

1996 BILL 7

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Fourth Session, 23rd Legislature, 45 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 7**

**MUNICIPAL AFFAIRS STATUTES AMENDMENT  
AND REPEAL ACT, 1996**

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MR. SEVERTSON

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 7  
Mr. Severtson

## BILL 7

1996

### MUNICIPAL AFFAIRS STATUTES AMENDMENT AND REPEAL ACT, 1996

(Assented to , 1996)

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

#### Alberta Educational Communications Corporation Act

Repeals RSA  
1980 cA-18

*1(1) The Alberta Educational Communications Corporation Act is repealed.*

*(2) Any right, power or function that is vested in or is to be exercised by or on behalf of the Alberta Educational Communications Corporation is, on the coming into force of this section, vested in the Crown in right of Alberta and may be exercised or performed by or on behalf of the Crown in right of Alberta.*

*(3) Any assets of the Alberta Educational Communications Corporation are, on the coming into force of this section, vested in the Crown in right of Alberta.*

*(4) Unless expressly provided otherwise in an agreement to which the Crown in right of Alberta is a party, the Crown is not vested with any liabilities, obligations or duties of the Alberta Educational Communications Corporation.*

*(5) This section comes into force on Proclamation.*

#### Cemeteries Act

Amends RSA  
1980 cC-2

*2(1) The Cemeteries Act is amended by this section.*

*(2) Section 37 is repealed and the following is substituted:*

## **Explanatory Notes**

### **Alberta Educational Communications Corporation Act**

**1**(1) Repeals chapter A-18 of the Revised Statutes of Alberta 1980.

(2) Rights of Corporation vested in Crown.

(3) Assets of Corporation vested in Crown.

(4) Crown not liable for obligations of Corporation.

(5) Coming into force.

### **Cemeteries Act**

**2**(1) Amends chapter C-2 of the Revised Statutes of Alberta 1980.

(2) Section 37 presently reads:

Registration

**37** No person shall sell, lease or rent or offer for sale, lease or rent a lot, plot, compartment, crypt or other space in a cemetery, columbarium or mausoleum or in a proposed cemetery, columbarium or mausoleum unless that person is registered by the Director for that purpose.

*37(1) No person shall sell, lease or rent or offer for sale, lease or rent, a lot, plot, compartment, crypt or other space in a cemetery, columbarium or mausoleum or in a proposed cemetery, columbarium or mausoleum unless*

*(a) the form of the contract of sale, lease or rental has been filed with and approved by the Director, and*

*(b) that person is registered by the Director for that purpose.*

*(2) An approval under subsection (1) and a renewal thereof is effective for a period of one year from the date it is granted.*

*(3) An application for approval under subsection (1) or a renewal thereof shall be accompanied by proof satisfactory to the Director*

*(a) that the applicant is, or is entitled to be, registered as the owner in fee simple of the cemetery or the land used or to be used for the columbarium or mausoleum, free of any mortgage, hypothecation, charge or encumbrance, and*

*(b) that there has been paid to an authorized trustee the amount prescribed by section 39 or the regulations, as the case may be, as the minimum amount for endowment care funds.*

*(4) An application for renewal of an approval under subsection (1) shall be accompanied by a balance sheet and a profit and loss statement pertaining to the cemetery, columbarium or mausoleum and that is*

*(a) prepared within 30 days prior to the day the application is made,*

*(b) reported on by an independent auditor, and*

*(c) in a form satisfactory to the Director.*

*(5) The Director may refuse to grant an approval or a renewal thereof if*

*(a) subsections (3) and (4) have not been complied with,*

*(b) the Director is not satisfied that the applicant is a reputable person, or*

*(c) the sum to be charged under the contract for the lot, plot, compartment, crypt or space or any cemetery services is, in his opinion, unconscionable having regard to the capital and operating costs of the owner and any other circumstances considered by the Director to be relevant.*

*(6) Notwithstanding subsection (2), an approval under subsection (1) or a renewal thereof is deemed to be cancelled when*

*(3) The following is added after section 37:*

Void contracts

**37.1** Any term of a contract entered into on and after this section comes into force for the sale, lease or rent of an existing or proposed lot, plot, compartment, crypt or other space in a cemetery, columbarium or mausoleum that

- (a) misrepresents the obligations or liabilities of the parties to the contract,
- (b) is misleading as to its true nature or purpose, or
- (c) contravenes this Act or the regulations

is void and severable from the contract.

*(4) Section 50 is amended by striking out “48 and 49” and substituting “59.1 and 59.2”.*

*(5) Section 51(1) is amended*

*(a) by repealing clause (a) and substituting the following:*

(a) issuing an order under section 67.1,

*(b) in clauses (b) and (c) by striking out “salesman” and substituting “salesperson”.*

*(6) Sections 48 to 51 are renumbered as sections 59.1 to 59.4 respectively and repositioned immediately before section 60.*

*(7) Section 60(o) is amended by striking out “salesmen” wherever it occurs and substituting “salespersons”.*

- (a) *the owner at the time the approval or renewal thereof was granted ceases to manage the cemetery, columbarium or mausoleum,*
- (b) *any of the shares of a corporate owner have been transferred to a person who was not a shareholder at the time the approval or renewal thereof was granted, unless the Director consents to the transfer, or*
- (c) *the owner or any salesman of the owner is convicted of an offence under this Act.*

(3) Void contracts.

(4) Section 50 presently reads:

*50 In addition to the powers conferred by sections 48 and 49 the person making the investigation has, for the purpose of the investigation, all the powers of a commissioner under the Public Inquiries Act.*

(5) Section 51(1) presently reads:

*51(1) A person who is dissatisfied with a decision of the Director*

- (a) *refusing to approve a form of contract of sale, lease or rental of a lot, plot, compartment or other space in a cemetery or columbarium or mausoleum,*
- (b) *refusing to register a salesman, or*
- (c) *suspending or cancelling the registration of a salesman,*

*may appeal the decision by serving the Minister with a notice of appeal within 30 days of being notified in writing of the decision.*

(6) Sections 48 to 51 are moved to Part 5.

(7) Section 60(o) presently reads:

*60 The Lieutenant Governor in Council may make regulations*

(8) *Section 63(4)(b)(i) is amended by striking out “salesman” and substituting “salesperson”.*

(9) *The following is added after section 67:*

Act,  
regulations  
contravened

**67.1** If, in the opinion of the Director, an owner or salesperson is contravening or has contravened this Act or the regulations, or any form, form of agreement or form of letter is misleading or contains a term that misrepresents or contravenes this Act or the regulations, the Director may issue an order directing that owner or salesperson

- (a) to stop engaging in any practice that is described in the order, and
- (b) to take any measures specified in the order, within the time specified in the order, that, in the opinion of the Director, are necessary to ensure that this Act or the regulations are complied with.

