

1994 BILL 17

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Second Session, 23rd Legislature, 43 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 17

TREASURY DEPARTMENT STATUTES  
AMENDMENT ACT, 1994

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THE PROVINCIAL TREASURER

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 17

1994

### TREASURY DEPARTMENT STATUTES AMENDMENT ACT, 1994

(Assented to , 1994)

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

#### Alberta Health Care Insurance Act

RSA 1980  
cA-24

*1(1) The Alberta Health Care Insurance Act is amended by this  
section.*

*(2) Section 1(1) is repealed.*

*(3) Section 30(e.1) and (e.2) are repealed and the following is  
substituted:*

(e.1) respecting and authorizing the types of recoverable  
payments that may be made under the Plan;

(e.2) respecting and authorizing the programs the costs of which  
may be paid under the Plan;

*(4) Section 30.1 is amended by striking out "out of the Fund" and  
substituting "under the Plan".*

*(5) Section 30.2 is amended by striking out "out of the Fund" and  
substituting "under the Plan".*

## **Explanatory Notes**

### **Alberta Health Care Insurance Act**

1(1) Amends chapter A-24 of the Revised Statutes of Alberta 1980.

(2) Section 1(l) presently reads:

*1 In this Act,*

*(l) "Fund" means the Health Care Insurance Fund established under section 31;*

(3) Section 30(e.1) and (e.2) presently read:

*30 The Lieutenant Governor in Council may make regulations*

*(e.1) respecting and authorizing the types of recoverable payments that may be made out of the Fund;*

*(e.2) respecting and authorizing the programs the costs of which may be paid out of the Fund;*

(4) Section 30.1 presently reads:

*30.1 A regulation made under section 30(e.1) may be effective as of any date not earlier than November 1, 1981 and may validate recoverable payments referred to in the regulation that were made out of the Fund since that effective date.*

(5) Section 30.2 presently reads:

*30.2 A regulation made under section 30(e.2) may be effective as of any date not earlier than January 1, 1985 and may validate the*

(6) *Section 31 is repealed and the following is substituted:*

Payments out  
of General  
Revenue Fund

**31** The following may be paid out of the General Revenue Fund:

- (a) recoverable payments pursuant to regulations under section 30(e.1);
- (b) payments required to be made by the Minister pursuant to an arrangement made pursuant to section 82.1 of the *Workers' Compensation Act*;
- (c) any payment required to be made under the Plan pursuant to this or any other Act that is not paid under the authority of a supply vote.

*payment of the costs of the programs referred to in the regulation that were made out of the Fund since that effective date.*

(6) Section 31 presently reads:

*31(1) There shall be established a fund to be known as the "Health Care Insurance Fund".*

*(2) The Minister shall hold and administer the Fund and shall keep a separate accounting record of the Fund.*

*(3) The following shall be paid into the Fund:*

*(a) money received from the Government of Canada under the Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act, 1977 (Canada) deemed by the Provincial Treasurer to be contributions to Alberta with respect to health care;*

*(b) all money received as premiums pursuant to the Health Insurance Premiums Act;*

*(c) all money recovered in respect of recoverable payments made out of the Fund pursuant to regulations under section 30(e.1);*

*(d) reimbursements made by the Workers' Compensation Board pursuant to section 82.1(3) of the Workers' Compensation Act.*

*(4) The following may be paid out of the Fund:*

*(a) benefits;*

*(b) payments by the Minister to the Alberta Hospital Association pursuant to the Blue Cross agreement;*

*(b.1) the costs of programs authorized pursuant to the regulations under section 30(e.2);*

*(c) the costs of goods and services payable pursuant to section 62(b.2) of the Hospitals Act;*

*(d) recoverable payments pursuant to regulations under section 30(e.1);*

*(e) payments required to be made by the Minister pursuant to an arrangement made pursuant to section 82.1 of the Workers' Compensation Act.*

*(5) The income from the Fund shall accrue to and form part of the Fund.*

*(6) The Lieutenant Governor in Council may from time to time direct the Provincial Treasurer to advance money from the General Revenue Fund to the Fund.*

*(7) All assets and liabilities of the Health Care Insurance Fund are deemed to be assets or liabilities of the General Revenue Fund under the same terms and conditions.*

*(8) The Workers' Compensation Act is amended in section 82.1 by striking out "Alberta Health Care Insurance Fund" wherever it occurs and substituting "General Revenue Fund".*

#### **Financial Administration Act**

RSA 1980  
cF-9

*2(1) The Financial Administration Act is amended by this section.*

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

*(a) in clause (a.1) by adding "or" at the end of subclause (ii) and by repealing subclause (ii.1);*

*(b) by repealing clauses (b.01) and (b.02);*

*(c) in clause (f)*

*(i) in subclause (i) by striking out " , a Heritage Fund vote or a Capital Fund vote" and substituting "or a Heritage Fund vote";*

*(ii) in subclause (ii) by striking out " , Heritage Fund vote or Capital Fund vote" wherever it occurs and substituting "or Heritage Fund vote";*

*(d) by repealing clause (h.1).*

*(7) In each fiscal year, an amount equivalent to the estimated net deficit of the Fund in the year shall be provided from money voted by the Legislature for that purpose and, if the vote is insufficient, from the General Revenue Fund.*

*(8) The Provincial Treasurer shall pay to the Fund the amounts provided by vote, and referred to in subsection (7), in instalments as soon as convenient after the first day of every month, each instalment to be in an amount that the Provincial Treasurer in consultation with the Minister decides.*

*(9) The Minister shall annually, after the end of a fiscal year, prepare a general report summarizing the operation of the Fund during the last fiscal year and showing any other information that the Lieutenant Governor in Council requires.*

*(10) The Minister shall lay a copy of a report prepared under subsection (9) before the Legislative Assembly if it is then sitting and if not, within 15 days after the commencement of the next sitting.*

(7) Assets and liabilities are deemed to be in the General Revenue Fund.

(8) Consequential amendment.

### **Financial Administration Act**

**2(1)** This section amends chapter F-9 of the Revised Statutes of Alberta 1980.

(2) Section 1(1)(a.1), (b.01), (b.02), (f) and (h.1) presently read:

*1(1) In this Act,*

*(a.1) "appropriation" means*

*(i) a supply vote,*

*(ii) a Heritage Fund vote,*

*(ii.1) a Capital Fund vote, or*

*(iii) a statutory appropriation;*

*(b.01) "Capital Fund" means the Alberta Capital Fund established under section 60.2;*

*(b.02) "Capital Fund vote" means*

*(i) the authority contained in an Act referred to in section 60.2(6) and identified as a vote in that Act to spend the amount of money in the Capital Fund indicated in the vote, or*

*(3) Section 26(1.2) is amended by striking out “\$2000” and substituting “\$25 000”.*

*(4) Section 27 is amended*

*(a) by repealing subsections (1) and (2) and substituting the following:*

Compromises

**27(1)** No amount owing to the Crown or a Provincial agency shall be compromised except pursuant to this section.

**(2)** If in the opinion of the Treasury Board an amount owing to the Crown or to a Provincial agency is not recoverable or the recovery of an amount owing to the Crown or to a Provincial agency is not cost effective, the Treasury Board may direct the compromise of part of the amount.

*(b) in subsection (3)(c) by striking out “, partial collection or write-off of debts” and substituting “or partial collection of amounts”.*



(ii) *the authority to spend the amount of money deemed to be a Capital Fund vote or part of a Capital Fund vote by virtue of section 60.3(3) or (4), as the case may be;*

(f) *"expenditure" means*

(i) *a payment authorized by a supply vote, a Heritage Fund vote or a Capital Fund vote,*

(ii) *a reimbursement, under the authority of one supply vote, Heritage Fund vote or Capital Fund vote, of a payment charged against another supply vote, Heritage Fund vote or Capital Fund vote, as the case may be,*

(iii) *repealed 1986 c16 s2,*

(iv) *a payment authorized by a statutory appropriation, other than a statutory appropriation authorizing a payment to a revolving fund, or*

(v) *a payment from a revolving fund;*

(h.1) *"Loan Fund" means the Alberta Provincial Corporation Loan Fund established under section 60.1;*

(3) Section 26(1.2) presently reads:

*(1.2) Notwithstanding subsections (1) and (1.1), if the Provincial Treasurer considers it in the public interest to do so, or considers it advisable to do so in a case where injustice or great hardship to a person has resulted or is likely to result, he may order the remission of any debt not exceeding \$2000 paid or payable to the Crown or a Provincial agency.*

(4) Section 27 presently reads:

*27(1) No debt owing to the Crown or to a Provincial agency shall be compromised or written off except pursuant to this section.*

*(2) If it appears to the Treasury Board that any debt owing to the Crown or to a Provincial agency is only partially recoverable or is not recoverable, the Board may direct the compromise of the debt or the writing-off of all or part of the debt as it considers equitable.*

*(3) The Treasury Board may make regulations or issue directives*

*(a) delegating its powers under subsection (2) to any public employee, public official or personal service contractor,*

*(b) controlling or limiting the exercise of the powers so delegated, and*

*(c) prescribing the conditions for the collection, partial collection or write-off of debts owing to the Crown or a Provincial agency.*

(5) *Section 28 is amended by striking out “of all remissions, compromises and write-offs” and substituting “, in the form the Provincial Treasurer considers appropriate, of remissions and compromises”.*

