

1996 BILL 6

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Fourth Session, 23rd Legislature, 45 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 6

GAMING AND LIQUOR ACT

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HON. DR. WEST

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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

Interpretation

**1(1)** In this Act,

- (a) “adult” means a person 18 years of age or older;
- (b) “board” means the board of the Commission;
- (c) “Chair” means the Chair designated under this Act;
- (d) “container” means a bottle, can, box or other receptacle used for holding liquor and any package that contains the bottle, can, box or other receptacle;
- (e) “Commission” means the Alberta Gaming and Liquor Commission continued under this Act;
- (f) “Crown” means the Crown in right of Alberta;
- (g) “facility licence” means a licence that authorizes a person to operate a facility for gaming activities that are authorized by a gaming licence;
- (h) “gaming activity” means a lottery scheme referred to in section 207(1)(b), (c), (d) or (f) of the *Criminal Code* (Canada);
- (i) “gaming licence” means a licence that authorizes a person to conduct a gaming activity;

- (j) “gaming supplies” means supplies, equipment and devices designed to be used in a gaming activity, but does not include normal office supplies or things specified in the regulations;
- (k) “gaming worker” means a person who is paid to assist a gaming licensee in the conduct or management of a gaming activity, other than
  - (i) a person who is paid to sell raffle or pull tickets, or
  - (ii) a person specified in the regulations;
- (l) “Indian band” means a band as defined in the *Indian Act* (Canada);
- (m) “Indian reserve” means a reserve as defined in the *Indian Act* (Canada);
- (n) “inspector” means an inspector referred to in section 95;
- (o) “licensed facility” means the facility described in a facility licence;
- (p) “licensed premises” means the premises described in a liquor licence;
- (q) “liquor” means any wine, beer, cider, spirits or other product that is intended for human consumption in which the percentage of alcohol by volume exceeds an amount prescribed by the regulations, unless the product is excluded from the definition of liquor by board regulations under section 127;
- (r) “liquor agency” means a corporation or individual who is in the business of representing a liquor supplier in the sale of the supplier’s liquor;
- (s) “liquor licence” means a licence that authorizes the manufacture, import, purchase, sale, transport, giving, possession, storage, consumption or use of liquor;
- (t) “liquor supplier” means
  - (i) a manufacturer,
  - (ii) a person who operates an establishment for making liquor outside of Alberta,
  - (iii) a person, other than the Commission, who is a distributor of liquor, and

- (iv) any person who has a connection, as specified in the regulations, to a manufacturer or a person described in subclause (ii) or (iii);
- (u) “manufacturer” means a person who operates or intends to operate an establishment for making liquor in Alberta;
- (v) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (w) “minor” means a person under the age of 18 years;
- (x) “provincial lottery” means a lottery scheme referred to in section 207(1)(a) of the *Criminal Code* (Canada) that the Government of Alberta is authorized to conduct and manage by itself or in conjunction with the government of another province;
- (y) “public place” includes
  - (i) a place or building that is open to the public, and
  - (ii) a vehicle in a public place;
- (z) “residence” means a place used by a person as a permanent private dwelling, including any structure or land adjacent to the private dwelling that is used for the convenience or enjoyment of the occupants of the dwelling;
- (aa) “sale” and “sell” include the barter of liquor;
- (bb) “shareholder” does not include a shareholder of a corporation
  - (i) any of whose issued shares, or securities which may or might be exchanged for or converted into shares, were part of a distribution to the public, and
  - (ii) that has more than 15 shareholders;
- (cc) “special event licence” means a liquor licence that authorizes activities in relation to an event of a limited duration;
- (dd) “spirits” means any product that contains alcohol obtained by distillation;
- (ee) “stadium bylaws” means bylaws passed by a municipality that are referred to in section 126(1)(s);

(ff) “temporary residence” means

- (i) a place that is used by a traveller in respect of which the traveller pays a fee,
- (ii) a vacation or recreational dwelling,
- (iii) a tent that is set up in an area where overnight camping is not prohibited,
- (iv) a motor home or other vehicle that is parked in an area that is not a highway or road and where overnight camping is not prohibited, and
- (v) a watercraft that has built-in living accommodation and is moored in an area where moorage is not prohibited

that is being used as a temporary private dwelling, including any structure or land adjacent to the dwelling that is used for the convenience or enjoyment of the occupants of the dwelling;

(gg) “vehicle” means a device in, on or by which a person or thing may be transported or drawn on a highway or on water;

(hh) “video lottery terminal” means a computer, a video device or a slot machine within the meaning of section 198(3) of the *Criminal Code* (Canada) that is used to play a game, scheme or plan referred to in section 206(1)(a) to (g) of the *Criminal Code* (Canada).

(2) A reference to “this Act” includes the regulations made under this Act.

(3) A reference to a conviction that “becomes final” means that the conviction has become final through the appeal process or the expiration of appeal periods.



**PART 1**  
**ALBERTA GAMING AND LIQUOR COMMISSION**  
**Status, Powers and Duties**

- |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Board<br>continued as<br>Commission | <b>2</b> The Alberta Liquor Control Board is continued as a corporation called the “Alberta Gaming and Liquor Commission”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Commission's<br>objects             | <b>3</b> The objects of the Commission are <ul style="list-style-type: none"><li>(a) to administer this Act;</li><li>(b) to conduct and manage provincial lotteries for the Government of Alberta;</li><li>(c) to carry out the functions respecting gaming delegated to it by the Lieutenant Governor in Council under the <i>Criminal Code</i> (Canada) or conferred on it by this Act;</li><li>(d) to control in accordance with this Act the manufacture, import, sale, purchase, possession, storage, transportation, use and consumption of liquor;</li><li>(e) to generate revenue for the Government of Alberta.</li></ul>                        |
| Crown agent                         | <b>4(1)</b> The Commission is an agent of the Crown and may exercise its powers and perform its duties only as an agent of the Crown.<br><br><b>(2)</b> An action, suit or other legal proceeding in respect of any right or obligation acquired or incurred by the Commission, whether in its name or in the name of the Crown, may be brought or taken by or against the Commission in the name of the Commission in any court that would have jurisdiction if the Commission were not an agent of the Crown.<br><br><b>(3)</b> All real and personal property of the Commission and all money received by the Commission is the property of the Crown. |
| Natural person<br>powers            | <b>5</b> The Commission has the capacity, rights, powers and privileges of a natural person, except to the extent that they are limited by this or any other enactment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

Other powers and duties      **6(1)** The Commission may exercise any power given to it under any enactment.

**(2)** The Commission must perform any duty imposed on it under any enactment.

Land and buildings      **7** The Commission may acquire or dispose of land or buildings only with the approval of the Lieutenant Governor in Council.

### **Board**

Board      **8(1)** The board of the Commission consists of not more than 5 members appointed by the Lieutenant Governor in Council for a term specified in their appointment.

**(2)** The Lieutenant Governor in Council must designate a member as Chair of the board.

**(3)** A quorum of the board is 3 members.

**(4)** The Lieutenant Governor in Council must fix the amount of the members' remuneration and the travelling, living and other expenses that the members are entitled to receive.

Chief executive officer      **9** The Chair is the chief executive officer of the Commission.

Acting Chair      **10(1)** The Minister may designate a member of the board to be acting Chair when the Chair is unable to act or if the office of the Chair is vacant.

**(2)** The Chair may designate a member of the board to be acting Chair when the Chair is absent.

**(3)** An acting Chair has all of the functions, powers and duties of the Chair, unless the designation provides otherwise.

**(4)** Despite subsection (3), an acting Chair does not have the functions, powers and duties of the chief executive officer.

Panels      **11(1)** The Chair may designate any 2 or more members of the board, which may include the Chair, to sit as a panel of the board and may direct that panel

**(a)** to make any decision that the board may make with respect to licences or registration, or

- (b) to conduct any hearing or inquiry that the board may conduct.
- (2) A quorum of a panel is 2 members.
- (3) A decision or action made or taken by a panel is a decision or action of the board.
- (4) A panel of the board may exercise and perform all the powers and duties of the board under this Act or any other enactment with respect to the matter it is directed to deal with.
- (5) For the purposes referred to in subsection (4), any reference in this Act or any other enactment to the board is a reference to a panel of the board.
- (6) If the Chair is not a member of a panel, the Chair must designate one of the members of the panel to preside over the panel.
- (7) When a proceeding is conducted by a panel and one or more members of the panel for any reason do not attend on any day or part of a day, the remaining members present may, if they constitute a quorum, exercise and perform all the powers and duties of the panel with respect to that proceeding.
- (8) Two or more panels may sit simultaneously or at different times.

