

1995 BILL 209

Third Session, 23rd Legislature, 44 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 209

**LIMITATION OF ACTIONS
AMENDMENT ACT, 1995**

MR. HERARD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 209
Mr. Herard

BILL 209

1995

LIMITATION OF ACTIONS AMENDMENT ACT, 1995

(Assented to , 1995)

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 section 55.2.

- 55.2 An action under sections 55, 55.1 or 56 for negligence or malpractice by reason of professional services

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(d) repealed 1986 c27 s3,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 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.

requested or rendered must not be commenced later than the earlier of:

- (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.

4 Section 56 is amended by striking out "may be commenced within one year after the cause of action arose and not afterwards." and substituting "shall be subject to the limitation periods in section 55.2".

5 Sections 2, 3 and 4 apply with respect to an action commenced after the date sections 2, 3 and 4 are proclaimed in force.

6 This Act comes into force on Proclamation.

4 Section 56 presently reads:

56 Except as provided in sections 57 to 61, an action against an approved hospital within the meaning of the Hospitals Act in respect of negligence in providing a service in that hospital may be commenced within one year after the cause of action arose and not afterwards.