(6) *Section 29(1)(b.1) is repealed and the following is substituted:*

- (b.1) the amounts to be paid out of the General Revenue Fund under section 62.1 to make advances or purchase securities to the extent that the amounts are not paid to replace other advances or securities that were made or purchased under section 62.1, and

(7) *Section 32 is amended*

- (a) *in subsections (2) and (3) by striking out “, within a period after the end of the fiscal year as set by the Treasury Board,” wherever it occurs;*
- (b) *by striking out “, a Heritage Fund vote or a Capital Fund vote” wherever it occurs and substituting “or a Heritage Fund vote”;*
- (c) *by striking out “, the Heritage Fund vote or the Capital Fund vote” wherever it occurs and substituting “or the Heritage Fund vote”.*

(5) Section 28 presently reads:

*28 The Provincial Treasurer shall prepare a statement of all remissions, compromises and write-offs made or approved under sections 26 and 27 during any fiscal year.*

(6) Section 29(1)(b.1) presently reads:

*29(1) Estimates shall contain*

*(b.1) the proposed Capital Fund votes that are to be voted on by the Legislative Assembly, and*

(7) Section 32(1) to (5) presently read:

*32(1) After the end of a fiscal year*

*(a) no expenditure shall be made under the authority of a supply vote, a Heritage Fund vote or a Capital Fund vote for that fiscal year, and*

*(b) no disbursement shall be made from that part of a regulated fund made up of payments under the authority of a supply vote for that fiscal year,*

*except pursuant to subsection (4), and the authority to make expenditures or disbursements from the balance of the supply vote, the Heritage Fund vote or the Capital Fund vote or the balance of that part of the regulated fund made up of payments under the authority of a supply vote, not charged with a liability pursuant to subsection (4), lapses.*

*(2) The deputy head of a department or a fund administrator shall, within a period after the end of a fiscal year as set by the Treasury Board, record and submit to the Provincial Treasurer, in the form and manner prescribed by the Provincial Treasurer, a record of all liabilities relating, for that fiscal year,*

*(a) to a supply vote, a Heritage Fund vote or a Capital Fund vote under the administration of the department head of the department of which he is deputy head, or*

*(b) to that part of a regulated fund of which he is fund administrator, made up of payments under the authority of a supply vote.*

*(3) The Provincial Treasurer shall, within a period after the end of the fiscal year as set by the Treasury Board, record any liabilities relating, for that fiscal year, to a supply vote, a Heritage Fund vote or a Capital Fund vote or to a regulated fund made up of payments under the authority of a supply vote.*

(8) *Section 35 is repealed and the following is substituted:*

Disbursement  
control

**35** Except as otherwise provided in this Act, a deputy head, a fund administrator or a Provincial agency shall implement those procedures that the deputy head, fund administrator or Provincial agency considers necessary to ensure that this Act, the regulations, orders and directives under this Act and any other applicable Act are complied with when a disbursement is made for the department, from the fund or by the Provincial agency, as the case may be.

*(4) Liabilities recorded pursuant to subsection (3) shall be paid and charged against a supply vote, a Heritage Fund vote or a Capital Fund vote or regulated fund to the extent of the authority available for that fiscal year*

*(a) to make disbursements from the supply vote, the Heritage Fund vote or the Capital Fund vote, or*

*(b) to make disbursements from that part of the regulated fund made up of payments under the authority of a supply vote,*

*and, if the authority available is insufficient, may be paid and charged against a supply vote, a Heritage Fund vote or a Capital Fund vote or that part of a regulated fund made up of payments under the authority of a supply vote, as the case may be, for the following fiscal year.*

*(5) Any liability charged under subsection (4) against a supply vote, a Heritage Fund vote or a Capital Fund vote or regulated fund for a following fiscal year shall be reported in the public accounts for the fiscal year in which the liability was incurred.*

(8) Section 35 presently reads:

*35(1) Subject to subsection (6), the deputy head of each department*

*(a) with the approval of the Treasury Board,*

*(i) shall designate one or more public employees, public officials or personal service contractors of the department,*

*(ii) may, with the approval of the deputy head of another department, designate one or more public employees, public officials or personal service contractors of that other department, and*

*(iii) may, with the approval of a Provincial agency, designate one or more members, officers or employees of the Provincial agency,*

*as accounting officers for the department, and*

*(b) shall designate one or more public employees, public officials or personal service contractors as expenditure officers for the department.*

*(2) Subject to subsection (6), each fund administrator shall designate*

*(a) with the approval of the Treasury Board, one or more public employees, public officials or personal service contractors to be accounting officers, and*

*(b) one or more public employees, public officials or personal service contractors to be expenditure officers.*

*(9) Sections 37, 38 and 39 are repealed and the following is substituted:*

Expenditure  
officers

**37(1)** A deputy head shall designate one or more public employees, public officials or personal service contractors as expenditure officers for the department.

**(2)** A fund administrator shall designate one or more public employees, public officials or personal service contractors as expenditure officers for the regulated fund.

**(3)** A Provincial agency shall designate one or more members, officers or employees of the Provincial agency as expenditure officers for the Provincial agency.

**(4)** An expenditure officer for the relevant department, regulated fund or Provincial agency shall authorize a disbursement before it is made.

*for the regulated fund that he administers.*

*(3) Subject to subsection (6), each Provincial agency shall designate*

*(a) with the approval of the Treasury Board, one or more members, officers or employees of the Provincial agency to be accounting officers, and*

*(b) one or more members, officers or employees of the Provincial agency to be expenditure officers,*

*for the Provincial agency.*

*(4) A deputy head, fund administrator, member of a fund administrator or member of a Provincial agency may be designated as an accounting officer or an expenditure officer or both but shall not act as both the accounting officer and the expenditure officer with respect to the same transaction.*

*(5) A public employee, public official or personal service contractor who is not designated under subsection (4) may, with the approval of the Treasury Board, be designated as both an accounting officer and an expenditure officer but he shall not act as both the accounting officer and the expenditure officer with respect to the same transaction.*

*(6) Except as provided in subsections (4) and (5), no person shall be designated as an accounting officer or an expenditure officer if, as a result of that designation, he becomes both an accounting officer and an expenditure officer.*

*(7) A corporation shall not be designated as an accounting officer or an expenditure officer.*

*(8) The Treasury Board may suspend or terminate the designation of any person as an accounting officer or an expenditure officer.*

*(9) Sections 37, 38 and 39 presently read:*

*37(1) No request for an expenditure shall be made without the certification of an accounting officer for the department whose department head has the administration of the appropriation against which the proposed expenditure is to be charged or pursuant to which it is to be made or the administration of the revolving fund from which the proposed expenditure is to be made, that*

*(a) the proposed expenditure was authorized by an expenditure officer for the department,*

*(b) the proposed expenditure*

*(i) is to be made under a written contract specifying the amount of the proposed expenditure in total or as an amount per unit and approved by an expenditure officer for the department, and the proposed expenditure is in accordance with the contract, or*

Accounting  
officers

(5) An expenditure officer may authorize a disbursement only if the expenditure officer is satisfied that the disbursement is in an amount that complies with the terms of a contract approved by an expenditure officer or, if there is no contract, that it is appropriate in the circumstances.

**38(1)** A deputy head shall designate one or more public employees, public officials or personal service contractors of the department as accounting officers for the department.

(2) A fund administrator shall designate one or more public employees, public officials or personal service contractors as accounting officers for the regulated fund.

(3) A Provincial agency shall designate one or more members, officers or employees of the Provincial agency as accounting officers for the Provincial agency.

(4) A deputy head or a Provincial agency may designate as an accounting officer for the department or the Provincial agency, as the case may be,

(a) with the approval of the deputy head of another department, a public employee, public official or personal service contractor of that other department, or

(b) with the approval of the Provincial agency, a member, officer or employee of a Provincial agency.

(5) An accounting officer for the relevant department, regulated fund or Provincial agency shall authorize a disbursement before it is made.

(6) An accounting officer may authorize a disbursement only if the accounting officer is satisfied that

(a) the disbursement is authorized by an expenditure officer,

(b) in the case of an expenditure,

(i) the expenditure is for a purpose authorized by the applicable appropriation or for a purpose for which the revolving fund is established, and

(ii) there is money available in the applicable appropriation or revolving fund to meet the amount required,



- (ii) *is in an amount that an expenditure officer for the department has certified is fair and just,*
  - (c) *the proposed expenditure is for a purpose authorized by the applicable appropriation or for a purpose for which the revolving fund was established,*
  - (d) *in the case of a proposed expenditure for goods supplied or services rendered, a person authorized by the deputy head of the department to certify that the goods or services were received has so certified, and*
  - (e) *the amount of the proposed expenditure is accurate.*
- (2) *No request for a disbursement that is not an expenditure shall be made without the certification of an accounting officer for the department, regulated fund or Provincial agency under which is administered the money from which the proposed disbursement is to be made, that*

- (a) *the proposed disbursement was authorized by an expenditure officer for the department, regulated fund or Provincial agency,*
- (b) *an expenditure officer for the department, regulated fund or Provincial agency has certified that*
  - (i) *if there is a written contract relating to the proposed disbursement, it is in accordance with the contract and, if the amount of the proposed disbursement is not specified in the contract, the amount is fair and just, or*
  - (ii) *if there is no written contract relating to the proposed disbursement, the amount of the proposed disbursement is fair and just,*
- (c) *the proposed disbursement is consistent with the purpose for which the money is available,*
- (d) *in the case of a proposed disbursement for goods supplied or services rendered, a person authorized by the fund administrator, Provincial agency or deputy head of the department to certify that the goods or services were received has so certified, and*
- (e) *the amount of the proposed disbursement is accurate.*

38(1) *Subject to subsection (2), when a person enters into a contract on behalf of the Crown or executes a contract for or on behalf of the Crown under which a disbursement is or may be required, that person shall promptly deliver to the Provincial Treasurer a true copy of it or particulars of it if the contract is not in writing.*

(2) *The Treasury Board may exempt a contract or class of contracts from the operation of subsection (1).*

- (c) in the case of a disbursement that is not an expenditure, the disbursement is consistent with the purpose for which the money is available and there is money available to meet the amount required,
- (d) if the payment is for goods or services, the goods have been received or the services given, and
- (e) the amount of the payment is correct.

