

1997 BILL 11

First Session, 24th Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 11

REGISTRIES STATUTES AMENDMENT ACT, 1997

MRS. LAING

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 11
Mrs. Laing

BILL 11

1997

REGISTRIES STATUTES AMENDMENT ACT, 1997

(Assented to _____, 1997)

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

Builders' Lien Act

Amends RSA
1980 cB-12

1(1) The *Builders' Lien Act* is amended by this section.

**(2) The following provisions are amended by striking out
"15%" wherever it occurs and substituting "10%":**

section 1(f.2)(i)(A) and (ii)(A);
section 1(f.3)(i);
section 15(1), (2), (3)(a) and (4)(a);
section 16(1) and (2);
section 16.2(1), (2), (3)(a) and (4)(a).

(3) The following is added after section 56:

Transitional

57 All references in sections 1, 15, 16 and 16.2 to "10%"
are deemed to be references to "15%" with respect to the
following contracts or subcontracts under which a builder's
lien may arise:

- (a) any contract or subcontract entered into before
September 1, 1997;
- (b) any contract solely for the furnishing of materials,
the performance of services or the provision of work
by a labourer entered into before September 1, 1997;
- (c) any subcontract entered into on or after September
1, 1997 that is made under a contract entered into
before September 1, 1997;
- (d) any contract solely for the furnishing of materials,
the performance of services or the provision of work

Explanatory Notes

Builders' Lien Act

1(1) Amends chapter B-12 of the Revised Statutes of Alberta 1980.

(2) Reduces the amounts to be held back with respect to lien funds.

(3) Transitional.

by a labourer entered into on or after September 1, 1997 that is made in respect of a contract entered into before September 1, 1997.

(4) This section comes into force on September 1, 1997.

Government Organization Act

Amends SA
1994 cG-8.5

2(1) The *Government Organization Act* is amended in Schedule 13 by this section.

(2) Section 1(2) is amended by adding the following after clause (c):

- (d) a reference to document handling procedures means the filing, sending, transmitting, recording, depositing, production, reproduction, creation, issuance or registration of any document or information or any procedure or method that otherwise deals with any document or information;
- (e) a reference to an enactment under which a registry operates is a reference to the enactment under which the registry was established or otherwise operates and is not a reference to this Schedule or a regulation made under this Schedule.

(3) The following is added after section 6:

Authorizing
documents for
processing

6.1(1) In this section,

- (a) “accredited person” means an employee of the Crown in right of Alberta or other person who is accredited pursuant to this Schedule to carry out functions respecting document authorization;
- (b) “designated document” means a document or information that is designated as a designated document under subsection (2);
- (c) “designated registry” means a registry that is designated by regulation as a registry to which this section applies;
- (d) “functions respecting document authorization” means the process carried out in order to determine whether a designated document may be authorized for processing and includes the authorization of that document for processing;

(4) Coming into force.

Government Organization Act

2(1) Amends chapter G-8.5 of the Statutes of Alberta, 1994.

(2) Section 1(2)(c) presently reads:

(2) For the purposes of this Schedule,

(c) a reference to the public includes any individual, organization, corporation, public institution or government and their heirs, executors, administrators and other legal representatives.

(3) Section 6.1 provides for the accreditation of documents and information.

Section 6.2 governs the exercise of discretion on behalf of a statutory officer.

Section 6.3 governs the reproduction of signatures and seals of statutory officers.

- (e) “registrar” means, in respect of a designated registry, the person who is the registrar of that registry or is responsible for that registry and includes an employee of the Government who performs a statutory function in respect of that registry;
- (f) any reference to a document’s being authorized for processing means, in respect of a designated document, that the designated document
 - (i) meets or otherwise complies with the standards or criteria established by the registrar of a designated registry, and
 - (ii) where applicable, has been converted into a form in which the designated document can be dealt with in accordance with the document handling procedures applicable in respect of the designated registry.

(2) For the purposes of this section, the registrar of a designated registry may designate a document or information or any class of documents or information as a designated document.

(3) Notwithstanding any provision in an enactment under which a designated registry operates, the registrar may refuse to deal with a designated document until an accredited person has authorized that designated document for processing.

(4) Where an accredited person is a person other than an employee of the Crown in right of Alberta, that person is not, by reason only of that person’s carrying out the functions respecting document authorization, an agent of the Crown in right of Alberta.

(5) In carrying out functions respecting document authorization, an accredited person may carry out those functions only in respect of a designated registry or designated documents for which that person is accredited.

(6) A person who is not an accredited person shall not

- (a) authorize or purport to authorize a document for processing, or
- (b) purport to be an accredited person.

(7) The *Regulations Act* does not apply to a designation made under subsection (2).