Enforcement  
of Director's  
orders

**67.2(1)** Whether or not a person is prosecuted under this Act, if the Director is of the opinion that that person is not complying or has not complied with an order of the Director under section 67.1, the Director may apply to the Court of Queen's Bench for an order directing that person to comply with the order.

(2) An application under this section must be by way of an originating notice.

(3) On the filing of an originating notice with the clerk of the Court, the Court may, if it considers it necessary in the circumstances, make an interim order granting the relief that the Court considers appropriate pending the determination of the application.

(4) An interim order under subsection (3) may be made ex parte if the Court considers it appropriate in the circumstances.



*(o) prescribing the powers and duties of the Director with respect to the registration and the suspension and cancellation of registration of salesmen of lots, plots, compartments, crypts or space in a cemetery, columbarium or mausoleum, the terms and conditions on which salesmen may be registered, and the registration fees payable;*

(8) Section 63(4)(b)(i) presently reads:

*(4) A notice of cancellation under this section may be given by delivering it or sending it by mail*

*(b) if no address is shown in the contract,*

*(i) to any salesman acting on behalf of the owner of the cemetery, columbarium or mausoleum.*

(9) Director's order.

(5) On hearing an application the Court may, if it is of the opinion that the person is not complying or has not complied with the order, grant an order, subject to any terms and conditions the Court considers appropriate in the circumstances, doing one or more of the following:

- (a) directing the person to comply with the order of the Director;
- (b) giving directions that the Court considers necessary in order to ensure that the order of the Director will be complied with;
- (c) awarding costs in respect of the matter.

(10) *This section comes into force on Proclamation.*

### **Collection Practices Act**

Amends RSA  
1980 cC-17

3(1) *The Collection Practices Act is amended by this section.*

(2) *Section 3(2) is amended by adding “or to a civil enforcement bailiff or civil enforcement agency while realizing on a security” after “profession”.*

(3) *Section 5(1) is amended by adding “and” at the end of clause (c) and by repealing clauses (d) and (e).*

(4) *Section 7(1) is repealed and the following is substituted:*

- (10) Coming into force.

### **Collection Practices Act**

- 3(1)** Amends chapter C-17 of the Revised Statutes of Alberta 1980.

- (2) Section 3(2) presently reads:

*(2) This Act does not apply to barristers and solicitors in the practice of their profession.*

- (3) Section 5(1) presently reads:

*5(1) An application for a collection agency licence shall be made to the Administrator in the form prescribed by the Minister and shall be accompanied by*

- (a) the licence fee prescribed by the regulations,*
- (b) the security, if any, prescribed by the regulations,*
- (c) an affidavit made by or on behalf of the applicant in the form prescribed by the Minister,*
- (d) copies of forms of agreement to be entered into with the collection agency by persons for whom the collection agency acts,*
- (e) copies of forms and forms of letters that the collection agency uses or proposes to use in making demands for the collection of debts, and*
- (f) any other information required by the regulations.*

- (4) Section 7(1) presently reads:

Renewal of  
licence

**7(1)** An application for renewal of a collection agency licence must be made to the Administrator in the form prescribed by the Minister and must be accompanied by

- (a) the licence fee prescribed by the regulations, and
- (b) the security, if any, prescribed by the regulations.

*(5) Section 13 is amended*

*(a) in subsection (1)*

*(i) by repealing clauses (a) and (b);*

*(ii) by repealing clause (d) and substituting the following:*

(d) charge any fee to a person for whom he acts in addition to those fees provided for in the agreement with that person;

*(b) by repealing subsections (3) and (4) and substituting the following:*

**(3)** Any term of an agreement entered into by a collection agency or collector, on or after the coming into force of this subsection, that

- (a) misrepresents the rights and powers of a person collecting or attempting to collect a debt,
- (b) misrepresents the obligations or legal liabilities of a debtor,
- (c) is misleading as to its true nature and purpose, or
- (d) otherwise contravenes this Act or the regulations

is void and severable from the valid terms of the agreement.

**(4)** If, in the opinion of the Administrator,

- (a) a collection agency or collector is contravening or has contravened this Act or the regulations, or

*7(1) An application for renewal of a collection agency licence shall be made to the Administrator in the form prescribed by the Minister and shall be accompanied by*

- (a) the licence fee prescribed by the regulations,*
- (b) the security, if any, prescribed by the regulations,*
- (c) copies of forms of agreement to be entered into with the collection agency by persons for whom the collection agency acts, and*
- (d) copies of forms and forms of letters that the collection agency uses or proposes to use in making demands for the collection of debts.*

(5) Section 13 presently reads:

*13(1) No collection agency or collector shall*

- (a) enter into any agreement with a person for whom he acts unless a copy of the form of agreement is filed with and approved by the Administrator;*
- (b) use any form or form of letter to collect or attempt to collect a debt unless a copy of the form or form of letter is filed with and approved by the Administrator;*
- (d) charge any fee to a person for whom he acts in addition to those fees provided for in the form of agreement or in the information pertaining to fees filed with the Administrator;*

*(3) The Administrator may refuse to approve any form, form of agreement or form of letter that he considers to be objectionable and, without restricting the generality of the foregoing, he may refuse any form, form of agreement or form of letter that*

- (a) misrepresents the rights and powers of a person collecting or attempting to collect a debt,*
- (b) misrepresents the obligations or legal liabilities of a debtor, or*
- (c) is misleading as to its true nature and purpose.*

*(4) When, in the opinion of the Administrator, a collection agency or collector is contravening or has contravened any provision of this Act or the regulations, the Administrator may issue an order directing that collection agency or collector, as the case may be, to*

- (a) stop engaging in any practice that is described in the order, and*
- (b) take any measures specified in the order that, in the opinion of the Administrator, are necessary to ensure*

- (b) any form, form of agreement or form of letter is misleading or contains a term that misrepresents or contravenes this Act or the regulations,

the Administrator may issue an order directing the collection agency or collector

- (c) to stop engaging in any practice that is described in the order, and
- (d) to take any measures specified in the order, within the time specified in the order, that, in the opinion of the Administrator, are necessary to ensure that this Act and the regulations are complied with.

*(6) This section comes into force on Proclamation.*

### **Conflicts of Interest Act**

Amends SA  
1991 cC-22.1

*4(1) The Conflicts of Interest Act is amended in Part 3 of Schedule 1 by striking out “Alberta Educational Communications Corporation”.*

*(2) This section comes into force on Proclamation.*

### **Direct Sales Cancellation Act**

Amends RSA  
1980 cD-35

*5(1) The Direct Sales Cancellation Act is amended by this section.*

*(2) Section 1(1) is amended*

*(a) in clause (e)(iii) by striking out “\$25” and substituting “the amount prescribed by the regulations”;*

*(b) in clause (f) by striking out “salesman” and substituting “salesperson”;*

*(c) by repealing clause (h) and substituting the following:*

*(h) “trade-in allowance” means the greater of*

*(i) the price or value of the buyer’s goods as set out in a trade-in arrangement, or*

*that this Act or the regulations will be complied with,  
within the time specified in the order.*

(6) Coming into force.