Responsibilities of board

**12** The board is responsible for

- (a) ensuring that the powers and duties of the Commission are appropriately carried out;
- (b) establishing the policies of the Commission;
- (c) conducting hearings and making decisions respecting licences and registrations;
- (d) any functions assigned to it under any enactment.

Inquiry

**13(1)** The board may hold an inquiry into any matter that pertains to this Act.

- (2) The board has the powers, privileges and immunities of a commissioner under the *Public Inquiries Act* when holding an inquiry.

Exercise of certain powers and duties	<b>14</b> The board must not exercise a power or perform a duty that is by any enactment specifically assigned to the Commission or the chief executive officer.
Rules and procedures	<b>15</b> The board must establish rules and procedures for the conduct of its meetings and hearings and for making decisions and orders.
Signing requirements	<b>16(1)</b> A licence, registration, order or authorization of the board may be signed by the Chair or any person authorized by the Chair.  <b>(2)</b> The board may authorize the signature on a licence or registration to be reproduced by mechanical means.
Delegation by board	<b>17(1)</b> The board may in writing delegate any of its functions, powers or duties to the chief executive officer, to an employee or agent of the Commission or to any other person.  <b>(2)</b> The board must not delegate <ul style="list-style-type: none"> <li>(a) the power or duty to conduct a hearing or inquiry that it is required or authorized to conduct under any enactment,</li> <li>(b) the power to impose fines under section 88(2), or</li> <li>(c) the power to cancel a licence.</li> </ul> <b>(3)</b> The board's delegation may include the power of subdelegation.

### **Chief Executive Officer**

Responsibilities of c.e.o.	<b>18</b> The chief executive officer is responsible for <ul style="list-style-type: none"> <li>(a) the administration of the Commission;</li> <li>(b) ensuring that the policies of the board are implemented;</li> <li>(c) advising and informing the board on the operation and affairs of the Commission;</li> <li>(d) performing the duties and exercising the powers assigned to the Commission or to the chief executive officer by any enactment or by the board.</li> </ul>
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Acting c.e.o.	<p><b>19(1)</b> The Minister may designate an employee of the Commission to be acting chief executive officer when the Chair is unable to act or the office of the Chair is vacant.</p> <p><b>(2)</b> The Chair may designate an employee of the Commission to be acting chief executive officer when the Chair is absent.</p> <p><b>(3)</b> An acting chief executive officer has all of the functions, powers and duties of the chief executive officer, unless the designation provides otherwise.</p>
Delegation by c.e.o.	<p><b>20(1)</b> The chief executive officer may in writing delegate any of the functions, powers and duties of the chief executive officer to an employee or agent of the Commission.</p> <p><b>(2)</b> The chief executive officer's delegation may include the power of subdelegation.</p>
Exercise of Commission powers	<p><b>21</b> Where</p> <p>(a) any enactment requires or authorizes the Commission to do something, but does not specify who in the Commission may do it, or</p> <p>(b) the Commission wishes to exercise its natural person capacity, rights, powers or privileges,</p> <p>the thing may be done or the capacity, rights, powers or privileges may be exercised by the chief executive officer.</p>

## Finance

Accounts	<p><b>22</b> The Commission may establish accounts for money it receives under this Act.</p>
Fees and penalties	<p><b>23(1)</b> All fees for licences and registrations provided by the Commission and all fines imposed by the board on licensees and registrants are payable to the Commission and must be deposited into the Commission's accounts.</p> <p><b>(2)</b> The fees and fines referred to in subsection (1), less amounts for refunds, are to be transferred to the General Revenue Fund as directed by the Provincial Treasurer.</p>

Liquor  
revenue

**24(1)** Revenue from liquor sold by or on behalf of the Commission must be deposited into the Commission's accounts.

**(2)** The Commission may pay from the revenue

- (a) federal taxes and duties on the liquor,
- (b) the amount the Commission pays for the liquor, and
- (c) an amount for deposits and charges relating to containers under the *Beverage Container Recycling Regulation* (Alta. Reg. 128/93).

**(3)** The revenue, less the amounts referred to in subsection (2), is to be transferred to the General Revenue Fund as directed by the Provincial Treasurer.

Lottery Fund

**25(1)** The Lottery Fund established under the *Interprovincial Lottery Act* is continued.

**(2)** The Lottery Fund is administered by the Commission.

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

Payments into  
Lottery Fund

**26(1)** The revenue received by the Commission from provincial lotteries under agreements with retailers or the governments of the provinces who are participating in the provincial lotteries, less amounts paid for prizes, must be deposited into the Commission's accounts.

**(2)** The Commission may pay from the revenue

- (a) retailers' commissions,
- (b) federal taxes, and
- (c) amounts required to be paid under the federal-provincial agreement respecting gaming and betting entered into on June 3, 1985, as amended or replaced from time to time.

**(3)** The revenue, less the amounts referred to in subsection (2), is to be transferred to the Lottery Fund.

Payments  
from Lottery  
Fund

**27** Money may be paid or transferred from the Lottery Fund only in accordance with an appropriation Act.

Grant in lieu of taxes **28** The Commission may each year pay to a municipality in which any of its real property is located a grant not exceeding the amount that would be recoverable by the municipality if

- (a) the property were subject to the property and local improvement taxes of the municipality for that year, or
- (b) the property were subject to the business tax or business licence of the municipality for that year as a result of the Commission's operations on that property.

Fiscal year **29** The fiscal year of the Commission is April 1 to the following March 31.

### **General**

Annual report **30(1)** The Commission must, as soon as practicable after the end of each fiscal year, provide the Minister with a report that summarizes its operations during the last fiscal year and that contains

- (a) the audited financial statements of the Commission,
- (b) general information and remarks with regard to the administration and enforcement of this Act during the year, and
- (c) any other information that the Commission considers relevant or the Minister requests.

**(2)** The Minister must lay a copy of the report before the Legislative Assembly if it is sitting, and if it is not sitting, within 15 days after the commencement of the next sitting.

Information to Minister **31** The Commission must, on the request of the Minister, report to the Minister on its activities and any matter related to this Act.

Liability exemption **32** No action lies against the Commission, the board or its members, the chief executive officer, employees of the Commission or inspectors for anything done or not done, in good faith, in relation to the exercise of their powers or to the performance of their duties under this Act.

Testimony and  
production of  
documents

**33(1)** Unless the board directs otherwise, no member of the board or employee of the Commission may be compelled

(a) to give testimony for the purposes of a civil action with regard to information obtained in the course of the member's or employee's duties, or

(b) to produce any document or information for the purposes of a civil action.

(2) Subsection (1) does not apply when the member of the board, the Commission or the employee is a party to the civil action.

Freedom of  
Information  
and Protection  
of Privacy Act

**34(1)** In this section, "liquor information" means information obtained by the Commission before, on or after the coming into force of this section relating to the Commission's acquisition or sale of liquor.

(2) For the purposes of section 15(1)(b) of the *Freedom of Information and Protection of Privacy Act*, liquor information in the custody or under the control of the Commission is deemed to have been supplied to the Commission in confidence.

## PART 2

### GAMING AND PROVINCIAL LOTTERIES

#### Gaming

Delegation  
from  
Lieutenant  
Governor in  
Council

**35** The Commission's and the board's authority to issue gaming licences and to impose conditions on those licences is subject to the Lieutenant Governor in Council's authorizing the Commission and the board to do so.

Requirement  
for licence

**36(1)** No person may conduct or manage a gaming activity unless

(a) the person holds a gaming licence that authorizes the activity, and

(b) the gaming activity takes place in a licensed facility if the board designates in its policies or the gaming licence that the gaming activity may only be conducted in a licensed facility.

(2) If the board has designated in its policies or in a gaming licence that a gaming activity may only be conducted in a licensed facility, no person may operate a facility in which the gaming



activity takes place unless the person holds a facility licence for that facility.

Issuing  
licences

**37(1)** The board may, with or without a hearing, issue a gaming licence or a facility licence if

- (a) the board considers it appropriate to do so,
- (b) the applicant is eligible to receive the licence,
- (c) the requirements of this Act for issuing the licence have been met, and
- (d) issuing the licence will not cause the maximum number of licences established by the board to be exceeded.