**Qualifications**

**39(1)** An accounting officer must be an individual designated by name and not by office or title.

**(2)** An expenditure officer must be an individual.

**(3)** An individual shall not act as both an accounting officer and an expenditure officer with respect to the same transaction.

*39(1) Except as otherwise provided in this Act, the Provincial Treasurer shall implement those procedures that he considers necessary*

- (a) in the case of an expenditure charged against or made pursuant to an appropriation or made from a revolving fund, to satisfy himself that*
  - (i) in the case of an expenditure charged against a supply vote, a Heritage Fund vote or a Capital Fund vote, there is authority under the supply vote, Heritage Fund vote or Capital Fund vote for the purpose of making the expenditure,*
  - (ii) in the case of an expenditure made from a revolving fund, there is money available in the revolving fund for the purpose of making the expenditure,*
  - (iii) the expenditure does not exceed any maximum limit prescribed by law,*
  - (iv) an accounting officer has given the certification required by section 37(1) in respect of the expenditure,*
  - (v) the expenditure is for a purpose authorized by the applicable appropriation or for a purpose for which the revolving fund was established,*
  - (vi) in the case of an expenditure made pursuant to a contract, it is not contrary to the contract, and*
  - (vii) the expenditure does not contravene this or any other Act or a regulation, directive or order made pursuant to this or any other Act;*
- (b) in the case of a disbursement that is not an expenditure, to satisfy himself that*
  - (i) there is money available for the purpose of the disbursement,*
  - (ii) an accounting officer has given the certification required by section 37(2) in respect of the disbursement,*
  - (iii) in the case of a disbursement made pursuant to a contract, it is not contrary to the provisions of the contract,*
  - (iv) in the case of a disbursement made from a regulated fund, it is not contrary to any instrument that created the fund or that governs disbursements from the fund, and*
  - (v) the disbursement does not contravene this or any other Act or a regulation, directive or order made pursuant to this or any other Act.*

*(10) Section 50(1)(a) is amended by adding “in addition to and notwithstanding section 62.1,” before “securities”.*

*(11) Section 50.1(2) is repealed.*

*(12) Sections 60.1, 60.2 and 60.3 are repealed.*

*(2) The procedures determined under subsection (1) may be applied before or after an expenditure or disbursement is made.*

(10) Section 50(1)(a) presently reads:

*50(1) The Provincial Treasurer may, on behalf of the General Revenue Fund, invest in any or all of the following securities and other forms of investment and in rights or interests in respect of any of them:*

*(a) securities of a Provincial corporation;*

(11) Section 50.1(2) presently reads:

*(2) Any securities acquired by disbursement from the Capital Fund under the authority of this or any other Act shall form part of the Capital Fund and be held and administered by the Provincial Treasurer.*

(12) Sections 60.1, 60.2 and 60.3 presently read:

*60.1(1) There is hereby established a fund to be known as the Alberta Provincial Corporation Loan Fund.*

*(2) The Provincial Treasurer shall hold and administer the Loan Fund in accordance with this Act.*

*(3) The Provincial Treasurer shall establish and maintain a separate accounting record of the Loan Fund.*

*(3.1) The Provincial Treasurer may advance money from the General Revenue Fund to the Loan Fund or from the Loan Fund to the General Revenue Fund.*

*(4) The income of the Loan Fund accrues to and forms part of the Loan Fund.*

*60.2(1) There is hereby established a fund to be known as the Alberta Capital Fund.*

*(2) The Provincial Treasurer shall hold and administer the Capital Fund in accordance with this Act.*

*(3) The Provincial Treasurer shall establish and maintain a separate accounting record of the Capital Fund.*

*(4) The Provincial Treasurer may advance money from the General Revenue Fund to the Capital Fund or from the Capital Fund to the General Revenue Fund.*

*(5) The income of the Capital Fund accrues to and forms part of the Capital Fund.*

*(6) Expenditures from the Capital Fund shall be made only if money is first appropriated from the Capital Fund by an Act of the Legislature.*

*(13) Section 61(1)(a) and (a.1) are repealed.*

*(14) Sections 62.1 and 62.2 are repealed and the following is substituted:*

*60.3(1) When at any time the Legislative Assembly is not in session the Provincial Treasurer*

- (a) reports that the Minister having charge of any matter has certified that, in the public interest, an expenditure of public money from the Capital Fund is urgently required with respect to that matter, and*
- (b) reports that either*
  - (i) there is no Capital Fund vote under which an expenditure with respect to that matter may be made, or*
  - (ii) there is a Capital Fund vote under which an expenditure with respect to that matter may be made but the authority available under the Capital Fund vote is insufficient,*

*the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant Governor authorizing the expenditure of the amount of money estimated to be required.*

*(2) For the purposes of subsection (1), if the Legislative Assembly is adjourned for a period of more than 14 days, the Assembly shall be deemed not to be in session during the period of the adjournment.*

*(3) When a special warrant is prepared and signed under subsection (1) on the basis of a report referred to in subsection (1)(b)(i), the authority to spend the amount of money specified in the special warrant for the purpose specified in the special warrant is deemed to be a Capital Fund vote for the purposes of this Act.*

*(4) When a special warrant has been prepared and signed under subsection (1) on the basis of a report referred to in subsection (1)(b)(ii), the authority to spend the amount of money specified in the special warrant is, for the purposes of this Act, added to and deemed to be part of the Capital Fund vote to which the report relates.*

*(5) When a special warrant has been prepared and signed pursuant to this section, the amounts authorized by it are deemed to be included in, and not to be in addition to, the amounts authorized by the Act, not being an Act for interim supply, enacted next after the signing of the warrant for granting to Her Majesty sums of money to make expenditures from the Capital Fund.*

*(13) Section 61(1)(a) and (a.1) presently read:*

*61(1) The Lieutenant Governor in Council may, by order, authorize the Provincial Treasurer to raise money on behalf of the Crown in the amounts set out in the order for the purposes of*

*(a) depositing money in the Loan Fund,*

*(a.1) depositing money in the Capital Fund,*

*(14) Sections 62.1 and 62.2 presently read:*

Advances to  
Provincial  
corporations

**62.1** The Lieutenant Governor in Council may authorize the Provincial Treasurer to make advances to or purchase securities of a Provincial corporation on any terms and conditions that the order may contain.

*(15) All assets and liabilities of the Capital Fund are deemed to be assets or liabilities of the General Revenue Fund under the same terms and conditions.*

*(16) All assets and liabilities of the Alberta Provincial Corporation Loan Fund are deemed to be assets or liabilities of the General Revenue Fund under the same terms and conditions.*

*(17) Section 65(1) is amended by striking out "\$20 000 000 000" and substituting "\$21 500 000 000".*



*62.1(1) The Provincial Treasurer shall deposit into the Loan Fund money raised under the authority of section 61(1)(a).*

*(2) The Lieutenant Governor in Council, by order and in respect of a Provincial corporation, may authorize the Provincial Treasurer to make loans to or purchase securities of that Provincial corporation by using money from the Loan Fund on any terms and conditions that the order may contain.*

*(3) Any money paid to the Provincial Treasurer by a Provincial corporation in connection with loans made to or securities purchased from that corporation pursuant to subsection (2) shall form part of the Loan Fund.*

*(4) Money forming part of the Loan Fund that is not immediately required for the purpose set out in subsection (2) or section 69 may be invested by the Provincial Treasurer in accordance with the investment powers set out in Part 5 with respect to the General Revenue Fund.*

*(5) The Provincial Treasurer may be designated as a depositor, on behalf of the Loan Fund, in the Consolidated Cash Investment Trust Fund.*

*62.2(1) The Provincial Treasurer shall deposit into the Capital Fund money raised under the authority of section 61(1)(a.1).*

*(2) Money forming part of the Capital Fund that is not immediately required for the purposes of the Fund may be invested by the Provincial Treasurer in accordance with the investment powers set out in Part 5 with respect to the General Revenue Fund.*

*(3) The Provincial Treasurer may be designated as a depositor, on behalf of the Capital Fund, in the Consolidated Cash Investment Trust Fund.*

*(4) If at any time it appears to the Provincial Treasurer that there is money in the Capital Fund that is not required for the purposes of the Capital Fund, the Provincial Treasurer, with the approval of the Treasury Board, may transfer the money to the General Revenue Fund.*

