invalidity of, an interest in that property may at any time apply to the court by way of originating notice for the opinion, advice or direction of the court as to the validity or invalidity with respect to the rule against perpetuities of an interest in that property and with respect to the application of any provision of this Act.

Ultimate Heir Act

(11) This subsection will amend chapter U-1 of the Revised Statutes of Alberta 1980. Section 5(2) presently reads:

(2) If the Crown after considering a claim and the evidence submitted thereon does not admit the claim, either wholly or in part, the claimant may, with the consent of the Attorney General, commence an action in the Court of Queen's Bench for a declaration that he is entitled by law to the estate or a portion thereof, or to an interest therein, and in any such action the fact that the Crown does not admit the claim of the plaintiff shall be deemed for the purpose of any rule of court to be a good defence to the action on the merits.

(12) Coming into force.

Trust Companies Act

49(1) The Trust Companies Act is amended by this section.

(2) Section 117(1) is amended

(a) by repealing clause (a)(viii) and substituting the following:

(viii) issued by a company designated as a mortgage investment company under the Trust and Loan Companies Act (Canada);

(b) by repealing clause (h) and substituting the following:

(h) shares of the capital stock of a company designated as a mortgage investment company under the Trust and Loan Companies Act (Canada);

(3) Sections 117(2.1) and (2.2) are amended by striking out “registered under the Canadian and British Insurance Companies Act (Canada)” and substituting “as defined in the Insurance Companies Act (Canada) that is approved to carry on business by order under that Act”.

(4) Section 122(3)(b) is repealed and the following is substituted:

(b) is insured by a policy of mortgage insurance issued by an insurance company that

(i) is a company or foreign company as defined in the Insurance Companies Act (Canada) that is approved to carry on business or to insure risks in Canada by order under that Act, or

Trust Companies Act

49(1) This section will amend chapter T-9 of the Revised Statutes of Alberta 1980.

(2) Section 117(1) presently reads in part:

117(1) A provincial company may invest or loan the company's own funds and its deposits and investment money in or on the security of

(a) bonds, debentures, notes or other evidences of indebtedness

(viii) issued by a loan company designated as a mortgage investment company under the Loan Companies Act (Canada);

(h) shares of the capital stock of a loan company designated as a mortgage investment company under the Loan Companies Act (Canada);

(3) Section 117(2.1) and (2.2) presently read:

(2.1) A provincial company may invest its own funds and its deposits and investment money in any instrument evidencing an interest in a debt obligation if the payment of the debt and interest is insured under a policy of insurance issued by a company registered under the Canadian and British Insurance Companies Act (Canada).

(2.2) A provincial company may lend its own funds and its deposits and investment money to a corporation incorporated in Canada if the repayment of the loan with interest is insured under a policy of insurance issued by a company registered under the Canadian and British Insurance Companies Act (Canada).

(4) Section 122(3)(b) presently reads:

(3) Notwithstanding subsections (1)(b) and (2)(c), the amount of an investment or loan under this section may exceed the limits prescribed by those provisions if the excess

(b) is insured by a policy of mortgage insurance issued by an insurance company registered under the Canadian and British Insurance Companies Act (Canada) or the Foreign Insurance Companies Act (Canada) or licensed under the Insurance Act.

(ii) is licensed under the *Insurance Act*.

(5) *Section 152(1) is amended*

- (a) *by striking out “section 6.1 of the Trust Companies Act (Canada)” and substituting “the Trust and Loan Companies Act (Canada)”;*
- (b) *by striking out “by section 5 of” and substituting “under”.*

(6) *Section 152(2) is amended by striking out “specified pursuant to subsection 6.1(2) of the Trust Companies Act (Canada)” and substituting “issued under the Trust and Loan Companies Act (Canada)”.*

(7) *Section 208(5.2)(a) and (b) are repealed and the following is substituted:*

- (a) a company as defined in and that is acting in accordance with the *Trust and Loan Companies Act* (Canada), other than a company that is a trust company under that Act,
- (b) a loan corporation incorporated, registered or licensed under and acting in accordance with a provincial statute that regulates loan corporations, or

(5) Section 152(1) presently reads:

152(1) A registered provincial company with the prior approval of the Lieutenant Governor in Council may apply under section 6.1 of the Trust Companies Act (Canada) for letters patent continuing it as if it had been incorporated by section 5 of that Act and changing its objects to objects to which the legislative authority of the Parliament of Canada extends.