**(2)** A facility licence may only be issued in respect of one facility.

Conditions

**38(1)** The board's policies respecting the activities authorized by a gaming or facility licence are conditions of the licence, including policies made after the licence is issued.

**(2)** The Commission must provide a licensee with a copy of the board policies that are conditions of the licence and any amendments to those policies.

**(3)** When issuing a gaming or facility licence the board may, with or without a hearing, impose conditions on a licence that are in addition to the conditions referred to in subsection (1).

**(4)** When the board imposes a condition under subsection (3) without a hearing, the board must give the licensee information about an application for a hearing.

Registration -  
gaming  
workers

**39(1)** No person may be a gaming worker unless the person is registered as a gaming worker.

**(2)** No person may provide gaming workers to a gaming licensee unless the person is registered to provide gaming workers or is a facility licensee.

**(3)** No gaming licensee may use a gaming worker to assist in the conduct or management of a gaming activity unless the worker is registered as a gaming worker.

Registration -  
gaming  
supplies

**40(1)** No person may make, sell, advertise or distribute gaming supplies unless

- (a) the person is registered to deal in gaming supplies,
- (b) the person is a facility licensee, or
- (c) the person is a gaming licensee and the manufacture, sales, advertisement or distribution is authorized by the Commission.

**(2)** No person may possess gaming supplies unless the gaming supplies are approved by the board and

- (a) the person is registered to deal in gaming supplies,
- (b) the person is a licensee under a gaming or facility licence,
- (c) the person is an employee or agent of a person described in clause (a) or (b), or
- (d) the person is using the supplies to play a gaming activity that is authorized by a gaming licence.

Inducing  
breach of  
contract

**41(1)** In this section, “gaming contract” means a contract in which one party agrees to provide gaming supplies, gaming workers or a licensed facility to a gaming licensee.

**(2)** No person

- (a) who sells gaming supplies,
- (b) who is a facility licensee or an employee or agent of a facility licensee, or
- (c) who is a gaming worker

may induce a gaming licensee who is a party to a gaming contract to break the contract for the purpose of the person or the person’s employer or principal entering into a gaming contract with the gaming licensee.

Registration

**42(1)** The board is responsible for registrations under this Part.

**(2)** Registrations are governed by the regulations.

## **Provincial Lotteries**

- Commission's authority**     **43** The Commission may conduct and manage provincial lotteries on behalf of the Government of Alberta either alone or in conjunction with the government of another province.
- Agreements**     **44** The Commission may, on behalf of the Government of Alberta, enter into agreements with the governments of any other provinces regarding the conduct and management of a provincial lottery within Alberta and those other provinces.
- Lottery tickets**     **45** No person, unless authorized by the Commission, may make, sell, advertise or distribute lottery tickets with respect to a provincial lottery.
- Video lottery terminals**     **46(1)** No person may make, sell, advertise or distribute a video lottery terminal unless the terminal is approved by the Commission and the person is registered to deal in video lottery terminals.
- (2)** No person may possess a video lottery terminal unless the terminal is approved by the Commission and
- (a) the person operates an establishment in which the video lottery terminal is used and the use of the video lottery terminal in the person's establishment is authorized by the Commission, or
- (b) the person is registered to deal in video lottery terminals or is an employee or agent of a person who is registered to deal in video lottery terminals.

## **PART 3**

### **LIQUOR**

- Liquor control**     **47** No person may, except in accordance with this Act or in accordance with a liquor licence, manufacture, import, purchase, sell, transport, give, possess, store, use or consume liquor.
- Issuing licences**     **48(1)** The board may, with or without a hearing, issue a liquor licence to an applicant if
- (a) the board considers it is appropriate to do so,
- (b) the applicant is eligible to receive the licence, and

	(c) the requirements of this Act for issuing the licence have been met.
	(2) A licence may only be issued in respect of one premises.
Eligibility of minors	<p><b>49</b> No liquor licence may be issued</p> <p>(a) to a minor, or</p> <p>(b) to a corporation if the majority of the corporation's directors or officers are minors, or if the employee or agent who is to be in charge of the premises described in the application is a minor.</p>
Eligibility of persons related to Commission	<p><b>50(1)</b> No liquor licence may be issued</p> <p>(a) to or for the benefit of a person who is a member of the board or an employee or agent of the Commission, or</p> <p>(b) in respect of any premises if a member of the board or an employer or agent of the Commission is an owner or part owner of the premises or holds an interest in the premises.</p> <p>(2) This section does not apply to</p> <p>(a) the issuing of a special event licence, or</p> <p>(b) the issuing of a licence to an agent of the Commission authorizing the manufacture of liquor.</p>
Prohibition area	<b>51</b> Despite anything in this Act, no liquor licence, other than a special event licence, may be issued for the area described in section 146(a) and (b) of the <i>Liquor Control Act</i> as it read before the coming into force of section 136 of this Act.
Definitions	<p><b>52</b> In sections 53 to 56,</p> <p>(a) "licensed premises" does not include licensed premises under a special event licence;</p> <p>(b) "liquor licence" does not include a special event licence.</p>
Areas where there are no liquor licences	<b>53</b> If the board receives an application for a liquor licence for proposed licensed premises in a municipality, Metis settlement or Indian reserve in which there are no licensed premises, the board

must refer the application to the municipality, Metis settlement or Indian band unless

- (a) in the case of an application for proposed licensed premises in a municipality or Metis settlement, the application is received by the board within 3 years after a vote has been held under section 54 in respect of a municipality or section 55 in respect of a Metis settlement, or
- (b) in the case of an application for proposed licensed premises on an Indian reserve, the application is received by the board within 3 years from the date that the board referred a previous application to the Indian band under section 56.

Application  
referred to  
municipality

**54(1)** When an application for a licence is referred to a municipality under section 53, the municipality must, within 90 days of the application being referred to it, submit a question on the application to a vote of the electors and the vote of the electors must be conducted in accordance with the *Local Authorities Election Act*.

**(2)** The municipality must advise the board of the results of the vote and

- (a) if the majority of the electors voting approve of the liquor licence being issued, the board may issue the licence, and
- (b) if the majority of the electors voting oppose the liquor licence being issued, the board may not issue a licence or accept an application for a licence that would authorize licensed premises within the municipality for 3 years after the vote.

Application  
referred to  
Metis  
settlement

**55(1)** When an application is referred to a Metis settlement under section 53, the Metis settlement must, within 90 days of the application being referred to it, hold a vote on the application at a public meeting and sections 54 and 55 of the *Metis Settlements Act* apply to the vote as though it was a vote on a proposed bylaw.

**(2)** The Metis settlement must advise the board of the results of the vote and

- (a) if the majority of the settlement members voting approve of the liquor licence being issued, the board may issue the licence, and
- (b) if the majority of the settlement members voting oppose the liquor licence being issued, the board may not issue a licence or accept an application for a licence that would

authorize licensed premises in the Metis settlement for 3 years after the vote.

Application referred to Indian band

**56(1)** When an application is referred to an Indian band under section 53, the band has 90 days after the application has been referred to it to advise the board if it approves of the issuing of the liquor licence.

(2) If the Indian band advises the board within the 90 days that it approves of the issuing of the liquor licence, the board may issue the licence.

(3) If the Indian band does not advise the board of its decision within the 90 days or if the band advises the board within the 90 days that it does not approve of the issuing of the liquor licence, the board may not issue a licence or accept an application for a licence that would authorize licensed premises in the Indian reserve for 3 years from the date that the board referred the application to the band.

Extending time period

**57** The board may extend the 90-day periods referred to in sections 54 to 56 on the request of a municipality, Metis settlement or Indian band and, if an extension is granted, the references to 90 days in those sections refer to the extended time period.

Conditions

**58(1)** The board's policies respecting the activities authorized by a liquor licence are conditions of the licence, including policies made after the licence is issued.

(2) The Commission must provide a licensee with a copy of the board policies that are conditions of the liquor licence and any amendments to those policies.

(3) When issuing a liquor licence, the Commission may, with or without a hearing, impose conditions on a licence that are in addition to the conditions referred to in subsection (1).

(4) When the board imposes a condition under subsection (3) without a hearing, the board must give the licensee information about an application for a hearing.

### **Representatives of Liquor Suppliers**

Registration  
required

**59(1)** No liquor supplier may authorize a liquor agency to be its representative in the sale of its liquor unless the liquor agency is registered for that purpose.

**(2)** No liquor agency may act as the representative of a liquor supplier in the sale of the supplier's liquor unless the liquor agency is registered for that purpose.