*(15) Assets and liabilities of the Capital Fund are deemed to be those of the General Revenue Fund.*

*(16) Assets and liabilities of the Loan Fund are deemed to be those of the General Revenue Fund.*

*(17) Section 65(1) presently reads:*

*65(1) The amount of the unredeemed Government securities that have not matured and that are issued in respect of money raised for the purposes referred to in section 61(1)(a.1) and (b) less the amount of the sinking funds established for the retirement of Government securities and the interest accrued on those sinking funds shall at no time exceed \$20 000 000 000.*

*(18) Section 69(2) is amended by adding “and” at the end of clause (g.2) and by repealing clauses (g), (h), (h.1) and (h.2).*

(18) Section 69(2) presently reads:

*(2) Money required in connection with Government securities or in connection with money raised pursuant to section 61 other than by the issue of Government securities*

- (a) to provide a sinking fund or other means of ensuring repayment,*
- (b) to redeem or repay the principal amount of Government securities or to repay the principal amount of money raised other than by the issue of Government securities,*
- (c) to pay a premium in connection with the redemption of Government securities or the repayment of money,*
- (d) to pay the remuneration and compensation of registrars, transfer agents and fiscal agents whose services are engaged in connection with any matter related to Government securities,*
- (e) to pay the costs, expenses and charges, including the cost of obtaining a rating of Government securities, incurred in negotiations entered into in respect of the raising of money or in the raising of money by the Crown or in the issuing, reissuing, cancelling, redeeming, servicing, paying or managing of obligations in respect of money raised and Government securities issued or reissued in respect of those obligations,*
- (f) to pay interest in respect of Government securities or money raised other than by the issue of Government securities,*
- (f.1) to make the payments required under agreements entered into or activities engaged in by the Provincial Treasurer under section 61(3), and*
- (f.2) to purchase Government securities in order to cancel or reissue those Government securities;*

*shall be paid*

- (g) from the Loan Fund in respect of money raised pursuant to section 61(1)(a) to the extent that sufficient funds are available in the Loan Fund to meet the requirements,*
- (g.1) from the Farm Credit Stability Fund in respect of money raised pursuant to section 61(1)(b.1),*
- (g.2) from the Small Business Term Assistance Fund in respect of money raised pursuant to section 61(1)(b.01).*

*(19) Section 76 is amended by repealing clause (a) and substituting the following:*

- (a) summarizing the indemnities given under section 74(1) and the guarantees given in that fiscal year;*

*(20) Section 16 of the Financial Administration Amendment Act, 1993 is amended in section 81.1 as it is enacted by that Act*

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

**(1.1) The discontinuance of a Provincial agency or Crown-controlled organization does not extinguish any liabilities of the Provincial agency or Crown-controlled organization or relieve any person of an obligation the person has to the Provincial agency or Crown-controlled organization.**

- (b) in subsection (5)(b) by striking out “necessary to accomplish” and substituting “advisable in relation to”;*

- (c) by adding the following after subsection (5):*

*(h) from the General Revenue Fund in respect of money raised pursuant to section 61(1)(a) to the extent that sufficient funds are not available in the Loan Fund to meet the requirements,*

*(h.1) from the Capital Fund in respect of money raised pursuant to section 61(1)(a.1) to the extent that sufficient funds are available in the Capital Fund to meet the requirements,*

*(h.2) from the General Revenue Fund in respect of money raised pursuant to section 61(1)(a.1) to the extent that sufficient funds are not available in the Capital Fund to meet the requirements, and*

*(i) from the General Revenue Fund in all other cases,*

*except where the payment is made from a sinking fund or by other means pursuant to subsection (1).*

(19) Section 76 presently reads:

*76 The Provincial Treasurer shall prepare, in accordance with the regulations, a report for each fiscal year of the Crown and for each fiscal year of a Provincial corporation during which it gave a guarantee or indemnity*

*(a) summarizing the guarantees and indemnities given in that fiscal year;*

*(b) showing the amounts paid by the Crown or the Provincial corporation during that fiscal year as a result of the Crown's or the Provincial corporation's liability under guarantees and indemnities;*

*(c) showing the amounts recovered during that fiscal year by the Crown or the Provincial corporation on debts owing to the Crown or the Provincial corporation as a result of payments made by them arising out of guarantees or indemnities.*

(20) Section 81.1 as enacted by chapter 19 of the Statutes of Alberta, 1993 presently reads as follows:

*81.1(1) All Provincial agencies and Crown-controlled organizations in existence at that time are discontinued*

*(a) at the beginning of January 1, 1999, and*

*(b) at the end of the last day of each successive 5-year period beginning with the period that begins on January 1, 1999.*

*(2) Notwithstanding subsection (1), an Act enacted for that purpose may specify that a Provincial agency or a Crown-controlled organization is to continue after the date on which it would otherwise be discontinued.*

(5.1) An order under subsection (5)(b) may be made or amended before or after the date on which the Provincial agency or Crown-controlled organization would otherwise be discontinued and may be general or with respect to one or more or a class of Provincial agencies or Crown-controlled organizations.

(21) *The Department of Advanced Education Act is amended in section 6(1) by striking out “or a Capital Fund vote”.*

### **Forest Development Research Trust Fund Act**

RSA 1980  
cF-13

*3(1) The Forest Development Research Trust Fund Act is amended by this section.*

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

Environmental  
Protection and  
Enhancement  
Fund

**2(1)** Any assets and liabilities of the Forest Development Research Trust Fund are deemed to be assets and liabilities of the Environmental Protection and Enhancement Fund under the same terms and conditions.

(2) Any gift or bequest received by the Minister for the purpose of financing programs respecting forest research shall be paid by the Minister into the Environmental

*(3) If an Act continues a Provincial agency or Crown-controlled organization, that Provincial agency or Crown-controlled organization is continued for a period ending not later than the next discontinuance date under subsection (1) unless the Act specifies a shorter period or the Provincial agency or Crown-controlled organization is further continued by a later Act or order in accordance with this section.*

*(4) A Provincial agency or Crown-controlled organization that is discontinued under this section must not carry on business or any other activity after it is discontinued.*

*(5) Notwithstanding subsections (1) and (3), the Lieutenant Governor in Council may*

*(a) before the date on which it would otherwise be discontinued, order that a Provincial agency or Crown-controlled organization continue for a period specified in the order;*

*(b) notwithstanding any other Act, make an order respecting any matter the Treasury Board considers necessary to accomplish the discontinuance of a Provincial agency or Crown-controlled organization, including, but not limited to, contracts of employment, assets or liabilities of the Provincial agency or Crown-controlled organization or statutory powers, duties or obligations of the Provincial agency or Crown-controlled organization.*

*(6) An order under subsection (5)(a) may continue a Provincial agency or Crown-controlled organization for a period that ends no later than the date of the prorogation of the next session of the Legislature after the date on which the Provincial agency or Crown-controlled organization would otherwise be discontinued under subsection (1) or (3).*

(21) Consequential amendment.

### **Forest Development Research Trust Fund Act**

**3(1)** Amends chapter F-13 of the Revised Statutes of Alberta, 1980.

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

*2(1) There is hereby established a fund called the "Forest Development Research Trust Fund" which shall be held and administered by the Minister and which shall consist of money voted by the Legislature therefor and paid into the Fund from time to time by the Provincial Treasurer at the request of the Minister, together with any gifts, bequests and transfers that are received for that purpose.*

*(3) Section 6(c) is amended by striking out “from the Fund”.*

### **Horned Cattle Purchases Act**

RSA 1980  
cH-10

*4(1) The Horned Cattle Purchases Act is amended by this section.*

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

**(3) All money received by the Minister pursuant to this section shall be paid to the Provincial Treasurer and may be used by the Minister to discharge**

**(a) any expenditures incurred by the Minister for the improvement of livestock in Alberta, and**

**(b) any expenditures incurred by the Minister in the administration of this Act.**



*(2) The Minister, on the advice of the Council, shall make payments from the Fund to finance programs respecting forest research.*

(3) Section 6 presently reads:

*6 The Council shall*

- (a) establish forest research priorities,*
- (b) co-ordinate forest research, and*
- (c) make recommendations to the Minister concerning the allocation of research funds from the Fund.*

#### **Horned Cattle Purchases Act**

**4(1)** Amends chapter H-10 of the Revised Statutes of Alberta 1980.

(2) Section 3 presently reads:

*3(1) A dealer who purchases cattle with horns shall*

- (a) purchase the cattle at the current market price for cattle that are polled or have been dehorned,*
- (b) pay to the vendor the current market price, less, for each head of cattle with horns purchased, the sum prescribed by the Minister under section 2, and*
- (c) in the manner prescribed by this Act, pay to the Minister for each head of cattle with horns purchased, the sum prescribed by the Minister under section 2.*

*(2) Subsection (1) applies to the purchase of pedigreed cattle at a commercial cattle market on a day the business of that market is not confined solely to the sale of pedigreed cattle, except when the pedigreed cattle so purchased were*

- (a) advertised for sale on that day*
  - (i) by advertisement in a newspaper, or*
  - (ii) by distribution of posters,**at least one week before the date of the sale, and*
- (b) described individually in a catalogue distributed to potential buyers before the beginning of the sale.*

*(3) All money received by the Minister pursuant to this section shall be paid over to the Provincial Treasurer and shall be kept by him in a special trust fund.*

*(4) The fund, together with any income accruing on it, shall be available for discharging*

*(3) All assets and liabilities of the special trust fund kept by the Provincial Treasurer under section 3(3) of the Horned Cattle Purchases Act before this section comes into force are deemed to be assets or liabilities of the General Revenue Fund under the same terms and conditions.*

### **Land Titles Act**

RSA 1980  
cL-5

*5(1) The Land Titles Act is amended by this section.*

*(2) Section 124(9) is amended by striking out “assurance fund” and substituting “General Revenue Fund”.*

*(3) The heading preceding section 154 is amended by striking out “Fund and”.*

*(4) Section 154(1)(b) is amended by striking out “fund”.*

*(5) Section 157 is repealed and the following is substituted:*

Assurance  
fees

**157** All money received by the Registrar under this Act as assurance fees shall be paid to the Provincial Treasurer.

- (a) *any expenditures incurred by the Minister for the improvement of livestock in Alberta, and*
  - (b) *any expenditures incurred by the Minister in the administration of this Act,*
- that are approved by the Lieutenant Governor in Council.*
- (3) Assets and liabilities are deemed to be in the General Revenue Fund.