(6) Section 152(2) presently reads:

(2) On the effective date of the letters patent specified pursuant to subsection 6.1(2) of the Trust Companies Act (Canada)

- (a) in the case of a company incorporated by a special Act, the special Act of the company ceases to be in force, and may thereafter be repealed by Proclamation,*
- (b) in the case of a company incorporated in Alberta under the Companies Ordinance before October 1, 1929, the company is thereupon dissolved and its registration is cancelled, and the Registrar of Companies shall forthwith make any entries in his records he considers necessary to show that the company was so dissolved and its registration cancelled, and*
- (c) the company is thereupon deemed to be registered as a federal company and the Director shall forthwith make any entries in the Register of the Trust Companies he considers necessary to show that the company is registered as a federal company as of the effective date of the letters patent, and not as a provincial company.*

(7) Section 208(5.2) presently reads in part:

(5.2) Subsection (5.1) does not apply to

- (a) a loan company incorporated under and acting in accordance with the Loan Companies Act (Canada),*
- (b) an equivalent corporation incorporated or registered or licensed under and acting in accordance with an equivalent statute of a province, or*

(8) This section is deemed to have come into force on June 1, 1992.

Unfair Trade Practices Act

50 The Unfair Trade Practices Act is amended by repealing section 20(1).

Vital Statistics Act

51(1) The Vital Statistics Act is amended by this section.

(2) Section 1(q) is repealed.

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

(b) the death was natural or occurred during an operative procedure or within 10 days of an operative procedure and a physician

(i) is able to certify the medical cause of death with reasonable accuracy, and

*(ii) is authorized to complete and sign the medical certificate of death under section 20(7) of the *Fatality Inquiries Act*,*

or

(4) This section comes into force on August 1, 1992.

(8) Coming into force.

Unfair Trade Practices Act

50 This section will amend chapter U-3 of the Revised Statutes of Alberta 1980. Section 20(1) presently reads:

20(1) The Director shall not, until he has been authorized to do so by the Attorney General,

- (a) make an application under section 7 or 9,*
- (b) enter into an undertaking under section 10, or*
- (c) commence or maintain an action under section 11 or 13.*

Vital Statistics Act

51(1) This section will amend chapter V-4 of the Revised Statutes of Alberta 1980.

(2) Section 1(q) presently reads:

1 In this Act,

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

(3) Section 15(2)(b) presently reads:

15(2) When

- (b) the death was natural and a physician*
 - (i) is able to certify the medical cause of death with reasonable accuracy, and*
 - (ii) has received the consent of a medical examiner to complete and sign the medical certificate of death,*

or

(4) Coming into force.

**Wilderness Areas, Ecological Reserves
and Natural Areas Act**

*52 The Wilderness Areas, Ecological Reserves and Natural Areas
Act is amended by adding the following after section 13:*

Enforcement

13.1(1) Every peace officer has the authority, responsibility and duty to enforce this Act.

(2) Section 8 does not apply to a peace officer engaged in the execution of duties under this section.

(3) In this section, “peace officer” means

- (a)** a member of the Royal Canadian Mounted Police,
- (b)** a wildlife officer appointed under the *Wildlife Act*,
- (c)** a forest officer appointed under the *Forests Act*, and
- (d)** a park ranger appointed under the *Provincial Parks Act*.

**Wilderness Areas, Ecological Reserves
and Natural Areas Act**

52 This section will amend chapter W-8 of the Revised Statutes of Alberta 1980. The amendment requires peace officers to enforce the Act.