**(3)** No liquor agency may authorize a person to act as a representative of a liquor supplier in the sale of the supplier's liquor unless the person is registered for that purpose.

**(4)** No employee or agent of a liquor agency may act as a representative of a liquor supplier in the sale of the supplier's liquor unless the employee or agent is registered for that purpose.

**(5)** No liquor supplier may authorize its employees to represent the supplier in the sale of the supplier's liquor unless the employees are registered for that purpose.

**(6)** No employee of a liquor supplier may act as the supplier's representative in the sale of the supplier's liquor unless the employee is registered for that purpose.

Registration

**60(1)** The board is responsible for registrations under this Part.

**(2)** Registrations are governed by the regulations.

### **Regulation of Licensees and Activities on Licensed Premises**

Forced sales

**61** No liquor licensee or employee or agent of a liquor licensee may require or demand, by force or otherwise, that a person buy liquor in the licensed premises.

Remuneration  
based on  
sales

**62(1)** No person may enter into an agreement in which one party is to receive remuneration for working in licensed premises if the remuneration varies with the amount of liquor sold at the licensed premises.

**(2)** An agreement entered into in contravention of subsection (1) is void.

Agreements  
with liquor  
suppliers and  
agencies

**63(1)** Unless the regulations provide otherwise, no liquor supplier or liquor agency may enter into an agreement with a liquor licensee whose licence authorizes the sale of liquor to customers for their own consumption in which the licensee agrees to sell the liquor of the supplier or agency.

(2) Unless the regulations provide otherwise, no liquor licensee whose licence authorizes the sale of liquor to customers for their own consumption may enter into an agreement with a liquor supplier or liquor agency in which the licensee agrees to sell the liquor of the supplier or agency.

(3) Unless the regulations provide otherwise, an agreement entered into in contravention of subsections (1) and (2) is void.

Advertising  
and promoting  
of liquor

**64(1)** The board may make policies respecting the advertising and promoting of liquor or products that contain liquor.

(2) Every liquor licensee, liquor supplier, liquor agent and registrant under this Part must comply with the policies.

Sale at  
licensed  
premises

**65(1)** No liquor licensee or employee or agent of a liquor licensee whose licence authorizes the sale or provision of liquor at licensed premises may sell, offer to sell or provide liquor at the licensed premises

(a) unless the liquor was purchased from the Commission or acquired in accordance with board policies, and

(b) except during the hours and on the days when the liquor may be sold or provided under the regulations or stadium bylaws.

(2) No liquor licensee or employee or agent of a liquor licensee may sell, offer to sell or provide from the licensed premises liquor to be consumed off the licensed premises unless the licensee's licence authorizes those activities.

Conduct on  
licensed  
premises

**66(1)** No liquor licensee or employee or agent of a liquor licensee may permit any activity in the licensed premises that

(a) is unlawful,

(b) is detrimental to the orderly operation of the premises,

(c) may be injurious to the health or safety of people in the premises, or



- (d) is prohibited under the licence or by the regulations.
- (2) No person may do anything in licensed premises that
  - (a) is detrimental to the orderly operation of the premises,
  - (b) may be injurious to the health or safety of people in the premises, or
  - (c) is prohibited under the licence or by the regulations.

Leaving  
licensed  
premises  
when  
requested

- 67** No person may
- (a) remain in licensed premises after having been requested to leave the premises by the liquor licensee or an employee or agent of the liquor licensee, or
  - (b) enter licensed premises after having been forbidden to enter the premises by the liquor licensee or an employee or agent of the liquor licensee.

Leaving  
licensed  
premises on  
closing

**68(1)** Except in those licensed premises prescribed in the regulations, every person other than the liquor licensee and the liquor licensee's employees or agents must leave licensed premises when the sale and consumption of liquor in those premises are required to cease under the regulations or stadium bylaws.

(2) Except as provided in the regulations, no liquor licensee or employee or agent of a liquor licensee may permit any person to be in licensed premises when the sale and consumption of liquor in those premises are prohibited under the regulations or stadium bylaws.

(3) No person may consume and no liquor licensee or employee or agent of a liquor licensee may permit a person to consume liquor on licensed premises when the sale and consumption of liquor in those premises are prohibited under the regulations or stadium bylaws.

Homemade  
liquor

**69(1)** No liquor licensee or employee or agent of a liquor licensee may permit liquor referred to in section 83(1) on any licensed premises unless the liquor is being judged in a competition authorized by a special event licence.

(2) No person may on any licensed premises consume liquor that the person knows has been made under the authority of section 83(1) unless the consumption occurs as part of the judging of the liquor in a competition authorized by a special event licence.

Adulteration of  
liquor

**70(1)** No liquor licensee or employee or agent of a liquor licensee or any other person may

- (a) mix or permit to be mixed with any liquor that is in the possession of a liquor licensee any drug or any form of methyl alcohol or any crude, unrectified or impure form of ethyl alcohol or any other deleterious substance or liquid, or
- (b) blend or permit to be blended one type or brand of liquor with another type or brand of liquor that is in the possession of a liquor licensee by exchanging or combining the contents of one container with that of another container except when using an automatic dispensing device approved by the Commission.

(2) No liquor licensee or employee or agent of a liquor licensee may add water or permit water to be added to any liquor sold or given to a customer so as to reduce the percentage of alcohol by volume without the knowledge and consent of the customer.

Minors on  
licensed  
premises

**71(1)** If a person who appears to be a minor requests to purchase or be given liquor from a liquor licensee, the licensee or other person to whom the request is made must, before granting the request, demand that the person who appears to be a minor provide proof of age.

(2) No minor may enter or be in any licensed premises if the licence prohibits minors from entering into or being in the licensed premises.

(3) No liquor licensee may permit a minor to enter or be in any licensed premises if the licence prohibits minors from entering into or being in the licensed premises.

(4) If a person who appears to be a minor enters licensed premises which a minor is not entitled to enter or be in, the liquor licensee must demand that the person who appears to be a minor produce proof of age.

(5) If a person makes a request for identification under subsection (1) or (4) and the person who appears to be a minor fails to produce identification that is satisfactory to the person making the request, the liquor licensee must

- (a) not serve liquor to that person, and

- (b) refuse the person entry or ask the person to leave if the licence prohibits a minor from entering and being in those licensed premises.

Supplying  
liquor to minor

**72** No person may give or sell or permit any person to give or sell liquor to a minor in licensed premises.

### **Activities Involving Liquor**

Commission's  
general  
authority

**73** The Commission may import, purchase, sell, transport, possess and store liquor.

Importation

**74** No person may import liquor into Alberta unless

- (a) the liquor has been purchased by or on behalf of the Commission and the liquor is consigned to the Commission,
- (b) the person is a manufacturer and the board has authorized the manufacturer to import the liquor for the purposes of blending with and flavouring liquor made by the manufacturer, or
- (c) the importation is authorized by this Act or a federal Act.

Business of  
transporting  
passengers

**75** The board may authorize a liquor licensee that is in the business of transporting passengers in a commercial public conveyance, other than local transit buses and trains, to bring liquor into Alberta in the commercial public conveyance, and the liquor may be sold to passengers in the commercial public conveyance in accordance with the licence.

Sales to  
Commission

**76(1)** No manufacturer may sell the liquor it makes to any person other than the Commission unless the manufacturer's liquor licence provides otherwise.

**(2)** Subsection (1) does not apply to liquor that a manufacturer exports from Alberta.

**(3)** No person who imports liquor under section 74(b) or (c) may sell the liquor to any person other than the Commission unless the board provides otherwise.