Exercise of
discretion

6.2 Where a statutory officer may exercise discretion pursuant to an enactment and under this Schedule or a regulation or an agreement made under this Schedule a person who is not an employee of the Government is authorized to exercise that discretion on behalf of the statutory officer, the Minister may, notwithstanding anything in that enactment,

- (a) give directions to that person as to how the discretion is to be exercised or in respect of any matter relating to the exercise of that discretion, or
- (b) exercise the discretion in whole or in part in place of its being exercised by that person.

Signature and
seal of
statutory
officers

6.3(1) Where an enactment provides that a statutory function is to be carried out by a statutory officer and the carrying out of that statutory function involves the production, creation or issuance of a document containing the signature of the statutory officer, that document is deemed to have been signed by the statutory officer if the document

- (a) sets out the signature of the person who is or was the statutory officer, or
- (b) sets out the seal of office of the statutory officer.

(2) For the purposes of subsection (1)(b), the Minister may approve the form of the seal of office to be used by a statutory officer.

(3) Any signature or seal referred to in this section may be reproduced by engraving, lithography or printing or by any electronic or mechanical or other method of reproduction and when so reproduced has the same force and effect as if it had been manually signed or affixed.

(4) Section 9 is amended

(a) in subsection (1) by adding the following after clause (d):

- (d.1) designating a registry as a registry to which section 6.1 applies;

(4) Section 9(1) and (2) presently read:

9(1) The Minister may make regulations

(a) respecting the holding and handling of money by registry agents;

(b) respecting the carrying out of registry services;

(c) respecting the provision of information;

- (d.2) governing the accreditation and the suspension or cancellation of accreditation of persons as accredited persons for the purposes of section 6.1;
- (d.3) governing functions respecting document authorization for the purposes of section 6.1;
- (d.4) governing service charges that may be charged in respect of services provided by accredited persons under section 6.1;

(b) by repealing subsection (1)(e) and substituting the following:

- (e) governing document handling procedures in respect of a registry where the enactment under which the registry operates does not provide for document handling procedures;

(c) by repealing subsection (2) and substituting the following:

- (2) Where an enactment under which a registry operates
 - (a) provides for the carrying out of registry services, the Minister may, notwithstanding that enactment, make regulations for the purposes of facilitating the carrying out of those registry services using the facilities and services provided by registry agents;
 - (b) provides for document handling procedures,
 - (i) the Minister may, notwithstanding anything in that enactment, make regulations
 - (A) governing document handling procedures under that enactment by electronic or any other means or form, and
 - (B) for the purposes of section 6.1, governing functions respecting document authorization,
 - and
 - (ii) unless otherwise provided for in that regulation, a regulation made pursuant to subclause (i) prevails, in respect of matters provided for in that regulation, over the provisions of the enactment under which the registry operates;

- (d) respecting the maximum and minimum amounts that may be charged by registry agents as service charges;*
- (e) notwithstanding any enactment, providing for and governing the receipt of information and documents by electronic means;*
- (f) providing for the restriction of or the cancellation or suspension of registry services to persons who owe money or are in arrears with respect to the payment of fees for registry services that are payable or otherwise owing to the Government;*
- (g) providing for forms to be used in respect of registries and the provision of registry services.*

(2) Where an enactment under which a registry operates provides for the carrying out of registry services, the Minister may, notwithstanding that enactment, make regulations for the purposes of facilitating the carrying out of those registry services using the facilities and services provided by registry agents.

- (c) requires or otherwise provides that a person is to sign a document, the Minister may, notwithstanding anything in that enactment, by regulation
 - (i) remove or modify the requirement that the person sign the document, or
 - (ii) provide or otherwise establish or recognize a method or procedure under which the person may acknowledge or verify the document without the necessity of signing the document;
- (d) requires or otherwise provides that a document must be accompanied by or have endorsed on it an order of a court, a certificate, an affidavit, a statutory declaration or any other accompanying documentation of any type, the Minister may, notwithstanding anything in that enactment, by regulation
 - (i) modify that requirement so that only the information or a portion of the information contained in the accompanying documentation, and not the actual accompanying documentation, needs to be provided, or
 - (ii) provide or otherwise establish or recognize a method or procedure under which the accompanying documentation may be acknowledged or verified without the necessity of the actual documentation being provided.

(5) The following is added after section 10:

Legal effect,
evidentiary
matters
respecting
documents,
information

10.1(1) In this section, “document handling procedures” includes matters dealt with under section 9(2)(c) and (d).

(2) Where

- (a) an enactment under which a registry operates provides for document handling procedures, and
- (b) a regulation is made under section 9(2) governing those document handling procedures,

any document or information that is dealt with in accordance with the document handling procedures provided for in that regulation has the same force and effect as if the document or information had been dealt with in accordance with the document handling procedures provided for in the enactment under which the registry operates.

(5) Provides for the legal effect and evidentiary matters respecting documents and information.