### **Land Titles Act**

- 5(1) Amends chapter L-5 of the Revised Statutes of Alberta 1980.
- (2) Section 124(9) presently reads:
- (9) The Registrar may in his discretion allow the person making the application a sum not exceeding \$3 in payment of his costs, and the sum shall be paid out of the assurance fund on certificate of the Registrar to the Provincial Treasurer.*
- (3) The heading preceding section 154 presently reads:
- Assurance Fund and Fees*
- (4) Section 154(1) presently reads:
- 154(1) Except as otherwise provided in this Act, the Registrar shall not perform any duty to be performed by him under this or any other Act until he has received*
- (a) the fees for the performance of that duty, and*
  - (b) the assurance fund fees*
- prescribed by the Lieutenant Governor in Council.*
- (5) Section 157 presently reads:
- 157(1) The assurance fund herein provided for shall be formed by the Provincial Treasurer from the money paid to and received by him for that purpose by and from the Registrars as hereinbefore provided.*
- (2) The assurance fund may be invested in*
- (a) securities or obligations of the Government of Alberta,*
  - (b) the Consolidated Cash Investment Trust Fund established under the Financial Administration Act, or*
  - (c) any document evidencing an interest in a debt obligation if the payment of the debt and interest is insured under*

*(6) Section 159 is amended by striking out “from the assurance fund” wherever it occurs.*

*(7) Section 165 is amended*

*(a) in subsection (1) by adding “the General Revenue Fund” after “out of” and by repealing clauses (c) and (d);*

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

**(2) Notwithstanding subsection (1), no judgment or claim shall be paid out of the General Revenue Fund under this Act or the *Dower Act* in respect of any amount that exceeds an amount equal to the difference between**

**(a) the aggregate of \$49 000 000 and the amounts paid as assurance fees under this Act after March 31, 1994, and**

**(b) the amounts paid out of the General Revenue Fund pursuant to claims under this Act after March 31, 1994.**

*(8) Section 170(2) is amended by striking out “assurance fund” and substituting “General Revenue Fund pursuant to section 165”.*

*(9) Section 171 is amended by striking out “assurance fund” and substituting “General Revenue Fund”.*

*a policy of insurance issued by a company registered under the Canadian and British Insurance Companies Act (Canada).*

*(2.1) Any income earned from investments made under this section accrues to the General Revenue Fund.*

*(3) When the assurance fund reaches the sum of \$75 000 any sum in excess of that amount may, by direction of the Lieutenant Governor in Council, from time to time be transferred to and form part of the General Revenue Fund.*

(6) Section 159 presently reads:

*159(1) If a married person disposes of his homestead, within the meaning of the Dower Act, without the consent of the spouse of that married person, contrary to the Dower Act, the spouse has whatever right of action for the recovery of damages from the assurance fund that is provided by the Dower Act, but has no right of action for the recovery of damages from the assurance fund pursuant to this Act.*

*(2) Subject to subsection (1), in an action brought by the spouse pursuant to the Dower Act, those provisions of this Act that may be applicable relating to actions against the Registrar for the recovery of damages from the assurance fund apply except in so far as they may be varied by the Dower Act.*

(7) Section 165 presently reads:

*165(1) The Provincial Treasurer shall pay the amount of any*

*(a) judgment recovered against the Registrar, or*

*(b) claim directed to be paid pursuant to section 170,*

*as the case may be, out of*

*(c) the assurance fund, and*

*(d) to the extent that the assurance fund is insufficient to pay the judgment or claim, out of the General Revenue Fund.*

*(2) Notwithstanding subsection (1), no judgment or claim shall be paid out of the General Revenue Fund in respect of any amount that exceeds an amount equal to \$31 000 000 plus the amounts paid into the assurance fund after March 31, 1983, less the amounts paid out of the assurance fund and the General Revenue Fund, if any, pursuant to claims under this Act after March 31, 1983.*

(8) Section 170(2) presently reads:

*(2) When any amount is paid out of the assurance fund, it shall be deemed to have been paid on account of such person as the Attorney General may direct, and the amount may be recovered from that person in the manner directed by section 172.*

(9) Section 171 presently reads in part:

*(10) Section 172 is amended by striking out "assurance fund" wherever it occurs and substituting "General Revenue Fund pursuant to section 165".*

*(11) All assets and liabilities of the assurance fund under the Land Titles Act are deemed to be assets or liabilities of the General Revenue Fund under the same terms and conditions.*

*(12) The Dower Act is amended*

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

*171 The assurance fund is not under any circumstances liable for compensation for loss, damage or deprivation*

- (a) occasioned by the owner's breach of any trust whether express, implied or constructive,*
- (b) in any case in which the same land has been included in 2 or more grants from the Crown,*

(10) Section 172 presently reads:

*172(1) When any amount has been paid out of the assurance fund on account of any person, the amount may be recovered from him, or if he is dead, from his estate by action against his personal representatives, in the name of the Registrar.*

*(2) A certificate signed by the Provincial Treasurer of the payment out of the assurance fund is sufficient proof of the debt.*

*(3) When any amount has been paid out of the assurance fund on account of any person who has absconded or who cannot be found within Alberta and who has left any real or personal estate within Alberta, a judge, on*

- (a) the application of the Registrar,*
- (b) production of a certificate signed by the Provincial Treasurer that the amount has been paid in satisfaction of a judgment against the Registrar as nominal defendant, and*
- (c) proof of service of the writ in any of the modes provided by the ordinary procedure in Alberta,*

*may allow the Registrar to sign judgment against that person forthwith for the amount paid out of the assurance fund, together with the costs of the application.*

*(4) The judgment is final, subject only to any right to have the judgment opened up that may be provided in relation to ordinary procedure in Alberta in cases of judgment by default.*

*(5) The judgment shall be signed in like manner as a final judgment by default in an adverse suit and execution may issue immediately, and if the person has not left real or personal estate within Alberta sufficient to satisfy the amount for which execution has issued, the Registrar may recover that amount, or the unrecovered balance thereof, by information against that person at any time thereafter in the Court of Queen's Bench, at the suit of the Attorney General.*

(11) Assets and liabilities are deemed to be in the General Revenue Fund.

(12) Consequential amendment.

(b) in section 17 by striking out “the Assurance Fund and recovery from it” and substituting “recovery from the General Revenue Fund”;

(c) in the following provisions by striking out “Assurance Fund” wherever it occurs and substituting “General Revenue Fund”:

section 1(d)(iii);  
section 13(1);  
section 15;  
section 16(1), (3);  
section 24(3), (4).

(13) *The Proceedings Against the Crown Act* is amended in section 2 by striking out “assurance fund” and substituting “General Revenue Fund”.

(14) *The Tax Recovery Act* is amended in section 34 by striking out “assurance fund” and substituting “General Revenue Fund under the Land Titles Act”.

#### **Livestock Identification and Brand Inspection Act**

SA 1985  
cL-22.5

6(1) *The Livestock Identification and Brand Inspection Act* is amended by this section.

(2) Section 1(i) is repealed.

(3) Section 26 is amended

(a) in subsection (1) by striking out “Inspection Fund” and substituting “General Revenue Fund”;

(b) in subsection (2) by striking out “out of the Inspection Fund”;

(c) by repealing subsection (3).



(13) Consequential amendment.

(14) Consequential amendment.

### **Livestock Identification and Brand Inspection Act**

6(1) Amends chapter L-22.5 of the Statutes of Alberta, 1985.