Sales to licensee	<p><b>77(1)</b> When the Commission sells liquor to liquor licensees, the price of liquor must be the same, at any one time, for all licensees holding the same class of licence.</p> <p><b>(2)</b> The Commission must not deliver liquor it has sold until the purchaser has paid for the liquor in the manner required by the board.</p>
Prohibited sales	<p><b>78</b> Unless authorized by this Act or a liquor licence, no person may through the person's own actions or through the person's employees or agents</p> <ul style="list-style-type: none"> <li>(a) display liquor for sale,</li> <li>(b) store liquor for sale, or</li> <li>(c) directly or indirectly sell or offer to sell liquor.</li> </ul>
Sale of liquor under Civil Enforcement Act	<p><b>79</b> A civil enforcement agency may seize liquor in accordance with the <i>Civil Enforcement Act</i>, and the board may, subject to any conditions it considers advisable, authorize the civil enforcement agency to sell the liquor.</p>
Transportation	<p><b>80</b> A common carrier or other person may, in accordance with this Act, transport liquor from a place where liquor is lawfully located to another place where liquor may be lawfully located.</p>
Consumption in vehicles	<p><b>81</b> Except as otherwise provided for in this Act or in a liquor licence, no person may consume liquor in a vehicle unless, when the liquor is being consumed, the vehicle is a temporary residence.</p>
Gift of liquor	<p><b>82</b> Subject to the regulations, a person other than a minor may make a gift of liquor that was lawfully made, purchased or imported and a person other than a minor may receive a gift of this liquor.</p>
Adults	<p><b>83(1)</b> An adult may make, in the adult's residence, wine, cider and beer up to a quantity permitted under the regulations.</p> <p><b>(2)</b> No adult may make spirits except in accordance with a licence.</p> <p><b>(3)</b> An adult may import into Alberta liquor of a kind and up to a quantity that is permitted under the regulations.</p>

(4) An adult may purchase liquor from a licensee or as otherwise authorized by the regulations.

(5) An adult may possess liquor lawfully made, purchased, imported or received as a gift, and

(a) store it in a residence, temporary residence or other place authorized by this Act, and

(b) use and consume it in a residence, temporary residence or other place authorized by this Act.

Minors

**84(1)** Subject to subsection (3) and section 85, no minor may

(a) purchase or attempt to purchase liquor;

(b) obtain or attempt to obtain liquor;

(c) possess or consume liquor.

(2) Subject to subsection (3) and section 85, no person may sell, attempt to sell or give liquor to a minor.

(3) An adult who is the parent, guardian or spouse of a minor and who is in lawful possession of liquor may give the liquor to a minor in a residence or a temporary residence.

Religious  
ceremonies

**85** A priest, clergyman, minister or other religious leader may, in the performance of religious ceremonies or sacraments, give liquor, approved by the Commission for sacramental purposes, to a minor or an adult in accordance with the practices of the religion.

Public place

**86(1)** Except as provided in this Act, no person may use or consume liquor in a public place or any place other than a residence, temporary residence, licensed premises or a place or class of place prescribed in the regulations where liquor may be used or consumed.

(2) Despite subsection (1), a person may consume liquor with food in a public park in a picnic area designated by the owner or operator of the public park during the hours designated by the owner or operator if a sign is posted that

(a) states that a person may consume liquor with food in the designated picnic area,

(b) sets out the designated picnic area, and

(c) sets out the hours when liquor may be consumed with food.

(3) A person must stop consuming liquor in a designated picnic area if a peace officer on reasonable and probable grounds believes that the person is intoxicated or is not consuming food while consuming liquor in a designated picnic area and the peace officer requests that person to stop consuming liquor.

Unauthorized  
places

**87** An owner or operator, or an employee or agent of an owner or operator, of a place that is not

- (a) a residence,
- (b) a temporary residence,
- (c) licensed premises,
- (d) a place prescribed in the regulations where liquor may be stored, used or consumed, or
- (e) a picnic area in a public park that is designated and where a sign is posted in accordance with section 86(2),

may not knowingly allow a person to possess, use or consume any liquor at that place.

## PART 4

### BOARD HEARINGS AND SANCTIONS

Suspension,  
cancellation  
etc. by board

**88(1)** The board may do one or more of the things referred to in subsection (2) if the board is of the opinion that

- (a) a licensee or registrant has failed to comply with this Act, an order of the board or a condition imposed on a licence or registration;
- (b) a liquor licensee has failed to comply with stadium bylaws;
- (c) a licensee has failed with respect to licensed premises or a licensed facility to comply with the *Safety Codes Act*, orders under the *Public Health Act* or any municipal bylaw;
- (d) an owner of licensed premises or facilities or a manager of licensed premises or facilities or, if the licensee is a corporation, an employee or agent of the corporation who is in charge of the licensed premises or facilities has been convicted of an offence under this Act or stadium bylaws;

(e) if the licensee or registrant is a corporation, a shareholder, director, officer or employee of the corporation has been convicted of an offence under this Act.

(2) If subsection (1) applies, the board may, by order, with respect to a licensee or registrant do any one or more of the following, with or without a hearing:

- (a) issue a warning;
- (b) impose conditions on the licence or registration or rescind or amend existing conditions on the licence or registration;
- (c) impose a fine of not more than \$100 000 and refuse to renew a licence of a licensee or to renew the registration of a registrant until the fine is paid;
- (d) suspend or cancel the licence or registration.

(3) A licence or registration may not be cancelled or suspended on the grounds referred to in subsection (1)(d) or (e) until the conviction becomes final.

Sanction if  
licensee  
becomes  
ineligible

**89(1)** If after a licence is issued or a person is registered the licensee or registrant becomes ineligible for a licence because of either the licensee's or registrant's own actions or those of

- (a) an owner or lessee of the licensed premises or facilities,
- (b) a manager of the licensed premises or facilities or, if the licensee is a corporation, an employee or agent of the corporation who is in charge of licensed premises or facilities, or
- (c) if the licensee or registrant is a corporation, a shareholder, director, officer or employee of the corporation,

the board may, by order, with or without a hearing, do one or more of the following:

- (d) cancel or suspend the licence;
- (e) require a person to dispose of an interest in the business under which the activities authorized by the licence or registration are carried out;
- (f) require a person to dispose of an interest in licensed premises or facilities.

(2) If the ineligibility referred to in subsection (1) is caused by a conviction of an offence under this Act or a federal Act specified in the regulations, the board may not make an order under this section until the conviction becomes final.

Board order

**90** When the board makes an order under section 88 or 89, the board must give the licensee or registrant

- (a) a copy of the order,
- (b) a written summary of the reasons and information on which the order is based, and
- (c) information about an application for a hearing if the order was made without a hearing.

Application for  
board hearing

**91(1)** A licensee or registrant may apply to the board for a hearing if the board has, without a hearing in respect of that licensee or registrant,

- (a) made an order under section 88 or 89,
  - (b) imposed conditions on the licence under section 38(3) or 58(3), or
  - (c) imposed conditions on the registration under the regulations.
- (2) A person who is refused a licence or registration by the board without a hearing may apply to the board for a hearing.
- (3) A person whose liquor, containers, video lottery terminals or gaming supplies have been seized under section 92 or 103 may apply to the board for a hearing.
- (4) An applicant for a hearing must apply in writing to the board within 30 days of receiving notice of the matter in respect of which a hearing is requested, or a longer period as the board permits.
- (5) The application must describe the matter in respect of which a hearing is requested and set out the reasons for making the application.
- (6) Within 30 days of receiving an application, the board must conduct a hearing and give the applicant an opportunity to make representations to the board.
- (7) After a hearing under this section, the board may by order



- (a) confirm the original order or decision,
  - (b) replace the order or decision with another order or decision made in accordance with the authority for the order or decision,
  - (c) cancel the original order or decision, or
  - (d) in the case of a hearing applied for under subsection (3), confirm the seizure and declare the goods forfeited to the Commission or direct that any or all of the seized goods be returned.
- (8) The board must provide the applicant with a copy of its order and written reasons.

Disposition of  
liquor

**92(1)** When a liquor licence is suspended or cancelled, the Commission may purchase liquor from the person whose licence has been suspended or cancelled or authorize the person to sell the liquor to a licensee if the liquor is, in the opinion of the Commission, suitable for resale.

(2) If the liquor in the possession of a person whose liquor licence has been suspended or cancelled was not lawfully acquired or is not, in the opinion of the Commission, suitable for resale, the liquor and containers are forfeited to the Commission and the person must, on the request of the Commission, deliver all liquor and containers in the person's possession pursuant to the licence or on the licensed premises to the Commission.

(3) If the person whose licence has been suspended or cancelled fails to deliver liquor and containers as requested under subsection (2), the liquor and containers may be seized by an inspector.

(4) When an inspector seizes liquor and containers, the inspector must

- (a) give a notice to the person from whom the liquor and containers were seized that sets out the reasons for the seizure and notifies the person of the right to a hearing before the board, and

- (b) deliver the liquor and containers to the Commission.

Disposition of  
gaming  
supplies

**93** A person whose facility licence has been suspended or cancelled must dispose of any gaming supplies in the person's possession in accordance with the board's instructions.