#### **Conflicts of Interest Act**

**4(1)** Amends chapter C-22.1 of the Statutes of Alberta, 1991. Part 3 of Schedule 1 presently reads in part:

##### *Part 3*

##### *Other Disqualifying Offices*

*The office of chairman or member of any of the following:*

*Alberta Educational Communications Corporation*

(2) Coming into force.

#### **Direct Sales Cancellation Act**

**5(1)** Amends chapter D-35 of the Revised Statutes of Alberta 1980.

(2) Section 1(1) presently reads in part:

*1(1) In this Act,*

*(e) "sales contract" means*

*(iii) an agreement under which the buyer does some act or pays a price in excess of \$25 and thereupon becomes entitled to be the owner of goods or to have a service performed.*

*(f) "salesman", with reference to a sales contract, means any person, other than the seller, who solicits, negotiates or arranges for the signing by the buyer of*

- (ii) the market value of the buyer's goods when taken in trade under a trade-in arrangement;

(3) *Section 2 is amended*

(a) *by repealing subsection (1) and substituting the following:*

Application of  
Act

**2(1)** Except as provided in subsections (1.1) and (2), this Act applies where a sales contract is negotiated in person or concluded in person on or after the coming into force of this subsection at a place other than

- (a) the seller's or the salesperson's normal business premises, or
- (b) a market place, auction, trade fair, agricultural fair or exhibition.

**(1.1)** Where a sales contract is solicited, negotiated and concluded before the coming into force of this subsection, this Act applies as it read immediately before the coming into force of this subsection.

(b) *by repealing subsection (2)(d) and (e.1).*

(4) *Section 6 is repealed and the following is substituted:*

Absolute  
cancellation  
right

**6** A buyer may, without any reason, cancel a sales contract at any time from the date the sales contract is concluded until 10 days after the buyer receives a copy of the written sales contract.

Extended  
cancellation in  
certain  
circumstances

**6.1(1)** In addition to the right of cancellation under section 6, a buyer may cancel a sales contract in the circumstances set out in this section.

**(2)** A buyer may cancel a sales contract within one year of the date the sales contract is concluded



*the sales contract or who in any way participates in soliciting, negotiating or arranging for the signing by the buyer of the sales contract;*

(h) *“trade-in allowance” means*

*(i) the sum which, under a trade-in arrangement, is agreed to be allowed in payment or in part payment of the goods or services sold or to be sold under the sales contract, or*

*(ii) if that sum is not agreed on, an amount that would, in all the circumstances, have been reasonable to allow in payment or in part payment, as the case may be, of the goods if no notice of cancellation had been served under section 6 in respect of that sales contract;*

(3) Section 2 presently reads in part:

*2(1) This Act does not apply to cases where the sales contract is solicited, negotiated or concluded at*

*(a) the seller's or the salesman's normal business premises, or*

*(b) a market place, auction, trade fair, agricultural fair or exhibition.*

*(2) This Act does not apply*

*(d) to a sales contract negotiated, solicited and concluded without any dealings in person between the seller and the buyer or any salesman and the buyer;*

*(e.1) to a sales contract in which the seller is a charitable organization or professional fund-raiser within the meaning of those terms in the Charitable Fund-raising Act and that is made as a result of a solicitation within the meaning of that term in the Charitable Fund-raising Act;*

(4) Section 6 presently reads:

*6(1) A buyer may rescind a sales contract by giving a notice of cancellation*

*(a) not later than the fourth day after the date on which the copy of the sales contract is received by him by personal delivery or by mail,*

*(b) not later than one year after the date on which the copy of the sales contract is received by him by personal delivery or by mail, if*

*(i) all of the goods or services to be supplied under the sales contract are not supplied within 120 days after the date the sales contract was signed by the*

(a) if the seller was required to be registered or licensed under the *Licensing of Trades and Businesses Act* and was not registered or licensed at the time the sales contract was concluded, or

(b) if the sales contract does not include all the information required under section 11.1.

(3) A buyer may cancel a sales contract within one year from the date the sales contract is concluded if the seller

(a) does not deliver the goods within 30 days of the delivery date specified in the sales contract or an amended delivery date agreed on in writing by the buyer and the seller, or

(b) does not begin the services within 30 days of the commencement date specified in the sales contract or an amended commencement date agreed on in writing by the buyer and the seller.

(4) If after the period mentioned in subsection (3) has expired the buyer accepts delivery of the goods or the buyer authorizes the services to begin, the buyer may not cancel the sales contract pursuant to subsection (3).

Method of  
cancellation

**6.2(1)** A sales contract is cancelled on the giving of a notice of cancellation in accordance with this section.

(2) A notice of cancellation may be expressed in any way as long as it indicates the intention of the buyer to cancel the sales contract.

(3) The notice of cancellation may be given by any means, including, but not limited to, personal service, registered mail, courier or telecopier or by any other method, including orally, by which the buyer can provide evidence of the date that the buyer cancelled the sales contract.

(4) Where the notice is given other than by personal service or orally, the notice of cancellation is deemed to be given when sent.

(5) The notice of cancellation may be sent or delivered to the seller at the address set out in the sales contract, or if the buyer did not receive a copy of the sales contract or the address of the seller was not set out in the sales contract, the buyer may send or deliver the cancellation notice

(a) to any address of the seller on record with the Government of Alberta,

*buyer and no date for delivery or performance is specified in or ascertainable from the sales contract, or*

- (ii) the seller was, during the period in which the sales contract was solicited, negotiated and concluded, required to be licensed under the Licensing of Trades and Businesses Act but was not so licensed,*
- (c) not later than 180 days after the date on which all of the goods or services are to be supplied under the sales contract where*
  - (i) the date is ascertainable*
    - (A) as a fixed day stated in the sales contract, or*
    - (B) by reference to the fulfilment of the buyer's obligations to the seller,*
  - and*
  - (ii) all of the goods or services are not supplied within 30 days after that date,*
- (d) not later than*
  - (i) 180 days after the date on which the copy of the sales contract is received by him by personal delivery or mail, in a case where all of the goods or services are not supplied within that 180-day period, or*
  - (ii) 30 days after all of the goods or services are supplied,*

*whichever occurs first, if,*

  - (iii) with respect to the sales contract, the seller gives or offers to give a rebate or discount to the buyer in consideration of his giving the seller the names of prospective purchasers or otherwise aiding the seller in making a sale to another person, and the earning of the rebate, discount or other value is contingent on the occurrence of an event subsequent to the time the buyer agrees to buy, or*
  - (iv) the sales contract is not signed by the buyer,*
- (e) not later than*
  - (i) 120 days after the date on which the copy of the sales contract is received by him by personal delivery or mail, in a case where all of the goods or services are not supplied within that 120-day period, or*

- (ii) 30 days<sup>1</sup> after the goods or services are supplied,

whichever occurs first, if the sales contract does not contain a notice in the prescribed form that is at least as prominent as the rest of the contents of the sales contract, or

- (f) not later than

- (i) 120 days after the sales contract is signed by the buyer, in a case where all of the goods or services are not supplied within that 120-day period, or

- (ii) 30 days after all of the goods or services are supplied,

whichever occurs first, if the buyer does not receive a copy of the sales contract by personal delivery or by mail within 10 days after the date it is signed by him.

