

1997 BILL 34

First Session, 24th Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 34

MISCELLANEOUS STATUTES
AMENDMENT ACT, 1997

THE MINISTER OF JUSTICE AND
ATTORNEY GENERAL

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

BILL 34

1997

MISCELLANEOUS 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:

Cemeteries Act

Amends RSA
1980 cC-2

1 The *Cemeteries Act* is amended in section 37.1 by striking out “on and after” and substituting “on or after”.

Certified General Accountants Act

Amends SA
1987 cC-3.6

2 The *Certified General Accountants Act* is amended in section 3(1) by striking out “agrees” wherever it occurs and substituting “agrées”.

Civil Enforcement Act

Amends SA
1994 cC-10.5

3(1) The *Civil Enforcement Act* is amended by this section.

(2) Section 1(1) is amended

(a) by adding the following after clause (k):

(k.1) “deposit account” means a chequing, savings, demand or similar account at a bank, treasury branch, trust corporation, loan corporation, credit union or other deposit-taking financial institution in Alberta, but does not include an account or arrangement under which money is deposited for a fixed term whether or not the term may be abridged, extended or renewed;

(b) in clause (ll) by striking out “a related writ search or” wherever it occurs.

Priority
between writs
and security
interests

(3) Section 35 is amended

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

35(1) Except as otherwise provided in this Division, a security interest in personal property is subordinate to a writ that binds the property regardless of whether the security interest attached before or after the personal property became bound by registration of the writ in the Personal Property Registry unless

- (a) the security interest is perfected or registered in the Personal Property Registry, or
- (b) the secured party or a person acting on behalf of the secured party has possession of the personal property under section 24 of the *Personal Property Security Act*.

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

(2) Subject to section 35(4) and (5) of the *Personal Property Security Act*, a security interest in personal property has priority over a writ that binds the property if at the time the writ is registered in the Personal Property Registry

- (a) the security interest is perfected or registered in the Personal Property Registry, or
- (b) the secured party or a person acting on behalf of the secured party has possession of the personal property under section 24 of the *Personal Property Security Act*.

(4) Section 45(3) is amended by adding “or under section 57(1)” after “under subsection (1)”.

(5) Section 88 is amended

- (a) in clause (f)(ii) by striking out “source of livelihood” and substituting “occupation”;**
- (b) in clause (h) by striking out “primary income is not earned from farming operations” and substituting “primary occupation is not farming”;**
- (c) in clause (i) by striking out “primary income is earned from farming operations” and substituting “primary occupation is farming”.**

Commissioners for Oaths Act

Amends RSA
1980 cC-19

4 The *Commissioners for Oaths Act* is amended in section 12(1) by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following after clause (b):

- (c) hold out or represent the person to be a commissioner for oaths,

Dependent Adults Amendment Act, 1996

Amends SA
1996 c13

5 The *Dependent Adults Amendment Act, 1996* is amended in section 23 in the new section 39.1(1) by adding “on review” before “of a trusteeship order”.

Environmental Protection and Enhancement Act

Amends SA
1992 cE-13.3

6(1) The *Environmental Protection and Enhancement Act* is amended by this section.

(2) Section 124 is amended by adding the following after subsection (2):

- (3) Where a reclamation certificate is cancelled under this section, then for the purposes of this Part it is considered never to have been issued.

(3) Section 125(2) is repealed.

(4) The following is added after section 171:

Waste on
water or ice

171.1 No person shall dispose of waste on, into or under water or ice except in accordance with an approval or registration or as otherwise provided for under this Act.

(5) Section 200(1) is amended by striking out “172” and substituting “171.1”.

(6) Section 201 is amended

(a) in subsection (1) by striking out “172” and substituting “171.1”;

(b) in subsection (2) by striking out “172” and substituting “171.1”.

(7) Section 213(j) is amended by adding “171.1,” after “171.”.

(8) Section 214(3) is amended by adding “, 171.1” after “171”.

Fatality Inquiries Act

Amends RSA
1980 cF-6

7(1) The *Fatality Inquiries Act* is amended by this section.

(2) Section 9(1) is amended by striking out “or a municipal police service is,” and substituting “or a municipal police service or peace officer responsible for the policing of any part of Alberta pursuant to an arrangement or agreement with the Minister under section 5(1)(b) of the *Police Act* is,”.

Financial Administration Act

Amends RSA
1980 cF-9

8(1) The *Financial Administration Act* is amended by this section.

(2) Section 1(1)(n) is amended by striking out “a new town,”.