Notices

**94(1)** Notice of any decision or board order made under section 38(3), 58(3), 88 or 89 or any decision or order under the regulations that imposes conditions on a registration must be given to the licensee or registrant

(a) by sending it by registered mail to the last address of the licensee or registrant in the Commission's records, or

(b) by giving it personally to the licensee or registrant or an agent of the licensee or registrant.

(2) Unless otherwise provided for in this Act, any other notice that is to be given to a person under this Act by the board or Commission may be sent by ordinary mail to the last address for the person in the Commission's records.

## PART 5

### ENFORCEMENT

#### Inspections, Search and Seizure

Inspectors

**95(1)** The Commission may, in writing, designate any employee of the Commission or any other person as an inspector.

(2) Every police officer as defined in the *Police Act* is an inspector for the purposes of this Act.

Obstruction of  
inspector

**96** No person may hinder, obstruct or impede an inspector in the performance of the inspector's duties or in the exercise of the inspector's powers.

Reports

**97** Every licensee or registrant must, when required in writing by the Commission, provide the Commission with reports and information specified by the Commission for the purposes of determining if this Act and the conditions imposed on the licensee's licence or registrant's registration are being complied with.

Liquor  
samples

**98** A liquor licensee must, when required by the Commission, provide the Commission with samples of liquor that the licensee is selling or intends to sell.

Responsibility  
of directors  
and officers

**99** If a corporation is a licensee or registrant and a duty is imposed on the licensee or registrant under this Act, the duty is also imposed

(a) on any director or officer of the corporation, or

- (b) if the licence is a liquor licence or facility licence, the director, officer, employee or agent who is in charge of the licensed premises or licensed facility.

Inspection of  
premises and  
facilities

**100(1)** To ensure compliance with this Act an inspector may enter and inspect, at any reasonable time,

- (a) licensed premises or facilities,
- (b) premises with respect to which a liquor licence has been suspended or cancelled,
- (c) a facility with respect to which a facility licence has been suspended or cancelled, or
- (d) the offices of a common carrier doing business in Alberta that may contain records and documents relating to liquor stored or transported in Alberta.

(2) An inspector may enter and inspect, at any reasonable time, premises or facilities described in an application for a licence to determine if the premises or facilities meet the requirements of this Act.

(3) When acting under the authority of this section, an inspector must carry identification in the form established by the board and present it on request to the owner or occupant of the premises being inspected.

(4) In carrying out an inspection an inspector

- (a) may, in an inspection relating to liquor,
  - (i) take reasonable samples of liquor for testing and analysis,
  - (ii) inspect, examine and make copies of records and documents relating to liquor or a licence or temporarily remove any of them to make copies, and
  - (iii) interview and request identification from people in the licensed premises who appear to be minors,

and

- (b) may, in an inspection relating to gaming activities,
  - (i) take reasonable samples of gaming supplies,

(ii) inspect, examine and make copies of records and documents relating to gaming activities and gaming supplies or temporarily remove any of them to make copies, and

(iii) interview and request identification from people in the licensed facility who appear to be minors.

(5) When an inspector removes records and documents under subsection (4), the inspector must

(a) give to the person from whom they were taken a receipt for them, and

(b) within a reasonable time, return them to that person.

Duty to assist  
inspector

**101** A licensee, an applicant for a licence and a common carrier and their officers, employees and agents must, on the request of an inspector,

(a) assist the inspector in carrying out an inspection under section 100, and

(b) provide the inspector with records and documents and provide a place where they may be examined.

Inspectors  
assigned to  
manufacturers'  
licensed  
premises

**102(1)** The Commission may assign an inspector to work at the licensed premises of a manufacturer for the purposes of ensuring that the manufacturer is complying with this Act.

(2) After a manufacturer receives reasonable notice from the Commission that an inspector has been assigned to its licensed premises, the manufacturer must provide the inspector with

(a) office accommodation, facilities and equipment at the licensed premises as specified by the Commission, and

(b) records and documents that are required by the inspector and any assistance the inspector requires in carrying out an inspection.

(3) An inspector assigned to licensed premises has all of the powers and duties of an inspector under section 100.

Seizure of  
liquor and  
gaming  
supplies

**103(1)** An inspector who, while carrying out an inspection under section 100, finds any liquor, video lottery terminals or gaming supplies that the inspector believes on reasonable and probable grounds are unlawfully acquired or kept or kept for unlawful

purposes in contravention of this Act or a condition imposed on a licence or registration may immediately seize and remove the liquor and the containers in which it is held or the video lottery terminals or gaming supplies.

(2) When an inspector seizes liquor and containers, video lottery terminals or gaming supplies, the inspector must

- (a) give a notice to the person from whom the liquor and containers or the terminals or gaming supplies were seized that sets out the reasons for the seizure and notifies the person of the right to a hearing before the board, and
- (b) deliver the liquor and containers or the terminals or gaming supplies to the Commission.

Warrantless  
search and  
seizure

**104(1)** A peace officer who on reasonable and probable grounds believes

- (a) that liquor is on or near a vehicle and is being kept unlawfully or kept for unlawful purposes in contravention of this Act or a condition imposed on a licence, and
- (b) that obtaining a warrant would cause a delay that could result in the loss or destruction of evidence

may without warrant and, if necessary, by reasonable force conduct a search for that liquor

- (c) in or near the vehicle, or
- (d) on the person of anyone found in or near the vehicle.

(2) A peace officer who, in making a search under subsection (1), finds liquor that the peace officer believes on reasonable and probable grounds is unlawfully kept or kept for unlawful purposes in contravention of this Act or a condition imposed on a licence may

- (a) immediately seize the liquor and the container in which it is held, and
- (b) if the peace officer believes on reasonable and probable grounds that an offence under section 78 is being or has been committed by the occupant or person in charge of a vehicle in or near which liquor is found, seize and remove that vehicle.

(3) Following a seizure of a vehicle under subsection (2), the peace officer must, within a reasonable time,

(a) provide a justice with an affidavit

(i) stating that the peace officer has reason to believe that a person committed an offence under section 78 while being an occupant or in charge of the vehicle that was seized, and

(ii) stating the name of the person alleged to have committed an offence under section 78,

or

(b) return the vehicle to the person from whom it was seized.

(4) A justice, on receipt of an affidavit under subsection (3), may order that the affidavit be served on the person referred to in subsection (3)(a)(ii) and set down a date to hear the matter and may order that the vehicle be

(a) retained by the Crown until final disposition of the charge under section 78, or

(b) returned to the person from whom it was seized.

(5) If a vehicle is returned under subsection (4)(b), the justice may order the person to whom it is returned

(a) to hold it as bailee for the Crown until final disposition of the charge under section 78, and

(b) to produce it if it is required with respect to proceedings related to the charge under section 78.

Abandoned  
liquor

**105** If a peace officer finds liquor on any premises or in a place and the peace officer believes on reasonable and probable grounds that there is no apparent owner of the liquor, the peace officer may immediately seize and remove the liquor and containers, and the liquor and containers are forfeited to the Crown.

Seizure report

**106** When liquor is seized by a peace officer, a report in writing of the particulars of the seizure must be made, if required by the Commission, in the manner directed by the Commission.

Disposition of  
liquor on  
conviction

**107** When a conviction under this Act becomes final, any liquor and containers in respect of which the offence was committed that were seized are, as part of the penalty for the conviction, forfeited to the Crown.

**Special  
situations**

**108(1)** If a person charged with an offence under this Act is not convicted, the Crown may apply to a justice for an order declaring that any liquor and containers seized with respect to that charge are forfeited to the Crown.

**(2)** A justice may grant the order after holding a hearing in which notice is given to the persons specified by the justice in the manner specified by the justice.

**Forfeiture of  
seized  
conveyance**

**109** On the conviction of the occupant or person in charge of a vehicle for an offence under section 78, the justice making the conviction may declare, as part of the penalty for the conviction, that any vehicle seized pursuant to section 104 or pursuant to a warrant is forfeited to the Crown.

**Claims by  
interest  
holders**

**110(1)** Any person who claims an interest in any liquor, container or vehicle that is forfeited to the Crown may apply by originating notice to a judge of the Court of Queen's Bench for an order under subsection (6) or (7).

**(2)** Subsection (1) does not apply to a person who was convicted of an offence that resulted in the forfeiture.

**(3)** An applicant has

(a) in the case of a forfeiture under section 105, 90 days after the forfeiture to apply to a judge, and

(b) in any other case, 30 days after the forfeiture to apply to a judge.

**(4)** The judge to whom an application is made under subsection (1) must fix a day for the hearing that is not less than 30 days after the date of filing of the application.