(2) Section 1(i) presently reads:

*1 In this Act,*

*(i) "Inspection Fund" means the Livestock Identification and Brand Inspection Fund established under section 27;*

(3) Section 26 presently reads:

*26(1) If the ownership of the livestock cannot be established, the inspector shall issue a release in the prescribed form instructing the person withholding settlement to forward the amount so withheld to be paid into the Inspection Fund.*

*(2) The Minister may direct the Provincial Treasurer to pay out of the Inspection Fund the amount so withheld to a person who*

*(a) claims, within 1 year from the date of the sale of livestock, and*

*(b) establishes to the satisfaction of the Minister*

*that he was the owner of the livestock before the sale.*

*(4) Section 27 is repealed.*

*(5) All assets and liabilities of the Livestock Identification and Brand Inspection Fund are deemed to be assets or liabilities of the General Revenue Fund under the same terms and conditions.*

#### **Motor Vehicle Accident Claims Act**

RSA 1980  
cM-21

*7(1) The Motor Vehicle Accident Claims Act is amended by this section.*

*(2) Section 1(b) is repealed.*

*(3) Section 2 is repealed.*

*(4) Section 5 is amended*

*(3) If no claim is made under subsection (2), the Provincial Treasurer shall, on the expiration of 1 year from the date of the sale, transfer the amount to the General Revenue Fund.*

(4) Section 27 presently reads:

*27(1) There is established a fund known as the Livestock Identification and Brand Inspection Fund, which is held by the Provincial Treasurer in a special account.*

*(2) The Provincial Treasurer shall make payments out of the Inspection Fund in accordance with section 26 on the submission by the Minister of a requisition for payment to the Provincial Treasurer.*

*(3) The Inspection Fund may be a depositor to the Consolidated Cash Investment Trust Fund established under the Financial Administration Act.*

(5) Assets and liabilities are deemed to be in the General Revenue Fund.

### **Motor Vehicle Accident Claims Act**

7(1) Amends chapter M-21 of the Revised Statutes of Alberta 1980.

(2) Section 1(b) presently reads:

*1 In this Act,*

*(b) "Fund" means the Motor Vehicle Accident Claims Fund under this Act;*

(3) Section 2 presently reads:

*2(1) There is hereby established a fund to be known as the Motor Vehicle Accident Claims Fund, which shall be held by the Provincial Treasurer in a special account.*

*(2) The Solicitor General shall pay to the Provincial Treasurer the fees collected pursuant to section 3.*

*(3) On receipt from the Solicitor General of the fees collected under section 3, the Provincial Treasurer shall pay those fees into the Fund.*

*(4) The Provincial Treasurer may from time to time on the request of the Minister advance to the Fund from the General Revenue Fund those amounts that are required for the purposes of the Fund.*

*(5) The Lieutenant Governor in Council may order that any surplus in the Fund or any portion of the surplus be paid into the General Revenue Fund.*

(4) Section 5 presently reads:

- (a) in subsection (1) by striking out “out of the Fund”;*
- (b) in subsection (3)*
  - (i) by striking out all that portion of clause (a) preceding subclause (i) and substituting the following:*
    - (a) if a consent to the amount to be paid to the applicant under this section and an agreement, in the prescribed form, to pay back that amount to the Minister is executed*
  - (ii) by striking out “out of the Fund” and substituting “from the General Revenue Fund”;*
- (c) in subsection (4) by striking out “out of the Fund”.*

*5(1) When a person has a cause of action against the owner or operator of an uninsured motor vehicle for damages for*

- (a) bodily injury to or the death of a person, or*
- (b) loss of or damage to property in an amount exceeding \$250,*

*arising out of the use or operation within Alberta of the motor vehicle, that person may apply to the Administrator, in the prescribed form, for payment out of the Fund in respect of the bodily injury or death, or loss of or damage to property.*

*(2) On receipt of an application under subsection (1) the Administrator shall, by registered mail, send notice of the application to the owner and the operator of the uninsured motor vehicle to their last addresses as recorded with the Registrar.*

*(3) Subject to sections 11 to 19 and to the regulations,*

- (a) if a consent to the amount to be paid to the applicant from the Fund and an agreement, in the prescribed form, to pay that amount back to the Fund is executed*
  - (i) by the owner and the operator,*
  - (ii) by the operator only, when the Minister is satisfied that the owner would not be liable, or*
  - (iii) by either the owner or the operator, when the other has not replied to the notice or disputes his liability to the applicant,*

*and*

- (b) if the applicant executes an assignment to the Administrator of all claims against the persons liable for the injury, death, loss or damage in respect of which the application is made,*

*the Minister may authorize payment out of the Fund to the applicant of an amount that he considers in all the circumstances to be proper compensation.*

*(4) When an amount is paid out of the Fund pursuant to subsection (3), the Administrator is subrogated to the rights of the person to whom the amount was paid and the Administrator may maintain an action in the name of that person or in the name of the Administrator against all or any persons liable for the injury, death, loss or damage in respect of which the payment was made.*

*(5) The Solicitor General shall suspend*

- (a) the operator's licence of every person in the case of an operator of a motor vehicle other than an off-highway vehicle as defined in the Off-highway Vehicle Act, and*

*(5) Section 6(5) is amended*

- (a) by striking out “against the Fund” and substituting “under this Act”;*
- (b) by adding “General Revenue” after “interests of the”.*

*(6) Section 7 is amended*

- (a) in subsection (1) by striking out “out of the Fund” and substituting “under this section”;*
- (b) in subsection (2) by striking out “out of the Fund” and substituting “from the General Revenue Fund”;*
- (c) in subsection (3) by striking out “out of the Fund”;*
- (d) in subsection (4) by striking out “out of the Fund”.*

*(b) the registration of every motor vehicle registered in the name of every person,*

*who executes an agreement pursuant to subsection (3) until the full amount owing on the undertaking has been paid or the person commences payment under an agreement made pursuant to subsection (6).*

*(6) The Administrator may enter into an agreement with a person who executes an agreement pursuant to subsection (3) to accept payment by instalments of the amount owing on the undertaking.*

*(7) When a person who has commenced payment of the amount owing on the agreement is in default in any payment for a period of 30 days, the Solicitor General may suspend the operator's licence of that person and the registration of every motor vehicle registered in the name of that person.*

(5) Section 6(5) presently reads:

*(5) In an action where it appears that a claim may be made against the Fund, the Administrator may on notice to the plaintiff and defendant apply to be added as a party and thereupon may take any steps he considers proper to protect the interests of the Fund.*

(6) Section 7 presently reads:

*7(1) When a person recovers in a court in Alberta a judgment for damages for*

*(a) bodily injury to or the death of a person, or*

*(b) loss of or damage to property in an amount exceeding \$250,*

*arising out of the use or operation within Alberta of a motor vehicle, he may, on the determination of all proceedings, including appeals, apply to the Administrator, in the prescribed form, for payment out of the Fund of the amount of the judgment or of the amount of the unsatisfied portion of it.*

*(2) When an application is made under subsection (1) and the requirements of this section and the regulations have been satisfied, the Minister shall, subject to section 8 and sections 11 to 19, authorize the payment out of the Fund of the amount of the judgment or of the unsatisfied portion of it.*

*(3) The Minister may refuse to authorize payment out of the Fund of any amount in respect of a judgment*

*(a) when the Administrator was not served with notice as required by section 6,*

*(b) when the judgment was signed on the consent or with the agreement of the defendant, but without the consent of the Administrator.*

*(7) Section 8 is amended by striking out “out of the Fund” and “out of the fund” wherever they occur.*



(c) *when the action in which the judgment was given was not brought against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question or prosecuted against every such person to judgment or dismissal, or*

(d) *when any requirement of this Act or the regulations has not been complied with.*

(4) *The Minister shall not authorize the payment out of the Fund of any amount in respect of a judgment until the judgment creditor*

(a) *assigns the judgment to the Administrator, and*

(b) *serves a copy of the assignment on the judgment debtor or obtains an order of the Court of Queen's Bench dispensing with service.*

(5) *If the judgment creditor is a minor the assignment of the judgment may be made by the Public Trustee on the minor's behalf.*

(6) *If the judgment debtor is represented by a solicitor, the judgment creditor may serve a copy of the assignment on that solicitor and that service shall be deemed to be service on the judgment debtor.*

(7) *On filing a copy of the assignment of a judgment, certified by the Administrator to be a true copy, with the clerk of the court in which the judgment was obtained, the Administrator shall, to the extent of the amount of the assignment, be deemed to be the judgment creditor.*

(8) *When execution is issued in the name of the judgment creditor and a copy of the assignment of judgment, certified as prescribed in subsection (7), is filed with the sheriff having the writ of execution, the Administrator shall, to the extent of the amount of the assignment, be deemed to be the execution creditor.*

(7) Section 8 presently reads:

8(1) *When an application is made under section 7, the Minister may give written notice to the applicant of any objection to payment out of the Fund of the judgment or any part of the judgment.*

(2) *If the Minister gives notice pursuant to subsection (1), the applicant may, within 3 months of the time the applicant or his solicitor of record is notified, apply by notice of motion to the court in which the judgment was obtained for a finding or determination in respect of any matter in connection with the application for payment out of the Fund.*

(3) *On hearing the application, the court may, if it is satisfied that*

(a) *the application is a proper one under this Act, and*

(b) *the application for payment out of the fund is not prohibited by section 12, 14 or 15,*

*make any order it considers just, including an order setting aside the judgment.*

*(8) Section 14 is amended*

*(a) in subsection (1) by striking out “Notwithstanding anything in this Act, no payment shall be made out of the Fund” and substituting “No payment shall be made under this Act”;*

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

*(9) Section 15 is amended by striking out “Notwithstanding anything in this Act, no payment shall be made out of the Fund” and substituting “No payment shall be made under this Act”.*

*(10) Section 25 is amended by striking out “the Fund” and substituting “the General Revenue Fund under this Act”.*

*(11) Sections 26 and 27 are repealed.*

*(12) Section 30 is amended*

*(a) by adding “General Revenue” before “Fund”;*

*(b) by striking out “in his discretion determines” and substituting “approves”.*