(2) A notice of cancellation under this section is sufficient if, however expressed, it indicates the intention of the buyer to cancel, terminate or withdraw from the sales contract.

(3) A notice of cancellation under this section may be given by delivering it or sending it by mail

- (a) to the seller or a person named in the sales contract as a person to whom a notice of cancellation may be given, at the address shown in the sales contract, or

- (b) if the buyer's copy of the sales contract was not received by him, by personal delivery or by mail, or if no address of the seller or other person is shown in the sales contract,

- (i) to any salesman,

- (ii) to any address of the seller known to the buyer, or

- (iii) to the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act.

(4) For the purposes of this section a notice of cancellation sent by mail shall be deemed to be given at the time it is mailed.

5) Section 7 presently reads:

7(1) A notice of cancellation given in accordance with section 6 operates

- (a) to cancel the sales contract, or

- (b) when the sales contract is an offer to buy, to withdraw the offer,

(b) to an address of the seller known by the buyer, or

(c) to the salesperson at an address known by the buyer.

(6) If the buyer is unable to find an address referred to in subsection (5), the buyer may send or deliver the notice to any office of the Housing and Consumer Affairs Division of the Department of Municipal Affairs or to any other place designated by the regulations.

(5) *Section 7 is amended*

(a) *in subsection (1) by striking out "A notice of cancellation given in accordance with section 6 operates" and substituting "A cancellation of a sales contract in accordance with this Act operates";*

(b) *in subsection (2) by striking out "A notice of cancellation given in accordance with section 6 also operates to cancel"*

*and substituting “A cancellation of a sales contract in accordance with this Act also operates to cancel”;*

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

**(3)** Where credit is extended or arranged by the seller, the credit contract is conditional on the sales contract, whether or not the credit contract is a part of or attached to the sales contract, and if the sales contract is cancelled, that cancellation has the effect of cancelling the credit contract as if the sales contract had never existed.

*(6) Section 8 is amended*

*(a) by repealing subsection (1) and substituting the following:*

Responsi-  
bilities on  
cancellation

**8(1)** Within 15 days after a sales contract is cancelled, the seller shall refund to the buyer all money paid by the buyer and return to the buyer’s premises any trade-in or an amount equal to the trade-in allowance.

**(1.1)** In the case of a sales contract for goods, the buyer shall, on receiving the refund and return of the trade-in or an amount equal to the trade-in allowance, return the goods to the seller.

**(1.2)** Where a sales contract has been cancelled but the buyer solicited the services of a seller and requested that the service be provided within 10 days from the date that the sales contract was concluded, the seller is entitled to reasonable compensation for the services performed by the seller, but the seller’s rights under this subsection do not arise until the seller complies with subsection (1).

*(b) in subsection (2) by striking out “6” and substituting “6.2”;*

*(c) in subsection (9)(a)(i) by striking out “salesman” and substituting “salesperson”.*

*(7) Section 4 is amended by striking out “salesman” wherever it occurs and substituting “salesperson”.*

*(8) Section 9 is amended by striking out “6” and substituting “6.2”.*

*as if the sales contract never existed.*

*(2) A notice of cancellation given in accordance with section 6 also operates to cancel*

*(a) any related sale,*

*(b) any guarantee given in respect of money payable under the sales contract, and*

*(c) any security given by the buyer or a guarantor in respect of money payable under the sales contract.*

*as if it never existed.*

(6) Section 8 presently reads in part:

*8(1) The seller shall within 15 days of the giving of a notice of cancellation in accordance with section 6*

*(a) refund to the buyer all money paid under the sales contract, any related sale and any pre-existing contract, and*

*(b) return to the buyer's premises any goods delivered by the buyer under a trade-in arrangement.*

*(2) When a notice of cancellation is given in accordance with section 6, the buyer shall return to an authorized person goods that came into the buyer's possession under the sales contract or a related sale or pre-existing contract if a written request is given to the buyer by an authorized person which is signed or purports to be signed by or on behalf of the seller, but the obligation of the buyer under this subsection is subject to any lien or right to retain the goods that he may have under section 9 and his right to enforce the lien.*

*(9) In this section,*

*(a) "authorized person" means*

*(i) the seller or any salesman.*

(7) Section 4 presently reads:

*4 An oral or written representation, statement or undertaking, whether constituting a condition or warranty or not, made to the buyer by a salesman with respect to goods covered by a sales contract or a related sale shall be deemed to have been made by the salesman as agent of the seller, but nothing in this section exonerates any person from any liability to which he would be subject apart from this subsection.*

(8) Section 9 presently reads:

*(9) Section 10 is amended by striking out “required to be refunded under section 8(1)(a)” and substituting “paid under the sales contract, any related sale and any pre-existing contract under section 8”.*

*(10) The following is added after section 11:*

Contents of  
sales contract

**11.1** A written sales contract must include the following:

- (a) the buyer’s name and address;
- (b) the seller’s name, business address, telephone number and, where applicable, fax number;
- (c) where applicable, the salesperson’s name;



*9 When a notice of cancellation is served in accordance with section 6, the buyer is entitled to retain possession of goods delivered to him under a sales contract, related sale or pre-existing contract*

*(a) until all money paid under the sales contract, related sale or pre-existing contract is refunded, and*

*(b) in the case of a trade-in arrangement, until either*

*(i) the goods delivered by the buyer under the trade-in arrangement are returned to him in a condition substantially the same as when they were delivered by him, or*

*(ii) a sum equal to the trade-in allowance is paid to him,*

*and the buyer while in possession has a lien on those goods for any money so owing to him.*

(9) Section 10 presently reads:

*10(1) If the seller fails to refund to the buyer all money required to be refunded under section 8(1)(a), the buyer may recover that money from the seller.*

*(2) In the case of a trade-in arrangement, unless*

*(a) the seller returns the buyer's goods to him in accordance with section 8(1), and*

*(b) the goods are then in a condition substantially the same as when they were delivered by the buyer.*

*the buyer may recover from the seller an amount equal to the trade-in allowance for the goods.*

*(3) An amount recoverable under subsection (1) or (2) may be recovered as a simple contract debt.*

*(4) When the buyer recovers an amount equal to the trade-in allowance, then, if the title of the buyer to goods delivered by him under the trade-in arrangement did not pass from the buyer, the title vests in the person entitled thereto under the trade-in arrangement.*

(10) Contents of contract, non-derogation of other rights.