**(5)** The applicant must serve a notice of the application and of the hearing on the Minister of Justice and Attorney General at least 15 days before the day fixed for the hearing.

**(6)** If, on hearing an application involving abandoned liquor, the judge is satisfied that the applicant has an interest in the liquor and containers, and it is reasonable that the liquor and containers be released to the applicant or any other person, the judge may grant an order cancelling the forfeiture and requiring the liquor to be released to the applicant or other person.

**(7)** If, on hearing an application involving an offence under this Act, the judge is satisfied that

- (a) the applicant is innocent of any complicity in the offence or alleged offence that resulted in the forfeiture and of any collusion in relation to that offence or alleged offence with any person who may have committed the offence or alleged offence, and
- (b) it was reasonable for the applicant to be satisfied that the person permitted to obtain the property was not likely to use the property in contravention of this Act or, in the case of a mortgagee or lien-holder, that the mortgagor or the person giving the lien was not likely to use the property in contravention of this Act,

the applicant is entitled to an order declaring that the applicant's interest is not affected by the forfeiture and declaring the nature and extent of the applicant's interest.

Disposition of  
forfeited liquor

**111(1)** Liquor that is forfeited to the Crown under this Act must be disposed of or destroyed under the direction of the Minister of Justice and Attorney General.

(2) Liquor that is forfeited to the Commission under this Act must be disposed of or destroyed under the direction of the Commission.

Taking  
intoxicated  
person into  
custody

**112(1)** No person may be intoxicated in a public place.

(2) If a peace officer on reasonable and probable grounds believes that a person is intoxicated in a public place, the peace officer may, instead of charging the person with an offence, take the person into custody to be dealt with in accordance with this section.

(3) A person in custody pursuant to subsection (2) may be released from custody at any time if on reasonable and probable grounds the person responsible for the custody believes that

- (a) the person in custody has recovered sufficient capacity that, if released, the person is unlikely to injure himself or be a danger, nuisance or disturbance to others, or
- (b) a person capable of taking care of the person taken into custody undertakes to take care of that person.

(4) A person taken into custody under this section may not be held in custody for more than 24 hours after being taken into custody.

(5) No action lies against a peace officer or other person for anything done in good faith with respect to the apprehension, custody or release of a person pursuant to this section.



## Offences and Penalties

General offence	<p><b>113</b> A person who contravenes section 36, 40, 41, 45, 46, 47, 61, 62(1), 63, 65, 66, 67, 68, 69, 70, 71, 72, 74, 76, 78, 81, 83(2), 84, 86, 87, 96, 97, 98 or 112(1) or a section in the regulations the contravention of which is designated by the regulations to be an offence is guilty of an offence.</p>
General penalty	<p><b>114(1)</b> An individual who is convicted of an offence for which no specific penalty has been provided is liable to a fine of not more than \$10 000 or to imprisonment for not more than 6 months, or to both the fine and imprisonment.</p> <p><b>(2)</b> A corporation convicted of an offence for which no specific penalty has been provided is liable to a fine of not more than \$50 000.</p>
Provincial lottery schemes	<p><b>115</b> A person who contravenes section 45 or 46 is liable to a fine of not more than \$500 000 or to imprisonment for not more than 12 months, or to both.</p>
Adulteration of liquor and prohibited sales	<p><b>116(1)</b> An individual who contravenes section 70 or 78 is liable to a fine of not more than \$50 000 or to imprisonment for not more than 12 months, or to both the fine and imprisonment.</p> <p><b>(2)</b> A corporation that contravenes section 70 or 78 is liable to a fine of not more than \$100 000.</p>
Liability of corporation officials, partners	<p><b>117(1)</b> If a corporation commits an offence under this Act, any officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted for or convicted of the offence.</p> <p><b>(2)</b> If a partnership that is the holder of a licence commits an offence under this Act, every member of the partnership who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and is liable to the punishment provided for the offence, whether or not the partnership has been prosecuted or convicted of the offence.</p>

Responsibility of licensee      **118** If an employee or an agent of a licensee contravenes a provision of this Act, the licensee is deemed also to have contravened the provision unless the licensee establishes on a balance of probabilities that the licensee took all reasonable steps to prevent the employee or agent from contravening the provision.

Responsibility of occupant      **119(1)** In this section, “occupant” means a person who is entitled to occupy a building that is not licensed premises or a licensed facility.

**(2)** If an employee or agent of an occupant contravenes a provision of this Act in the building of an occupant, the occupant is deemed also to have contravened the provision unless the occupant can establish on a balance of probabilities that the occupant took all reasonable steps to prevent the employee or agent from contravening the provision.

### **Prosecution and Evidence**

Description of offence      **120(1)** In describing an offence respecting

- (a) the sale or keeping for sale or other disposal of liquor, or
- (b) the purchasing, giving, receiving, possessing, storing, transporting, using, consuming or importing of liquor,

in any information, summons, conviction, warrant or proceeding under this Act, it is not necessary to state the name or kind of liquor or the price of it.

**(2)** It is not necessary to state in any information, summons, conviction, warrant or proceeding under this Act

- (a) the person to whom liquor was sold or disposed of,
- (b) the person by whom liquor was taken or consumed,
- (c) the person from whom liquor was purchased or received, or
- (d) the quantity of liquor sold, kept for sale, disposed of, purchased, given, received, possessed, stored, transported, used, consumed or imported except in the case of offences where the quantity is essential, and then it is sufficient to allege that the liquor was more or less than that quantity.

Certificate of  
analysis

**121(1)** The Minister may designate any person to act as an analyst with respect to any analysis or description of any ingredient, quality or quantity of any substance for the purposes of or in connection with this Act.

**(2)** In every prosecution under this Act, the certificate of analysis furnished by an analyst designated under subsection (1) must be accepted as prima facie proof of the facts stated in it and of the authority of the person giving or issuing the certificate without proof of the appointment or signature of the analyst.

Evidence by  
certificate

**122(1)** A copy of a book, document, voucher or other paper obtained under this Act and certified by an inspector to be a true copy must be admitted in evidence in any action, proceeding or prosecution under this Act as prima facie proof of the original record without proof of the signature or appointment of the inspector.

**(2)** A certificate purporting to be signed by the chief executive officer or a person authorized by the chief executive officer that sets out any action or decision of the Commission or the board must be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or the official character of the person signing it.

Actions  
against a  
corporation

**123** In all prosecutions under this Act against a corporation, each summons, warrant, order, writ or other document may be served on the corporation

- (a) by being delivered to an officer, attorney or agent of the corporation within Alberta,
- (b) by being left at any place within Alberta where the corporation carries on any business,
- (c) by being left at the registered office of the corporation, or
- (d) in any other manner authorized by law.

Proof of  
incorporation

**124** In any prosecution, action or proceeding under this Act in which it is alleged that a corporation is or has been guilty of an offence under this Act, the fact of the incorporation of the corporation must be presumed, unless satisfactory proof is produced to the contrary.

Disposition of  
fines

**125(1)** Subject to the regulations, a fine imposed and collected pursuant to a conviction for an offence occurring in a municipality enures to the benefit of the municipality.

**(2)** Any fine or penalty imposed under this Act on a conviction for an offence occurring in an Indian reserve or Metis settlement elsewhere than on a primary highway or on a road designated as a secondary road under the *Public Highways Development Act* enures to the benefit of the Indian band or Metis settlement.