*(13) Section 31(2) is amended*

*(4) When the judgment is set aside the plaintiff shall serve a copy of the statement of claim on the Administrator who may thereupon dispute the liability of the defendant to the plaintiff as provided in section 6.*

(8) Section 14 presently reads:

*14(1) Notwithstanding anything in this Act, no payment shall be made out of the Fund to the Government of Canada, the government of a province or territory of Canada, any agency thereof, or to any municipality or other unit of local government within any province or territory of Canada.*

*(2) Subsection (1) does not apply to payments out of the Fund made pursuant to section 93(6) of the Motor Vehicle Administration Act.*

(9) Section 15 presently reads:

*15 Notwithstanding anything in this Act, no payment shall be made out of the Fund for damage*

*(a) to an aircraft,*

*(b) to any pipe, pole, line or equipment forming part of the distribution system of a public utility, or*

*(c) to a railway train or to a railway track or any barrier or operation equipment along the track.*

(10) Section 25 presently reads:

*25 Any person who is liable to pay money to the Fund may be charged interest on the balance owing at a rate to be prescribed by the Lieutenant Governor in Council when the liability to pay occurs after November 10, 1977.*

(11) Sections 26 and 27 presently read:

*26 Subject to the approval of the Treasury Board, the Administrator may, in settlement with a person liable to pay money to the Fund, accept a cash sum of less than the amount due to the Fund.*

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

*(2) If a debt owing to the Fund is written off under subsection (1), the Administrator shall close the account representing that debt.*

(12) Section 30 presently reads:

*30 The Minister may expend money from the Fund for the cost of the administration of this Act and for any other purpose that the Lieutenant Governor in Council in his discretion determines.*

(13) Section 31(2) presently reads:

- (a) in clauses (a) and (c) by striking out “out of the Fund” wherever it occurs and substituting “under this Act”;*
- (b) in clauses (h) and (k) by adding “General Revenue” before “Fund” wherever it occurs.*

*(2) The Lieutenant Governor in Council may make regulations for the purpose of carrying out this Act according to its intent and of supplying any deficiency in this Act, and without limiting the generality of the foregoing may make regulations*

- (a) prescribing the evidence that an applicant is required to give to the Administrator to establish his claim for payment out of the Fund and the amount of that payment;*
- (b) prescribing the manner of obtaining and proving any information required to be given to the Administrator;*
- (c) prescribing when an applicant may be required to exercise other remedies before or in lieu of receiving payment out of the Fund, and what remedies he may be required to exercise;*
- (d) prescribing in respect of an application under section 5, the rules to be applied by the Administrator in evaluating the bodily injury, death, loss or damage and the extent to which different persons are liable therefor;*
- (e) authorizing the Minister or the Administrator, in his discretion or in specified circumstances, to waive compliance, in whole or in part, with any regulation made under clauses (b) to (d);*
- (f) specifying other duties to be undertaken by the Administrator in addition to those given him by this Act or assigned to him by the Minister;*
- (g) prescribing the fees to be paid under this Act on the registration of a motor vehicle;*
- (h) prescribing the costs to be paid to barristers and solicitors for services performed in connection with proceedings under this Act subsequent to obtaining judgment and providing for the payment of the costs including the disbursements out of the Fund;*
- (i) prescribing the rates at which fees and costs may be paid under section 20 and the periods for which those fees may be paid;*
- (j) prescribing the rates at which fees and costs may be paid to registered members, registered practitioners and professional corporations under the Chiropractic Profession Act for services rendered under this Act;*
- (k) prescribing, for the purpose of section 93 of the Motor Vehicle Administration Act, limitations on the payments which may be made from the Fund towards the costs of removal and storage of motor vehicles;*
- (l) prescribing, in addition to the amounts payable under the other provisions of this Act, the accident insurance benefits payable in the same manner and to the same*

*(14) In the following sections, "General Revenue" is added before "Fund" wherever it occurs:*

section 9;  
section 10;  
section 11;  
section 12;  
section 16;  
section 19;  
section 20;  
section 21.

*(15) In the following sections, "out of the Fund" is struck out wherever it occurs and "under this Act" is substituted:*

section 13;  
section 17;  
section 18.

*(16) All assets and liabilities of the Motor Vehicle Accident Claims Fund are deemed to be assets or liabilities of the General Revenue Fund under the same terms and conditions.*

*(17) The Motor Vehicle Administration Act is amended in section 93*

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

**(4.1)** The Registrar shall deposit any money he receives under subsection (4)(c) in the General Revenue Fund.

**(5)** The Registrar shall pay the money referred to in subsection (4)(c) to a person who provides proof satisfactory to the Registrar that the person is entitled to the money if the claim is made and proof of the claim is established within one year of the removal of the vehicle under subsection (1).

*(b) in subsection (6) by striking out "from the Motor Vehicle Accident Claims" and substituting "from the General Revenue".*

### **Personal Property Security Act**

SA 1988  
cP-4.05

*8(1) The Personal Property Security Act is amended by this section.*

*(2) Section 51.1 is repealed.*

*limit and extent that they are payable under Part 7 of the Insurance Act, for a motor vehicle accident occurring on or after April 1, 1972.*

(14) Consequential to transfer to the GRF.

(15) Consequential.

(16) Assets and liabilities are deemed to be in the General Revenue Fund.

(17) Consequential amendment.

### **Personal Property Security Act**

**8(1)** Amends chapter P-4.05 of the Statutes of Alberta, 1988.

(2) Section 51.1 presently reads:

*(3) Section 54 is amended*

- (a) in subsection (4) by striking out "Personal Property Security Assurance Fund" and substituting "General Revenue Fund";*
- (b) in subsection (5) by striking out "authorize payment of the amount specified in the judgment" and substituting "pay the amount specified in the judgment from the General Revenue Fund" and by repealing clauses (a) and (b).*

*(4) All assets and liabilities of the Personal Property Security Assurance Fund are deemed to be assets or liabilities of the General Revenue Fund under the same terms and conditions.*

#### **Rural Electrification Long Term Financing Act**

RSA 1980  
cR-17

*9(1) The Rural Electrification Long Term Financing Act is amended by this section.*

*(2) Section 1(d) is repealed.*

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



*51.1(1) The Chattel Security Registries Assurance Fund is continued as the Personal Property Security Assurance Fund, into which shall be paid the revenues or fees prescribed to be paid into the Fund.*

*(2) The Fund shall be held and administered by the Provincial Treasurer and the revenues or fees prescribed to be paid into the Fund shall be paid over to the Provincial Treasurer at the times and in the manner that he may direct.*

*(3) The whole or a part of the Fund in excess of \$25 000 may, at the direction of the Provincial Treasurer, be invested in any class of investments or securities enumerated in section 50(1) of the Financial Administration Act.*

*(4) An amount of the Fund in excess of \$100 000 may, at the direction of the Provincial Treasurer, be transferred to the General Revenue Fund.*

(3) Section 54(4) and (5) presently read:

*(4) The Provincial Treasurer may, without an action being brought, pay the amount of a claim against the Registrar from the Personal Property Security Assurance Fund when authorized to do so by the Minister on the report of the Registrar setting forth the facts and on receipt of a certificate of the Registrar that in his opinion the claim is just and reasonable.*

*(5) When an award of damages has been made in favour of the claimant and the time for appeal has expired, or when an appeal is taken and is disposed of in favour of the plaintiff, the Provincial Treasurer shall authorize payment of the amount specified in the judgment*

*(a) out of the Personal Property Security Assurance Fund,  
or*

*(b) to the extent that the Fund is insufficient to pay the judgment, out of the General Revenue Fund.*

(4) Assets and liabilities are deemed to be in the General Revenue Fund.

### **Rural Electrification Long Term Financing Act**

9(1) Amends chapter R-17 of the Revised Statutes of Alberta 1980.

(2) Section 1(d) presently reads:

*1 In this Act,*

*(d) "fund" means the fund established under the Rural Electrification Revolving Fund Act;*

(3) Section 2 presently reads:

Application for  
loan

**2** In lieu of loans under Part 1 of the *Rural Electrification Loan Act*, an association or a person may apply for and receive a loan under this Act.

(4) *Section 7(3) is amended by adding “from the General Revenue Fund” after “who shall advance”.*

(5) *Section 8(4) is amended by striking out “for deposit in accordance with section 4(1) of the Rural Electrification Revolving Fund Act”.*

(6) *Section 13.1(1) is amended by striking out “for deposit in the fund or in the General Revenue Fund as provided in section 4 of the Rural Electrification Revolving Fund Act”.*

(7) *In the following sections, “Rural Electrification Revolving Fund Act” is struck out wherever it occurs and “Rural Electrification Loan Act” is substituted:*

section 4;  
section 5(2);  
section 12(1), (2);  
section 12.1(2);  
section 13.