(3) Section 2(5) is amended by adding the following after clause (b):

(b.1) the interim governing authority of a public college under the *Colleges Act*,

Gaming and Liquor Act

Amends SA
1996 cG-0.5

9(1) The *Gaming and Liquor Act* is amended by this section.

(2) Section 51 is amended by adding “or a duty free store licence” after “a special event licence”.

(3) Section 59 is amended by adding the following after subsection (4):

(4.1) No liquor supplier may sell liquor unless the liquor supplier is registered for that purpose.

(4) Section 89(1)(d) is amended by adding “or registration” after “cancel or suspend the licence”.

Government Organization Act

Amends SA
1994 cG-8.5

10 The *Government Organization Act* is amended in section 2(1) of Schedule 3 by striking out “real or” and by striking out “by gift or bequest”.

Health Foundations Act

Amends SA
1996 cH-4.5

11(1) The *Health Foundations Act* is amended by this section.

(2) In the following provisions “Provincial Mental Health Board” is struck out wherever it occurs and “Provincial Mental Health Advisory Board” is substituted:

section 2(1)(b);
section 3(b)(ii);
section 6(2) and (3).

Insurance Act

Amends RSA
1980 cl-5

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

(2) Section 545 is amended by striking out the portion after clause (b) and substituting the following:

unless the capital of the proposed continuing insurer after the transfer, reinsurance or purchase will be in an amount that is approved by the Minister.

Amends SA
1996 c19

(3) The *Financial Institutions Statutes Amendment Act, 1996* is amended by repealing section 1(92).

Interpretation Act

Amends RSA
1980 cl-7

13(1) The *Interpretation Act* is amended by this section.

(2) The following is added after section 24:

Replacement
of Government
documents

24.1(1) In this section, “document” means letters patent, commissions and other documents issued under the Great Seal of the Province.

(2) Where a document has been lost, destroyed or damaged, a replacement for the document may be issued.

(3) The replacement for a document must

- (a) have the same form and contents as the document,
 - (b) show the original date of issue, and
 - (c) be endorsed with a notation on the reverse that it is a replacement for the document and must set out the date of issue of the replacement.
- (4) The replacement for the document may be signed by
- (a) the person who signed the document even though the person might not hold office on the date the replacement for the document is issued, or
 - (b) the person who holds office at present and is entitled under an enactment to sign the document.
- (5) A replacement for a document stands in the place of the document and is to be treated in the same manner and has the same effect as the document.

(3) Section 25 is amended by adding the following after subsection (2):

- (3) In a regulation, a reference to “the Act” means the Act or Acts under which the regulation is made.

Jury Act

Amends SA
1982 cJ-2.1

14(1) The *Jury Act* is amended by this section.

(2) Section 7(5) is repealed and the following is substituted:

- (5) A party to a proceeding may receive a copy of the list referred to in subsection (4) on payment of the fee prescribed by the regulations and subject to any direction of the Court respecting its use.

(3) Section 17(2) is repealed.

Justice of the Peace Act

Amends RSA
1980 cJ-3

15 The *Justice of the Peace Act* is amended in section 7(1)(d) by striking out “and the regulations” and substituting “, the regulations and the by-laws of municipalities”.

Land Titles Act

Amends RSA
1980 cL-5

16(1) The *Land Titles Act* is amended by this section.

(2) Section 113.1(2) is amended by striking out “all”.

(3) Section 113.2 is amended

(a) in subsection (1)(a)(iv) by striking out “amount secured under” and substituting “principal sum of”;

(b) in subsection (1)(a)(v) by striking out “payments” and substituting “instalments, if any,”;

(c) by adding the following after subsection (1)(a)(vii):

(vii.1) a description of any deletions from, and any amendments or additions to, the terms of the standard form mortgage made by the mortgagee;

(d) in subsection (1)(b) by adding “as varied by any deletions from, or amendments or additions to the terms of the standard form mortgage” after “Registrar”;

(e) in subsection (2) by adding “as varied by any deletions from, or amendments or additions to the terms of the standard form mortgage” after “section 113.1”.

Legal Profession Act

Amends SA
1990 cL-9.1

17(1) The *Legal Profession Act* is amended by this section.

(2) Section 8(2) is repealed and the following is substituted:

(2) An honorary Benchers may participate in any meeting or proceeding of the Benchers but is not entitled to be notified of, to move or second any motion at or to vote at any meeting or other proceeding.