- (d) the date and place at which the sales contract is concluded;
- (e) a description of the goods or services, sufficient to identify them;
- (f) a statement of cancellation rights that conforms with the requirements set out in the regulations;
- (g) the itemized price of the goods or services, or both;
- (h) the total amount of the sales contract;
- (i) the terms of payment;
- (j) in the case of a sales contract for the future delivery of goods, future provision of services or future delivery of goods together with services, the delivery date for the goods or start date for the services or both;
- (k) in the case of a sales contract for the future provision of services or the delivery of goods together with services, the completion date for providing the services or the goods together with services;
- (l) where credit is extended,
  - (i) a statement of any security taken for payment, and
  - (ii) the disclosure statement required under the *Consumer Credit Transactions Act*;
- (m) where there is a trade-in arrangement, a description of and the value of the trade-in;
- (n) the signatures of the buyer and the seller.

Non-derogation of other rights

**11.2** The right of a buyer to cancel a sales contract under this Act is in addition to and does not derogate from any other legal right or remedy the buyer may have.

*(11) Section 13 is repealed and the following is substituted:*

Ministerial regulations

**13** The Minister may make regulations

- (a) respecting the form and contents of the statement of cancellation rights that must be included on the sales contract and the form of the contract;

(11) Section 13 presently reads:

*13 The Lieutenant Governor in Council may make regulations prescribing forms for the purposes of this Act.*

- (b) designating places where notices of cancellation may be sent or delivered for the purposes of section 6.2;
- (c) fixing the amount for the purposes of section 1(1)(e)(iii);
- (d) prescribing forms for the purposes of this Act.

(12) *This section comes into force on Proclamation.*

### **Fuel Oil Licensing Act**

Repeals RSA  
980 cF-22

6(1) *The Fuel Oil Licensing Act is repealed.*

(2) *This section comes into force on Proclamation.*

### **Fuel Tax Act**

Amends SA  
987 cF-22.5

7(1) *The Fuel Tax Act is amended by this section.*

(2) *The following is added after section 2:*

Registration

#### **2.1(1) No person shall**

- (a) carry on in Alberta the business of selling for resale fuel oil or liquid petroleum gas,
- (b) carry on in Alberta the business of selling marked fuel to consumers,
- (c) sell or offer for sale aviation fuel, fuel oil or liquid petroleum gas that is exempt from tax under this Act or the regulations,
- (d) import into Alberta fuel oil or aviation fuel for sale to consumers, or
- (e) purchase fuel oil in Alberta for consumption by a locomotive of which he is the owner,

unless the person is registered under this section.

(2) An application for registration must be made in accordance with the regulations.

(3) The Provincial Treasurer may refuse to register or renew a registration if the applicant has contravened this Act or a regulation under this Act or has contravened a law in

(12) Coming into force.

### **Fuel Oil Licensing Act**

**6(1)** Repeals chapter F-22 of the Revised Statutes of Alberta 1980.

(2) Coming into force.

### **Fuel Tax Act**

**7(1)** Amends chapter F-22.5 of the Statutes of Alberta, 1987.

(2) Registration of bulk dealers.

force in another jurisdiction that governs the collection of tax on fuel in that jurisdiction.

(4) The Provincial Treasurer may cancel or suspend a registration if the registered person has contravened this Act or a regulation under this Act or has contravened a law in force in another jurisdiction that governs the collection of tax on fuel in that jurisdiction.

(5) A person who is the holder of a licence under the *Fuel Oil Licensing Act* immediately before its repeal is deemed to be registered under this section until the date of the expiry of that licence, unless the registration is sooner cancelled or suspended.

(3) *Section 17 is amended*

(a) *in subsection (1) by striking out “or” at the end of clause (d), by adding “or” at the end of clause (e) and by adding the following after clause (e):*

(f) a refusal, cancellation or suspension of registration under section 2.1,

(b) *in subsection (4)*

(i) *by adding “, suspension” after “disallowance, refusal”;*

(ii) *by striking out “or” at the end of clause (c), by adding “or” at the end of clause (d) and by adding the following after clause (d):*

(e) confirm the refusal, cancellation or suspension, register the applicant or renew the registration or remove the suspension or cancellation of the registration.

(3) Section 17 presently reads in part:

*17(1) A person who objects to*

- (a) a notice of assessment under section 11 or 12,*
- (b) a notice of disallowance of rebate under section 4(4),*
- (c) a notice of disallowance of a grant under section 8(7),*
- (d) a notice of refusal under section 5 or 8, or*
- (e) a notice of cancellation pursuant to the regulations,*

*may, within 90 days of the day of mailing of the notice, serve on the Provincial Treasurer a notice of objection in the prescribed form setting out the reasons for the objection and the relevant facts.*

*(4) On receipt of a notice of objection, the Provincial Treasurer shall with all due dispatch reconsider the assessment, disallowance, refusal or cancellation and shall*

- (a) vacate, confirm or vary the assessment or disallowance and notify the objector of his decision by certified mail or registered letter,*
- (b) serve a new notice of assessment or cause a new notice of disallowance to be given,*
- (c) issue a certificate under section 5 or 8 or cause a new notice to be given confirming his refusal to issue a certificate or*
- (d) remove the cancellation or issue a new certificate or cause a notice to be given confirming the cancellation of the certificate.*

*(4) Section 18(1) is amended*

*(a) by adding “, the refusal, cancellation or suspension of registration removed” after “varied”;*

*(b) by adding the following after clause (a):*

*(a.1) the Provincial Treasurer has confirmed his refusal, cancellation or suspension of registration.*

*(5) Section 20(3)(b) is amended by adding the following after subclause (iv):*

*(iv.1) order the Provincial Treasurer to register the applicant or renew the registration or remove the cancellation or suspension of registration,*

*(6) Section 38(a) is repealed and the following is substituted:*



(4) Section 18(1) presently reads:

*18(1) A person who has served a notice of objection under section 17(1) may appeal to the Court to have the assessment or disallowance vacated or varied or the certificate under section 5 or 8 issued after*

- (a) the Provincial Treasurer has confirmed the assessment or disallowance or served a new notice of assessment or caused a new notice of disallowance to be given under section 17(4),*
- (b) the Provincial Treasurer caused a new notice to be given confirming his refusal to issue a certificate under section 5 or 8,*
- (b.1) the Provincial Treasurer has caused a notice to be given confirming his cancellation of a certificate, or*
- (c) 90 days have elapsed after service of the notice of objection and the Provincial Treasurer has not acted under section 17(4),*