## **PART 6**

### **REGULATIONS**

Lieutenant  
Governor in  
Council  
regulations

**126(1)** The Lieutenant Governor in Council may make regulations

- (a) defining, for the purposes of this Act, words and phrases that are not defined in the Act;
- (b) specifying, for the purposes of the definition of gaming supplies in section 1(1)(j), things that are not gaming supplies;
- (c) specifying, for the purposes of the definition of gaming worker in section 1(1)(k), persons who are not gaming workers;
- (d) prescribing the percentage of alcohol by volume for the purposes of the definition of liquor in section 1(1)(q);
- (e) specifying connections for the purposes of the definition of liquor supplier in section 1(1)(t);
- (f) establishing classes of gaming licences, facility licences and liquor licences;
- (g) establishing classes of registration in respect of
  - (i) gaming workers,
  - (ii) people who deal in video lottery terminals or gaming supplies, and
  - (iii) liquor agents, representatives and others who are required to be registered under Part 3;
- (h) respecting application procedures for licences and registration, including requirements relating to the advertising of applications and procedures for obtaining and dealing with public responses to applications;

- (i) respecting conditions and eligibility requirements that must be met before a licence is issued or a person is registered;
- (j) respecting when licences and registrations expire, the transfer of licences and the posting of licences, notices and information by licensees and registrants;
- (k) respecting conditions that may be imposed on registrations;
- (l) respecting fees for licences and registrations;
- (m) respecting the requirements and consequences that apply despite anything in this Act
  - (i) if a licensee sells or assigns the business under which the activities authorized by the licence are carried out, or becomes dispossessed of the business by bankruptcy or operation of law, or
  - (ii) if a licensee who is an individual dies;
- (n) respecting relationships and activities between
  - (i) liquor suppliers, their officers, directors and employees and liquor agencies and representatives that are required to be registered under Part 3, and
  - (ii) liquor licensees and their businesses and property, and the board, the Commission and its employees or agents;
- (o) respecting relationships and activities between
  - (i) liquor licensees and their officers, directors and employees, and
  - (ii) the board, the Commission, its employees and persons who provide services for or on behalf of the Commission;
- (p) respecting agreements between liquor suppliers and liquor licensees that are permitted for the purposes of section 63;
- (q) respecting the days and hours when liquor may be sold, given or consumed on licensed premises;
- (r) authorizing a municipality to pass bylaws in respect of specified classes of events and classes of licensed premises that prescribe

- (i) the hours of sale and consumption of liquor on the licensed premises, and
  - (ii) the areas of the licensed premises where the sale and consumption of liquor may occur;
  - (s) prescribing, for the purposes of section 68,
    - (i) classes of licensed premises, and
    - (ii) when a liquor licensee or an employee or agent of a liquor licensee may be in licensed premises;
  - (t) respecting the quantities of wine, cider and beer that an adult may make under section 83(1);
  - (u) respecting the kind and quantity of liquor that an adult may import under section 83(3);
  - (v) respecting gifts of liquor;
  - (w) respecting licensed premises and facilities, including the persons who may be on licensed premises or facilities, the food service at licensed premises or facilities and activities that may be carried on in and near licensed premises or facilities;
  - (x) respecting the display, manufacture, import, purchase, sale, transport, giving, possession, storage, use and consumption of liquor;
  - (y) designating sections in the regulations the contravention of which is an offence.
- (2) Regulations under this section may apply generally or to a specific licensee or registrant, specific licensed premises or a specific licensed facility or a specific circumstance or situation.

Board  
regulations

**127** The board may make regulations

- (a) excluding products from the definition of liquor for the purpose of section 1(1)(q);
- (b) specifying the provisions of this Act that apply to a class or type of liquor;
- (c) establishing provisions that are in addition to or replace provisions of this Act in respect of a class or type of liquor.

## PART 7

### TRANSITIONAL

Transitional  
regulations

**128** *The Minister may make regulations*

- (a) respecting the conversion to this Act of anything from the Interprovincial Lottery Act;*
- (b) respecting the conversion to this Act of licences, permits and registrations or any other thing issued or made under the Liquor Control Act or section 207 of the Criminal Code (Canada);*
- (c) to deal with any difficulty or impossibility resulting from this Act or the transition to this Act from the Interprovincial Lottery Act or the Liquor Control Act.*

Board and  
Chair

**129(1)** *The members of the Alberta Liquor Control Board continue as members of the board of the Commission until their terms expire or new members are appointed in their place.*

**(2)** *The member of the Alberta Liquor Control Board designated as Chairman continues as Chair of the board of the Commission until the designation is revoked.*

Assets and  
liabilities

**130** *The assets, liabilities, rights and obligations of the Alberta Liquor Control Board are vested in the Commission and each employee of the Alberta Liquor Control Board continues as an employee of the Commission until the Commission otherwise directs.*

Liquor store  
leases

**131** *If the Commission is a party to a lease under section 130 with respect to premises on which the Alberta Liquor Control Board operated a liquor store and the lease provides for terminating the lease, discontinuing the use of the leased premises, discontinuing the occupation of the leased premises, parting with possession of the leased premises, or release from performing any of the terms, covenants or conditions of the lease pursuant to an Act of the Legislature, the Commission must*

- (a) terminate the lease, cease to use or occupy the leased premises or sublet, assign or grant a concession or licence for any interest in the leased premises for any reasonable use,*
- (b) part with possession of the leased premises, and*

*(c) be released from performing the terms, covenants and conditions under the lease with respect to those premises.*

Liquor pricing  
agreements  
and actions

**132(1)** *Any policy of, and any agreement entered into, and representation made or purported to be made by the Alberta Liquor Control Board, its Board or the Chairman of its Board, 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 Alberta Liquor Control Board or the Commission.*

*(2) Any right or benefit that may have arisen under an agreement, policy or representation described in subsection (1) is null and void from the date the agreement, policy or representation was made.*

*(3) No action or proceeding may be instituted against the Alberta Liquor Control Board, its Board or the Chairman of its Board or the Commission, its board, or the Chair of its board or the Crown 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 or of section 37.1 of the Liquor Control Act or of the Liquor Administration Amendment Regulation (Alta. Reg. 265/93).*

*(4) Despite subsection (3), in action 9401 10075 in the Court of Queen's Bench, Judicial District of Calgary, the Court of Queen's Bench and any Court that may hear an appeal from that action may determine whether a binding contractual arrangement existed with the Alberta Liquor Control Board or the Crown and whether there was an actionable breach of that contract, and if there was a breach, the Court may award damages.*

Payments  
from liquor  
revenue

**133** *Despite section 24, the Commission may pay from revenue from liquor sold by or on behalf of the Commission an amount of any settlement made or judgment obtained*

*(a) as a result of the termination of a lease of premises used as a liquor store in which the Alberta Liquor Control Board or the Commission was a party, or*

*(b) under the action referred to in section 132(4).*

Liquor  
Licensing  
Appeal  
Council

**134(1)** *Despite the repeal of the Liquor Control Act, the Liquor Licensing Appeal Council remains constituted and has all of its powers under the Liquor Control Act for the purpose of*



- (a) *hearing appeals that were filed with the Appeal Council before this section came into force, and*
- (b) *hearing appeals in respect of decisions of the Board of the Alberta Liquor Control Board or the board of the Commission made as a result of a hearing held before this section came into force.*
- (2) *Despite the repeal of the Liquor Control Act, sections 57 to 57.2 of that Act apply to appeals referred to in subsection (1).*
- (3) *The Minister may dissolve the Appeal Council when the Minister is satisfied that no appeals referred to in subsection (1) remain.*

## PART 8

### CONSEQUENTIAL, REPEAL AND COMMENCEMENT

- Consequential **135(1)** *The Conflicts of Interest Act is amended in Part 3 of the Schedule by striking out “The Alberta Liquor Control Board” and substituting “Board of the Alberta Gaming and Liquor Commission”.*
- (2) *The Election Act is amended*
- (a) *in section 1(j) by striking out “Liquor Control Act” and substituting “Gaming and Liquor Act”;*
  - (b) *in section 4(1)(a) by striking out “and of plebiscites conducted under the Liquor Control Act”;*
  - (c) *in section 7(1) by striking out “Act, elections under the Senatorial Selection Act and plebiscites under the Liquor Control Act” and substituting “Act and elections under the Senatorial Selection Act”;*
  - (d) *in section 130(1) by striking out “liquor store or”.*
- (3) *The Municipal Government Act is amended*
- (a) *in section 365*
    - (i) *in subsection (1) by striking out “Liquor Control Act” and substituting “Gaming and Liquor Act”;*
    - (ii) *by repealing subsection (2) and substituting the following:*

(2) Despite subsection (1), property listed in section 362(n)(ii) and (iii) in respect of which a liquor licence that is specified in the regulations has been issued is exempt from taxation under this Division.

(b) in section 370 by adding the following after clause (c):

(d) specifying liquor licences for the purposes of section 365(2).

(4) *The Public Service Employee Relations Act is amended in the Schedule by repealing section 6.*

(5) *In the following provisions “Liquor Control Act” is struck out and “Gaming and Liquor Act” is substituted:*

Act	Section
Licensing of Trades and Businesses Act	2(a)
Motor Transport Act cM-20.1	27(e)(i)(B)
Young Offenders Act	8(2.1)

Repeal      **136** *The Interprovincial Lottery Act and the Liquor Control Act are repealed.*

Coming into force      **137** *This Act comes into force on Proclamation.*