

1994 BILL 231

Second Session, 23rd Legislature, 43 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 231

LIMITATION OF ACTIONS AMENDMENT ACT, 1994

MR. HERARD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 231
Mr. Herard

BILL 231

1994

LIMITATION OF ACTIONS AMENDMENT ACT, 1994

(Assented to , 1994)

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

- 1 The Limitation of Actions Act is amended by this Act.*
- 2 Section 55 is amended by striking out all the words that follow clause (f) and substituting the following: "shall be subject to the limitation periods in section 55.2."*
- 3 The following is added after section 55:*
 - 55.1 Except as provided in sections 57 to 61, an action against
 - (a) an engineer, geologist or geophysicist registered under the *Engineering, Geological & Geophysical Professions Act*, or
 - (b) an architect registered under the *Architects Act*,

shall be subject to the limitation periods in this section.

- 55.2 An action under sections 55 or 55.1 for negligence or malpractice by reason of professional services requested or rendered must not be commenced later than the earlier of:

Explanatory Notes

1 Amends chapter L-15 of the Revised Statutes of Alberta 1980.

2 Section 55 presently reads:

55 *Except as provided in sections 57 to 61, an action against*

(a) *a physician registered under the Medical Profession Act,*

(b) *a dentist registered under the Dental Profession Act,*

(c) *a registered member, registered practitioner or professional corporation under the Chiropractic Profession Act,*

(d) *repealed 1986 c27 s3,*

(e) *a podiatrist registered under the Podiatry Act, or*

(f) *an optometrist registered under the Optometry Profession Act,*

for negligence or malpractice by reason of professional services

- (a) 2 years after the date on which the claimant first knew, or in the circumstances ought to have known,
 - (i) that the injury for which relief is claimed had occurred,
 - (ii) that the injury was to some degree attributable to the conduct of the defendant, and
 - (iii) that the injury, assuming liability on the part of the defendant, was sufficiently serious to have warranted bringing a proceeding, or
- (b) 7 years after the cause of action first arose which shall be deemed to be the date of substantial performance of the professional services for which relief is claimed.

requested or rendered may be commenced within one year from the date when the professional services terminated in respect of the matter that is the subject of the complaint, and not afterwards.

*RSA 1980 cL-15 s55;1983 cO-10 s82;1984 cC-9.1 s88;
1986 c27 s3;1989 c17 s14*