*but no appeal under this section may be instituted after the expiration of 90 days from the day a notification or notice under section 17(4) was mailed to the objector.*

(5) Section 20(3) presently reads:

*(3) The Court may*

- (a) dismiss the appeal, or*
- (b) allow the appeal, and*
  - (i) vacate the assessment or disallowance,*
  - (ii) vary the assessment or disallowance,*
  - (iii) restore the assessment or disallowance,*
  - (iv) refer the assessment or disallowance back to the Provincial Treasurer for reconsideration,*
  - (v) order the Provincial Treasurer to issue a certificate under section 5 or 8, or*
  - (vi) order the Provincial Treasurer to remove the cancellation of a certificate or issue a new certificate.*

(6) Section 38(a) presently reads:

- (a) a certificate of the Provincial Treasurer or a person lawfully acting on his behalf stating whether the defendant is or is not registered under this Act, or was or was not so registered at a time or during a period of time specified in it,

(7) *Section 39 is amended by adding the following after clause (a.1):*

- (a.2) respecting applications for registration under section 2.1;

(8) *This section comes into force on Proclamation.*

### **Government Organization Act**

Amends SA  
994 cG-8.5

8 *The Government Organization Act is amended in Schedule 12, in section 5, by adding “, municipalities” after “institutions”.*

### **Licensing of Trades and Businesses Act**

Amends RSA  
980 cL-13

9(1) *The Licensing of Trades and Businesses Act is amended by this section.*

(2) *Section 2(a) is amended by striking out “the Fuel Oil Licensing Act,”.*

(3) *Section 4(1) is amended*

- (a) *in clause (g) by adding “or registration” after “licence” wherever it occurs;*

- (b) *in clause (k)*

- (i) *by adding the following after subclause (ii):*

38 *In a prosecution for an offence under this Act or the regulations,*

- (a) a certificate of the Deputy Minister of the Minister charged with the administration of the Fuel Oil Licensing Act or a person lawfully acting on his behalf stating whether the defendant is or is not licensed pursuant to the Fuel Oil Licensing Act, or was or was not so licensed at a time or during a period of time specified in it,*

(7) Section 39 presently reads in part:

*39(1) The Lieutenant Governor in Council may make regulations*

- (a) respecting the collection and remission of tax under this Act;*

(8) Coming into force.

### **Government Organization Act**

**8** Amends chapter G-8.5 of the Statutes of Alberta, 1994. Schedule 12, section 5 presently reads:

*5 The Minister may, on request, acquire supplies on behalf of, or provide services to, approved hospitals as defined in the Hospitals Act, schools, post-secondary educational institutions and any organizations that carry out services or programs on behalf of the Government.*

### **Licensing of Trades and Businesses Act**

**9(1)** Amends chapter L-13 of the Revised Statutes of Alberta 1980.

(2) Section 2(a) presently reads:

*2 This Act applies to all trades, businesses, industries, employments and occupations that are carried on in Alberta and to which the powers of the Legislature extend, except*

- (a) trades, businesses, industries, employments and occupations that are licensed pursuant to the Fuel Oil Licensing Act, the Liquor Control Act or the Amusements Act,*

(3) Section 4 presently reads in part:

*4(1) The Minister may*

- (b) except from a business or any description or class of business designated under clause (a) any specified class or subclass of business or a class or subclass of persons engaged or employed therein;*

(ii.1) respecting the manner of informing members of the public of

(A) any sale of or dealing with goods, products or services of a business under this Act, and

(B) contraventions of this Act;

(ii.2) respecting terms and conditions for a business or class of business that has contravened this Act or the regulations to continue operating as a business under this Act;

(ii) *by repealing subclause (v) and substituting the following:*

(v) prescribing in respect of any specified business or description or class of business that the approval of any authority specified by the Minister is required for the obtaining of a licence or renewal of a licence or the establishment of that business or description or class of business;

(c) *by adding the following after clause (o):*

(p) make regulations

(i) respecting the definition of “motor fuel”,

(ii) respecting standard specifications for motor fuel or any specified class or classes of motor fuel,

(iii) respecting the information to be furnished to a purchaser on the sale of any motor fuel in respect of which a standard specification is prescribed,

(iv) respecting the grade, quality or specifications of motor fuel to be sold in Alberta, and the securing of samples and the methods of testing motor fuel,

(v) respecting advertising standards for selling motor fuel, and

(vi) prohibiting the sale within Alberta of motor fuel that does not comply with this Act or the regulations.

- (k) *make regulations that the Minister considers necessary for carrying out this Act, and without limiting the generality of the foregoing, make regulations*
  - (i) *governing applications for licences or for renewals of licences and the requirements therefor;*
  - (i.1) *respecting the eligibility requirements of applicants for licences, and the duties and obligations of licensed persons;*
  - (i.2) *requiring licensed persons referred to in clause (d) to appoint designated agents as their representatives and respecting the eligibility requirements of designated agents and their duties and obligations;*
  - (ii) *prescribing or adopting, with or without modification, codes, standards or rules governing*
    - (A) *the manner of carrying on a business or a description or class of business to which this Act applies,*
    - (B) *experience and education requirements and requirements as to financial responsibility of persons carrying on or wishing to carry on such a business,*
    - (C) *the type and condition of premises and equipment used in such a business, and*
    - (D) *the conduct of persons engaged in carrying on such a business;*
  - (iv) *prescribing with regard to certain specified businesses the proof of good character or physical condition of the applicant for a licence or for a renewal of a licence that must accompany the application;*
  - (v) *prescribing in respect of any specified business or description or class of business that an applicant for a licence or for a renewal of a licence obtain the approval of any authority specified by the Minister in respect of the establishment of that business or description or class of business;*
  - (v.1) *requiring, in respect of any specified business or description or class of business, that security in addition to or instead of a bond be provided to protect the interests of persons dealing with the business, and respecting the kind of security that must be provided and the terms and conditions governing the provision of it;*
  - (vi) *requiring in respect of any specified business or description or class of business that a bond be*

*(4) Section 5 is amended*

*(a) by repealing subsection (1);*

*(b) in subsection (2) by adding “or to a regulatory board” after “administers”.*

*(5) Section 7 is repealed.*

*(6) Section 9 is amended by adding the following after subsection (2):*

**(2.1)** The Director shall refuse to issue a licence or renewal of a licence under this Act to an applicant if the Director is

*given in the form and on the conditions prescribed by the Minister;*

(viii) *prescribing with respect to bonds given pursuant to subclause (vi)*

(A) *the persons or class of persons entitled to claim a share in the bond proceeds,*

(B) *the procedure for the filing of claims by the claimants referred to in paragraph (A),*

(C) *the manner by which claimants referred to in paragraph (A) shall prove their claims,*

(D) *the circumstances and procedures under which all or any part of the bond proceeds shall be paid to those claimants whose claims have been proven in accordance with the regulations or into the Court of Queen's Bench to be dealt with as the Court directs, and*