(3) Where

- (a) an enactment provides that a certificate or other evidentiary documentation may be issued in respect of any document or information that is dealt with in accordance with the document handling procedures provided for under the enactment under which a registry operates, and
- (b) a regulation is made under section 9(2) governing those document handling procedures and a document or information is dealt with in accordance with the document handling procedures provided for in that regulation,

that certificate or other evidentiary documentation may be issued, and has the same force and effect, as if the document or information in respect of which the certificate or other evidentiary documentation is issued had been dealt with in accordance with the document handling procedures provided for in the enactment under which the registry operates.

Vital Statistics Act

Amends RSA
1980 cV-4

3(1) The *Vital Statistics Act* is amended by this section.

(2) Section 26 is amended

(a) by repealing subsections (1), (2) and (3) and substituting the following:

District
registrars

26(1) The Director may appoint one or more persons as district registrars to carry out duties under this Act within a geographic area specified in the appointment.

(2) A district registrar shall record all the vital statistics events occurring within the geographic area for which the district registrar is appointed.

(3) Notwithstanding subsection (2),

- (a) the Director may restrict or otherwise specify the duties that a district registrar is to carry out under this Act, and
- (b) if the Director restricts or otherwise specifies the duties of a district registrar so that the district registrar is to record only certain vital statistics events, the Director may, where the Director is satisfied that circumstances warrant it, direct the

Vital Statistics Act

3(1) Amends chapter V-4 of the Revised Statutes of Alberta 1980.

(2) Section 26(1), (2) and (3) presently read:

26(1) The Director shall appoint in and for each city a district registrar who shall record all vital statistics events occurring within the corporate limits of the city for which he is appointed.

(2) The Director may appoint other district registrars in and for any other areas that he in his discretion from time to time considers necessary or advisable.

(3) The Director may, in his discretion, provide facilities for the filing of statements of deaths and the issuing of burial permits outside of office hours by appointing members of the Royal Canadian Mounted Police or of a municipal police service as deputy district registrars.

district registrar to record other vital statistics events.

(3.1) Notwithstanding subsections (1) and (2), if the Director is satisfied that circumstances warrant it, the Director may direct a district registrar to record one or more vital statistics events occurring in a geographic area other than the geographic area for which the district registrar is appointed.

(3) Section 29 is amended by adding the following after subsection (10):

(11) If under section 26 the Director restricts or otherwise specifies the duties of a district registrar so that the district registrar is to record only certain vital statistics events, that district registrar shall, unless otherwise directed by the Director, carry out only those functions required under this section that relate to those vital statistics events.

(3) Section 29 presently reads:

29(1) Each district registrar shall examine each statement respecting a birth, stillbirth, marriage or death when presented for registration to see that it has been made out in accordance with this Act and the regulations and instructions of the Director.

(2) If a statement as to a death or a medical certificate of death, or a stillbirth, or a medical certificate of a stillbirth, is incomplete or unsatisfactory, he shall call attention to the defects in the return and withhold issuing the burial or removal permit until they are corrected.

(3) If a statement of birth or marriage is incomplete, he shall immediately notify the informant and require him to supply the missing details, if they can be obtained.

(4) He shall then number consecutively the statements of births, stillbirths, marriages and deaths, beginning with number one for the first birth and the first stillbirth and the first marriage and the first death in each calendar year, and sign his name as district registrar, giving the date of filing in his office.

(5) A district registrar shall keep in a place of safety, while they are in his possession, the original statements of every birth, stillbirth, marriage or death, and all other returns, records, forms and documents received by him.

(6) A district registrar shall use all proper means available to him to obtain the information necessary for the purpose of completing the records that he is required to make.

(7) A district registrar shall, on Friday of each week, send by mail to the Director the original statements of every birth, stillbirth, marriage or death registered during the period of 7 days ending with, and including, the next preceding day; and, if no birth, stillbirth, marriage or death has been registered during the period, he shall, on the Friday as aforesaid, report that fact to the Director on the prescribed form.

(8) A district registrar shall, in the prescribed register, record each birth, stillbirth, marriage or death registered with him.

(4) Any person who was a district registrar under the *Vital Statistics Act* immediately before the coming into force of this section

(a) continues to be a district registrar for the registration district for which the person was appointed until that appointment is revoked by the Director of Vital Statistics, and

(b) is empowered to continue to carry out the duties of a district registrar as provided for under section 26 of the *Vital Statistics Act* as that Act read immediately before the coming into force of this section until otherwise directed by the Director of Vital Statistics.

(5) This section comes into force on Proclamation.

(9) The Director shall supply the district registrars with the blank forms and registers necessary for the discharge of the duties herein imposed on them, and the district registrars shall apply to the Director for the issue of blank forms and registers whenever they require them.

(10) When a district registrar has reason to believe that there has taken place within his registration district a birth, stillbirth, marriage or death, a notice of which has not been registered, he shall forthwith notify the proper person to register the required statement with respect to it, and if the person so notified fails to comply with the notice, the district registrar shall forthwith send to the Director all information in his possession with respect to the matter.

(4) Continuation of appointment as a district registrar.

(5) Coming into force.