#### **Rural Electrification Revolving Fund Act**

RSA 1980  
cR-18

*10(1) The Rural Electrification Revolving Fund Act is amended by this section.*

*(2) The title is amended by striking out “REVOLVING FUND” and substituting “LOAN”.*

*(3) Section 1(d) is repealed.*

*2 In lieu of loans under Part 1 of the Rural Electrification Revolving Fund Act an association or a person may, in accordance with this Act, apply for and receive a loan from the fund.*

(4) Section 7(3) presently reads:

*(3) When the agreement has been executed, the Director shall so notify the Provincial Treasurer, who shall advance the amount of the loan to the Director to be advanced to the association or the person in accordance with the terms of the agreement.*

(5) Section 8(4) presently reads:

*(4) The power company shall on behalf of the association remit to the Director all monthly instalments collected by it from members of the association, and the Director shall pay them to the Provincial Treasurer for deposit in accordance with section 4(1) of the Rural Electrification Revolving Fund Act.*

(6) Section 13.1(1) presently reads:

*13.1(1) A person who receives a loan under this Act shall remit the annual or other payments to the Director at the times set out in the agreement referred to in section 7, and the Director shall pay the money to the Provincial Treasurer for deposit in the fund or in the General Revenue Fund as provided in section 4 of the Rural Electrification Revolving Fund Act.*

(7) Consequential to name change.

### **Rural Electrification Revolving Fund Act**

**10(1)** Amends chapter R-18 of the Revised Statutes of Alberta 1980.

(2) Amends the title.

(3) Section 1(d) presently reads:

*1 In this Act,*

Maximum  
amount of  
loans

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

**2** The aggregate amount of principal outstanding in loans made under this Act and the *Rural Electrification Long Term Financing Act* at any time shall not be more than \$75 000 000.

*(5) Section 3 is amended by striking out “fund” and substituting “General Revenue Fund”.*

*(6) Section 4 is repealed.*

*(7) Section 12(5)(a) is amended by adding “from the General Revenue Fund” after “Provincial Treasurer shall advance”.*

*(8) Section 13(1) is amended by striking out “in the fund or in the General Revenue Fund as provided in section 4” and substituting “in the General Revenue Fund”.*

*(9) Section 13.1(1) is amended by striking out “in the fund or in the General Revenue Fund as provided in section 4” and substituting “in the General Revenue Fund”.*

(d) "fund" means the Rural Electrification Revolving Fund established by this Act;

(4) Section 2 presently reads:

*2(1) The Provincial Treasurer shall establish a fund to be known as the Rural Electrification Revolving Fund.*

*(2) From time to time there shall be advanced from the General Revenue Fund to the fund, on the requisition of the Director, money required for the purposes of this Act, but the amount of advances outstanding at any time shall not exceed \$75 000 000.*

(5) Section 3 presently reads:

*3 Subject to this Act payments may be made out of the fund by way of loans to associations or persons.*

(6) Section 4 presently reads:

*4(1) Money received as repayment of principal of loans made under this Act shall be credited to the fund, and money received as payment of interest on loans shall be deposited to the General Revenue Fund.*

*(2) If he considers it advisable, the Provincial Treasurer may transfer from the fund to the General Revenue Fund any sum lying unused in the fund, and any sum so transferred shall be a reduction of the advances outstanding to the fund.*

(7) Section 12(5) presently reads:

*(5) On receipt of the notice referred to in subsection (4),*

*(a) the Provincial Treasurer shall advance the amount of the loan to the Director who shall advance the amount to the association or the person in accordance with the terms of the loan, and*

*(b) the Provincial Treasurer has thereupon a first charge on all the works of the association constructed and paid for wholly or in part out of the money loaned to the association.*

(8) Section 13(1) presently reads:

*13(1) The association shall collect from its members the amount of their annual payments and remit the money to the Director at the times set out in the agreement referred to in section 12, and the Director shall pay the money to the Provincial Treasurer for deposit in the fund or in the General Revenue Fund as provided in section 4.*

(9) Section 13.1(1) presently reads:

*13.1(1) A person who receives a loan under this Part shall remit the annual payments to the Director at the times set out in the agreement*

*(10) Section 30(1) is amended by striking out “from the fund”.*

*(11) Section 31.1 is amended by striking out “the fund” wherever it occurs and substituting “the General Revenue Fund”.*

*(12) All assets and liabilities of the Rural Electrification Revolving Fund are deemed to be assets or liabilities of the General Revenue Fund under the same terms and conditions.*

*referred to in section 12, and the Director shall pay the money to the Provincial Treasurer for deposit in the fund or in the General Revenue Fund as provided in section 4.*

(10) Section 30(1) presently reads:

*30(1) Notwithstanding Part 1, loans not bearing interest may be made to associations or persons from the fund in accordance with the requirements of this Part.*

(11) Section 31.1 presently reads:

*31.1(1) If the Director recommends that a loan be made under this Part*

*(a) to an association or a person for the purpose of extending works, and the loan is to exceed \$15 000, or*

*(b) to an association for the purpose of replacing or increasing the capacity of its works, and the loan is to exceed 30% of the expenditure to be made,*

*the Lieutenant Governor in Council may, if he is satisfied that*

*(c) the loan would materially assist the association or person, as the case may be, in carrying out that purpose, and*

*(d) the making of the loan is in the public interest,*

*direct the Provincial Treasurer to advance the amount of the loan from the fund on the terms and conditions, if any, prescribed by regulation.*

*(2) If the Director recommends that a loan be made under this Part*

*(a) to an association or a person for the purpose of extending works, and the loan is not to exceed \$15 000, or*

*(b) to an association for the purpose of replacing or increasing the capacity of its works, and the loan is not to exceed 30% of the expenditure to be made,*

*the Minister may, if he is satisfied that*

*(c) the loan would materially assist the association or person, as the case may be, in carrying out that purpose, and*

*(d) the making of the loan is in the public interest,*

*request the Provincial Treasurer to advance the amount of the loan from the fund on the terms and conditions, if any, prescribed by regulation.*

(12) Assets and liabilities are deemed to be in the General Revenue Fund.

*(13) The Rural Utilities Act is amended in sections 22(7) and 49(1) by striking out "Revolving Fund" wherever it occurs and substituting "Loan".*

*(14) The Surface Rights Act is amended in section 21(b) by striking out "Revolving Fund" and substituting "Loan".*

### **Stray Animals Act**

RSA 1980  
S-23

*11(1) The Stray Animals Act is amended by this section.*

*(2) Section 15 is amended*

*(a) in subsection (3) by striking out "Stray Animals Act Fund established under section 15.1" and substituting "General Revenue Fund";*

*(b) in subsection (5)*

*(i) by striking out "the Stray Animals Act Fund";*

*(ii) by adding ", if any," after "balance";*

*(c) by repealing subsection (6).*

*(3) Section 15.1 is repealed.*



(13) Consequential amendment.

(14) Consequential amendment.

### **Stray Animals Act**

**11(1)** Amends chapter S-23 of the Revised Statutes of Alberta 1980.

(2) Section 15(3), (4), (5) and (6) presently read:

*(3) Any balance of the proceeds of a sale remaining after compliance with subsection (2) shall be paid into the Stray Animals Act Fund established under section 15.1.*

*(4) The Provincial Treasurer shall pay out of a balance referred to in subsection (3), to the extent that money is available in that balance, to a person claiming damage to real or personal property caused by the livestock or by a person capturing the livestock, the following amount:*

*(a) the amount of the damage claim, if it is reasonable in the opinion of an inspector, or*

*(b) the assessment calculated by an assessor under section 16.*

*(5) The Minister may direct the Provincial Treasurer to pay out of the Stray Animals Act Fund the balance of the proceeds of a sale of livestock after compliance with subsection (4) to a person who*

*(a) claims, within 1 year from the date of the sale of livestock, and*

*(b) establishes to the satisfaction of the Minister*

*that he was the owner of the livestock prior to the sale.*

*(6) Subject to section 18, if no claim is made under subsection (5), the Provincial Treasurer shall, on the expiration of 1 year from the date of the public auction, transfer the balance of the proceeds of a sale of livestock to the General Revenue Fund.*

(3) Section 15.1 presently reads:

*15.1(1) There is established a fund known as the Stray Animals Act Fund, which is held by the Provincial Treasurer in a special account.*

*(2) The Provincial Treasurer shall make payments out of the Stray Animals Act Fund in accordance with section 15(4), (5) and (7) and*

*(4) Section 18 is amended*

*(a) by striking out “out of money in the Stray Animals Act Fund” and substituting “out of the General Revenue Fund, but the aggregate amount of the expenses paid shall not be greater than”;*

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

*(a) the aggregate of the amounts referred to in section 15(3) paid into the General Revenue Fund,*

*less*

*(b) the aggregate of the amounts, if any, claimed under section 15.*

*(5) All assets and liabilities of the Stray Animals Act Fund are deemed to be assets or liabilities of the General Revenue Fund under the same terms and conditions.*

*12 Sections 1, 2(2), (6), (7)(b) and (c), (11) to (16), (18) and (21) and 3 to 11 are deemed to have come into force on March 31, 1994.*

*section 18 on a requisition for payment being submitted to the Provincial Treasurer by an inspector.*

*(3) The Stray Animals Act Fund may be a depositor to the Consolidated Cash Investment Trust Fund established under the Financial Administration Act.*

(4) Section 18 presently reads:

*18 Where livestock is sold by public auction pursuant to this Act and the proceeds of the sale are insufficient to pay the expenses referred to in section 15(2), the Provincial Treasurer may pay the expenses out of money in the Stray Animals Act Fund*

*(a) that has not been claimed under section 15(5), and*

*(b) that, but for this section, would be transferred to the General Revenue Fund under section 15(6).*

(5) Assets and liabilities are deemed to be in the General Revenue Fund.

**12** Coming into force.