(E) *the procedure for refunding to the surety or obligor under the bond any money remaining unexpended after all claims have been satisfied pursuant to the regulations;*

(4) Section 5 presently reads:

*5(1) The Minister may in writing delegate to any employee of the Department that the Minister administers any power, duty or function conferred or imposed on the Minister by this Act, other than the power to make regulations.*

*(2) The Director may in writing delegate to any employee of the Department that the Minister administers any power, duty or function conferred or imposed on the Director by this Act or the regulations.*

(5) Section 7 presently reads:

*7 If the business of negotiating, soliciting and concluding sales contracts to which the Direct Sales Cancellation Act applies is designated by the Minister as a business or a description or class of business to which this Act applies and a bond given to the Minister in respect of a seller or salesman is forfeited by reason of breach of a condition of the bond requiring compliance with the Direct Sales Cancellation Act, the proceeds of the bond may be used for the benefit of persons who, as buyers under the sales contracts, have claims against the seller following cancellation of the sales contracts in accordance with section 6 of that Act.*

(6) Section 9 presently reads:

*9(1) An application for a licence or renewal of a licence under this Act shall be made to the Director.*

satisfied that the applicant has not complied with the provisions of this Act and the regulations relating to applications for licences or renewals of licences or that it is in the public interest to refuse to issue it.

*(7) Section 9.1 is amended*

*(a) by adding the following after subsection (1):*

**(1.1)** When a person operating a business to which this Act applies, or any agent or salesperson or other person acting on behalf of the business, has committed an act or omission in contravention of this Act, the Director may order the business, the person operating the business, any agent or salesperson, or any other person acting on behalf of the business to cease that act or omission, subject to any terms and conditions prescribed in the order.

*(b) by repealing subsection (2).*

*(8) The following is added after section 9.1:*

Notification of  
changes

**9.2(1)** Any person issued a licence or renewal of a licence under this Act and the regulations shall immediately notify the Director in writing of

- (a) a change in the address of the licensee's business office,
- (b) a change in the partners of the business if the licence is issued to a partnership, or
- (c) a change in the officers or directors of a corporation if the licence is issued to a corporation.

**(2)** A person issued a licence who ceases to carry on the business for which the licence was issued shall immediately notify the Director and return the licence with the notification.

*(9) Section 10 is amended by repealing subsection (1) and substituting the following:*



*(2) The Director may issue a licence or renewal of a licence under this Act to an applicant if he is satisfied that the applicant has complied with the provisions of this Act and the regulations relating to applications for licences or renewals of licences.*

*(3) The Director may cancel or suspend a licence issued under this Act*

*(a) if the licensed person contravenes this Act or the regulations, or*

*(b) if it is in the public interest to do so.*

(7) Section 9.1 presently reads:

*9.1(1) When the Director cancels or suspends the licence of a person referred to in section 4(1)(d) he may by order prohibit any designated agent or salesperson or other licensed person acting on behalf of that person who committed the act or omission that resulted in the cancellation or suspension or who directed, authorized, assented to, acquiesced in or participated in the act or omission from being a designated agent or so acting, as the case may be, subject to any terms and conditions prescribed in the order.*

*(2) A designated agent, salesperson or other licensed person against whom an order is made under subsection (1) may appeal the order as if it were a cancellation of a licence, and sections 10 and 10.1, with the necessary modifications, apply to the appeal.*

(8) Notification of changes.

(9) Section 10(1) presently reads:

*10(1) A person*

*(a) who has been refused a licence or renewal of a licence by the Director under section 9.*

Appeal

**10(1) A person**

- (a) who has been refused a licence or renewal of a licence by the Director under section 9,
- (b) whose licence has been cancelled or suspended by the Director under section 9,
- (c) whose licence or renewal has been refused or whose licence has been cancelled as a result of a decision of the Director under section 10.1(3), or
- (d) who has been issued an order under section 9.1(1) or (1.1)

may appeal the refusal, cancellation, suspension or order by serving the Minister with a notice of appeal within 30 days after being notified in writing of the refusal, cancellation, suspension or order.

*(10) Section 11 is repealed and the following is substituted:*

Municipal  
licences

**11** No licence shall be issued by a municipality for the carrying on of a business that has been designated as a business to which this Act applies and for which a licence or registration is required under this Act, unless the applicant for the licence is already registered under this Act or holds a licence issued under this Act in respect of that business.

*(11) Section 12 is repealed and the following is substituted:*

Offences and  
penalties

**12 A person who**

- (a) contravenes this Act or a regulation or order under this Act.
- (b) fails, neglects or refuses to obey
  - (i) a lawful requirement or order made by the Director, or
  - (ii) a judgment or decree made by a Court on application of the Minister

is guilty of an offence and is liable,

- (c) in the case of a corporation, to a fine of not less than \$1000 and not more than \$10 000, and
- (d) in the case of an individual, to a fine of not less than \$500 and not more than \$5000.

*(b) whose licence has been cancelled or suspended by the Director under section 9, or*

*(c) whose licence or renewal has been refused or whose licence has been cancelled as a result of a decision of the Director under section 10.1(3)*

*may appeal the refusal, cancellation or suspension by serving the Minister with a notice of appeal within 30 days after being notified in writing of the refusal, cancellation or suspension.*

(10) Section 11 presently reads:

*11 No licence shall be issued by a city, town, village, municipal district or county for the carrying on of a business that has been designated as a business to which this Act applies, unless the applicant for the licence is already registered under this Act or the holder of a licence issued pursuant to this Act in respect of that business.*

(11) Section 12 presently reads:

*12 A person who contravenes this Act or a regulation or order under this Act is guilty of an offence and is liable to a fine of*

*(a) not more than \$10 000 where the offender is a corporation, and*

*(b) not more than \$5000 where the offender is an individual.*

(12) *Section 14 is repealed and the following is substituted:*

Evidence

**14(1)** When in a prosecution under this Act or a regulation or order under this Act it is alleged that the accused

- (a) carried on a business or a description or class of business to which this Act applies, or
- (b) acted as a salesperson or in some other capacity on behalf of a person carrying on a business or a description or class of business to which this Act applies

in contravention of this Act, a regulation or an order under this Act or without being registered or holding a licence where required under the regulations, or while his licence was cancelled or suspended, evidence of one transaction is prima facie proof that the accused carried on the business or acted as a salesperson or in that other capacity, as the case may be.

(2) A certificate purporting to be signed

- (a) by the Director, stating that on a specified day or during a specified period
  - (i) the person named in the certificate was or was not licensed under this Act,
  - (ii) the licence of the person named in the certificate had been suspended under this Act, or
  - (iii) the business was of a description or class to which this Act applies,

or

- (b) by an expert, defining or stating the nature of any substance, goods or services examined,

shall be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or appointment of the person who signed it.

