

1994 BILL 226

Second Session, 23rd Legislature, 43 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 226

BRAND AMENDMENT ACT, 1994 (No. 2)

DR. L. TAYLOR

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 226
Dr. L. Taylor

BILL 226

1994

BRAND AMENDMENT ACT, 1994 (No. 2)

(Assented to , 1994)

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

1 The Brand Act is amended by this Act.

2 The following is added after section 17:

17.1(1) In this section

- (a) "Court" means the Court of Queen's Bench;
- (b) "spouse" includes a former spouse and a party to a marriage notwithstanding that the marriage is void or voidable.

(2) If a brand is jointly owned by two persons as spouses, and a divorce has been granted under the *Divorce Act (Canada)* or a declaration of nullity of marriage has been made but a matrimonial property order has not been granted under the *Matrimonial Property Act*, or a matrimonial property order has been granted under the *Matrimonial Property Act* but the order is silent with respect to the ownership of the brand, then a spouse may make an application to the Court by way of originating notice, to have the ownership of the brand transferred to that spouse.

Explanatory Notes

- 1** Amends chapter B-11 of the Revised Statutes of Alberta 1980.

(3) The spouse applying to have the ownership of a brand transferred pursuant to subsection (2) shall forthwith serve a copy of the originating notice on the other spouse.

(4) A spouse who objects to the transfer of ownership shall file with the Court a notice of objection and serve it on the other spouse within 30 days of having been served with an originating notice under subsection (3).

(5) If no notice of objection is filed and served under subsection (4), the Court may grant an order severing the joint ownership of the brand and directing that it be registered in the name of the spouse who applied under subsection (2) and any relief requested in the originating notice.

(6) If a notice of objection is filed and served under subsection (4) then a judge of the Court shall hear the parties and may grant whatever relief is appropriate including the transfer of the brand to either spouse.

(7) The party seeking to transfer the ownership of the brand shall serve a copy of any order granted under subsections (5) or (6) upon the Recorder.

(8) An order granted under subsections (5) or (6) shall be sufficient authority for the Recorder to record a transfer of ownership in accordance with section 17.

(9) Nothing in this Act restricts the ability of the Court to consider or adjudicate on the ownership of a brand as part of an application under the *Matrimonial Property Act* or to grant any relief or make any determination under that Act.