

1994 BILL 51

Second Session, 23rd Legislature, 43 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 51

LIQUOR CONTROL AMENDMENT ACT, 1994

HON. DR. WEST

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 51

1994

LIQUOR CONTROL AMENDMENT ACT, 1994

(Assented to , 1994)

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

Amends RSA
1980 cL-17

1 The Liquor Control Act is amended by this Act.

2 Section 23 is amended by adding the following after subsection (1.1):

(1.2) Notwithstanding subsections (1) and (1.1), the 1994 fiscal year is the period from January 5, 1994 to March 31, 1995 and thereafter the fiscal year is the period commencing on April 1 in one year and ending on March 31 in the next year.

(1.3) Subsection (1.2) is deemed to have come into force on January 4, 1994.

3 Section 29 is amended

(a) *in subsection (1) by striking out "in the form" and substituting "in a form satisfactory to the Board, any additional information required by the Board";*

(b) *by adding the following after subsection (2):*

(3) A licence issued by the Board that designates an aircraft as licensed premises and authorizes the operation of storerooms for keeping liquor destined to be served to passengers on an aircraft is validated and deemed to be a licence issued under this section.

Explanatory Notes

1 Amends chapter L-17 of the Revised Statutes of Alberta 1980.

2 Section 23 presently reads:

23(1) The 1985 fiscal year is the period from January 1, 1985 to the first Tuesday of 1986 and thereafter the fiscal year is the period from the Wednesday next following the first Tuesday of the calendar year to the first Tuesday of the next following calendar year.

(1.1) Notwithstanding subsection (1), the 1994 fiscal year is the period from January 5, 1994 to March 31, 1994, and thereafter the fiscal year is the period commencing on April 1 in one year and ending on March 31 in the next year.

(2) After the end of a fiscal year the Corporation shall prepare a balance sheet and statements of the results of its operations.

3 Section 29 presently reads:

29(1) The Board may, on receiving from a liquor manufacturer an application in the form and payment of the fee prescribed in the regulations and on being satisfied that the applicant and the brewery, winery, distillery or other liquor manufacturing or warehousing facility described in the application comply with this Act and the regulations and with the laws of Canada, where applicable, issue to the applicant a manufacturers licence.

(2) A licence issued under this section authorizes the licensee, subject to the terms and conditions of the licence and to this Act and the regulations, to do one or more of the following:

(a) to manufacture at the licensed premises,

4(1) The following is added after section 37:

Licensees' Price of Liquor

Price in a
licence class

37.1(1) When the Corporation sells liquor to licensees, the price of liquor must be the same, at any one time, for all licensees holding the same class of licence.

(2) Any policy of, and any agreement entered into, and representation made or purported to be made by, the Corporation, the Board or the Chairman, before October 1, 1994, with or to a Class D licensee or a person who became a Class D licensee on or before October 1, 1994, respecting the price of liquor on or after October 1, 1994 are null and void and are not binding on the Corporation.

(3) Any right or benefit that may have arisen under an agreement, policy or representation described in subsection (2) is null and void from the date the agreement, policy or representation was made.

(4) No action or proceeding shall be instituted against the Corporation, the Board, the Chairman or Her Majesty in right of Alberta based on any claim for compensation or for loss or damage in contract, property, tort, equity or otherwise as a result of the enactment of this section and the *Liquor Administration Amendment Regulation* (Alta. Reg. 265/93) or either of them.

(2) Section 37.1(1) to (3) as they are enacted by subsection (1) are deemed to have come into force on October 1, 1994.

(3) Section 37.1(4) as it is enacted by subsection (1) is deemed to have come into force on October 18, 1994.

5 Section 38(1)(a)(i) is amended by striking out "prescribed in the regulations" and substituting "required by the Board".

- (a.1) to warehouse at the licensed premises,*
 - (a.2) to distribute from the licensed premises,*
 - (b) to sell to the Corporation or any other person authorized by the Board, and*
 - (c) subject to the laws of Canada, to export from Alberta*
- the category, class, variety, brand or kind of liquor described in the licence.*

4 Price in a licence class.

5 Section 38(1) presently reads:

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

6 Section 40 is amended

- (a) in subsection (1)(a) by striking out “prescribed in the regulations” and substituting “required by the Board”;*
- (b) in subsection (2)(a) by adding “or to import liquor into Alberta,” after “the permittee,”.*

- (a) *on receiving from an applicant who is qualified under the regulations*
 - (i) *an application containing the information prescribed in the regulations, and*
 - (ii) *the fee prescribed in the regulations,*
- and*
- (b) *on being satisfied that the applicant and the premises described in the application comply with this Act and the regulations.*

6 Section 40 presently reads:

40(1) *The Board may,*

- (a) *on receiving an application containing the information prescribed in the regulations from an applicant who is qualified under the regulations,*
- (b) *on receiving the fee prescribed in the regulations, and*
- (c) *on being satisfied that the applicant will use the liquor desired or required for the purposes stated in the application and in accordance with this Act and the regulations,*

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

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

- (a) *to purchase from the Corporation or as otherwise directed by the Corporation liquor prescribed in the regulations with respect to the class of permit issued to the permittee, and*
- (b) *to keep, use, sell for a price approved by the Board or provide, as the case may be, the liquor for the purpose described in the permit, during the period of time, on the occasion, at the function or at the event described in the permit*
 - (i) *for consumption on the premises described in the permit, or*
 - (ii) *for consumption off those premises if provided for in the regulations for that class of permit and if set out in the permit,*

or both.