(13) *Section 16 is repealed and the following is substituted:*

Restraining  
order

**16** If a person who is required

- (a) to be registered or licensed in respect of the carrying on of a business or a description or class of business to which this Act applies,

(12) Section 14 presently reads:

*14(1) When in a prosecution under this Act or a regulation or order under this Act it is alleged that the accused*

- (a) carried on a business or a description or class of business to which this Act applies, or*
- (b) acted as a salesperson or in some other capacity on behalf of a person carrying on a business or a description or class of business to which this Act applies*

*without being registered or holding a licence required under the regulations or while his licence was cancelled or suspended, evidence of one transaction is prima facie proof that the accused carried on the business or acted as a salesperson or in that other capacity, as the case may be.*

*(2) A certificate purporting to be under the hand of the Director and stating that on a specified day or during a specified period*

- (a) the person named in the certificate was or was not licensed pursuant to this Act, or*
- (b) the licence of the person named in the certificate had been suspended pursuant to this Act.*

*shall be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or appointment of the person signing it.*

(13) Section 16 presently reads:

*16 If a person who is required*

- (a) to be registered or licensed in respect of the carrying on of a business or a description or class of business to which this Act applies, or*

(b) to be licensed as a salesperson or in some other capacity while acting on behalf of a person referred to in clause (a), or

(c) to carry on business in accordance with this Act,

carries on business or so acts without being registered or licensed, while his licence is cancelled or suspended or in contravention of this Act, the Minister or any person authorized by the Minister may apply to the Court of Queen's Bench for an order restraining the person and his employees and agents from carrying on business or so acting until the person is registered or licensed or the suspension is terminated or the Minister has approved the business.

(14) *This section comes into force on Proclamation.*

### **Motor Transport Act**

Amends RSA  
1980 cM-20

*10(1) The Motor Transport Act is amended by repealing section 24(1) and substituting the following:*

Suspension  
and revocation  
of certificates

**24(1)** If the Board is satisfied that the person to whom a certificate has been issued pursuant to this Act has, either himself or by his agent or employee, contravened this Act or the regulations, the *Highway Traffic Act*, the *Motor Vehicle Administration Act*, the *Fuel Tax Act*, the *Municipal Government Act*, the *Unfair Trade Practices Act*, the *Criminal Code* (Canada), the *Motor Vehicle Transport Act*, 1987 (Canada) or any regulations or by-laws under any of those Acts or the regulations under the *Licensing of Trades and Businesses Act* relating to the sale of motor fuel, the Board may for that reason or for any other cause suspend the certificate, either for a specified period or indefinitely, or revoke it.

(2) *This section comes into force on Proclamation.*

### **Motor Vehicle Administration Act**

Amends RSA  
1980 cM-22

*11(1) The Motor Vehicle Administration Act is amended in section 57(1)(a) by striking out "or of the Fuel Oil Licensing Act, or of The Fuel Oil Tax Act, or of the Fuel Oil Administration Act".*

*(b) to be licensed as a salesperson or in some other capacity while acting on behalf of a person referred to in clause (a)*

*carries on business or so acts without being registered or licensed or while his licence is cancelled or suspended, the Minister or any person authorized by the Minister may apply to the Court of Queen's Bench for an order restraining the person and his employees and agents from carrying on business or so acting until he is registered or licensed or the suspension is terminated.*

(14) Coming into force.

### **Motor Transport Act**

**10(1)** Amends chapter M-20 of the Revised Statutes of Alberta 1980. Section 24(1) presently reads:

*24(1) If the Board is satisfied that the person to whom a certificate has been issued pursuant to this Act has, either by himself or his agent or employee, contravened this Act or the regulations, the Highway Traffic Act, the Motor Vehicle Administration Act, The Fuel Oil Tax Act, the Fuel Oil Administration Act, the Fuel Tax Act, the Fuel Oil Licensing Act, the Municipal Government Act, the Unfair Trade Practices Act, the Criminal Code (Canada), the Motor Vehicle Transport Act (Canada) or any regulations or by-laws under any of those Acts, the Board may for that reason or for any other cause, suspend the certificate, either for a specified period or indefinitely, or revoke it.*

(2) Coming into force.

### **Motor Vehicle Administration Act**

**11(1)** Amends chapter M-22 of the Revised Statutes of Alberta 1980. Section 57(1)(a) presently reads:

*57(1) Subject to subsection (1.1), the Minister may suspend or cancel an operator's licence or a certificate of registration or permit issued under this Act*

*(a) for a contravention of this Act or the regulations, or of the Highway Traffic Act or the regulations under that*

*(2) This section comes into force on Proclamation.*

### **Public Auctions Act**

Amends SA  
1981 cP-25.1

*12(1) The Public Auctions Act is amended by this section.*

*(2) Section 4(1) is repealed and the following is substituted:*

**4(1)** An application for a licence must be made to the Director in the form prescribed by the Director and must be accompanied by the prescribed fee.

**(1.1)** The Director may issue the licence applied for

- (a) if the Director is satisfied that the applicant meets the requirements of this Act and the regulations, and
- (b) if, in the opinion of the Director, it is in the public interest to do so.

### **Public Service Employee Relations Act**

Amends RSA  
1980 cP-33

*13(1) The Public Service Employee Relations Act is amended in the Schedule by repealing section 1(b).*

*(2) This section comes into force on Proclamation.*

### **Repeal**

Repeals

*14 The following Acts are repealed:*

- (a) An Act to Authorize and Permit the City of Edmonton to Enter into a Certain Agreement with Calgary Power Ltd. (SA 1961 c27);*
- (b) An Act to Confirm Order In Council No. 1275-52 dated the 8th day of September, 1952 (SA 1953 c61).*



*Act, or of the Fuel Oil Licensing Act, or of The Fuel Oil Tax Act, or of the Fuel Oil Administration Act or of the Fuel Tax Act, or of the Motor Transport Act or the regulations under that Act,*

(2) Coming into force.

### **Public Auctions Act**

**12**(1) Amends chapter P-25.1 of the Statutes of Alberta, 1981.

(2) Section 4(1) presently reads:

*4(1) The Director may,*

*(a) on application in a form prescribed by him,*

*(b) on payment of the fee prescribed in the regulations,  
and*

*(c) on being satisfied that the applicant meets the  
requirements of this Act and the regulations,*

*issue to the applicant a licence in the form prescribed by the  
Director.*

### **Public Service Employee Relations Act**

**13**(1) Amends chapter P-33 of the Revised Statutes of Alberta 1980.  
Section 1(b) of the Schedule presently reads:

*1 All the following employers and all of the persons employed by  
them:*

*(b) The Alberta Educational Communications  
Corporation;*

(2) Coming into force.

### **Repeal**

**14** Repeal of obsolete legislation.