(3) Subject to section 56(1.1), an honorary Benchers may not participate in any meeting or proceeding under Part 3.

(3) Section 40(2) is amended

(a) by striking out “Committee” wherever it occurs and substituting “Benchers”;

(b) by striking out “directs” and substituting “direct”.

(4) Section 56(1.1) is repealed and the following is substituted:

(1.1) Notwithstanding subsection (1)(b), the chairman of the Conduct Committee may appoint as a member of the Hearing Committee a member of the Society who is

- (a) an honorary Bencher referred to in section 8(1)(b) who was a President of the Society in the 10 years immediately preceding the appointment of the Hearing Committee, or
- (b) not a Bencher if that member was elected as a Bencher at least twice in the 10 years immediately preceding the appointment of the Hearing Committee.

Mental Health Act

Amends SA
1988 cM-13.1

18(1) The *Mental Health Act* is amended by this section.

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

- (k.1) "Public Guardian" means the person appointed as the Public Guardian pursuant to section 12 of the *Dependent Adults Act*;

(3) Section 28(1) is amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding the following after clause (b):

- (c) in a case where the formal patient does not have a person referred to in this subsection, the Public Guardian.

Notaries Public Act

Amends RSA
1980 cN-11

19 The *Notaries Public Act* is amended in section 8(1) by adding the following after clause (a):

- (a.1) hold out or represent the person to be a notary public,

Personal Directives Act

Amends SA
1996 cP-4.03

20(1) The *Personal Directives Act* is amended by this section.

(2) Section 33 is amended

(a) in clause (c) by striking out “section 1(1)(l)” and substituting “section 1(l)”;

(b) by repealing clause (f) and substituting the following:

(f) describing the categories of persons to be contacted for the purposes of sections 19(2) and 24(2)(c);

Personal Property Security Act

Amends SA
1988 cP-4.05

21 The *Personal Property Security Act* is amended by repealing section 35(6) and substituting the following:

(6) Subsection 6.1 applies to the re-registration of a security interest the registration of which has lapsed as a result of a failure to renew the registration or has been discharged in error or without authorization.

(6.1) If the secured party re-registers a security interest within 30 days of the lapse or discharge of its registration, the lapse or discharge does not affect the priority status of the security interest in relation to a competing perfected security interest or registered writ of enforcement that, immediately prior to the lapse or discharge, had a subordinate priority position, except to the extent that the competing security interest secures advances made or contracted for after the lapse or discharge and prior to the re-registration.

Persons with Developmental Disabilities Foundation Act

Amends SA
1996 cP-4.07

22(1) The *Persons with Developmental Disabilities Foundation Act* is amended by this section.

(2) Section 1 is amended

(a) in clause (a) by striking out “Services to Persons with Disabilities Foundation” and substituting “Persons with Developmental Disabilities Foundation”;

(b) by repealing clause (c).

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

Continuation
of Foundation

2(1) The Services to Persons with Disabilities Foundation is continued as a corporation with the name “Persons with Developmental Disabilities Foundation”.

(4) Section 3(1) is amended by adding “developmental” before “disabilities”.

(5) Section 4(b) is amended by adding “developmental” before “disabilities”.

Pharmaceutical Profession Act

Amends SA
1988 cP-7.1

23(1) The *Pharmaceutical Profession Act* is amended by this section.

(2) Section 99 is amended

(a) in subsection (1) by striking out “as though this Act had not come into force”;

(b) by adding the following after subsection (2):

(3) For the purposes of subsections (1) and (2), the rights, powers, privileges and duties of the Council and Registrar under the former Act may be exercised and performed by the Council and Registrar under this Act and any reference in the former Act to the Council or Registrar is deemed to be a reference to the Council or Registrar under this Act.

(3) This section is deemed to have come into force on January 1, 1995.

Police Act

Amends SA
1988 cP-12.01

24 The *Police Act* is amended in section 1(e)(iii) by striking out “county or”.

Private Vocational Schools Act

Amends RSA
1980 cP-17

25(1) The *Private Vocational Schools Act* is amended by this section.

(2) Section 17(1) is repealed and the following is substituted:

Order of
Director

17(1) If the Director has reason to believe that this Act, the regulations, a licence or a student contract is not being complied with, he may in writing order a refund of fees for vocational training or order a licensee to take the measures specified in the order within the time specified in the order.

(3) Section 26(i) is amended by striking out “fees for licences,”.

(4) Subsection (3) comes into force on Proclamation.

Public Health Act

Amends SA
1984 cP-27.1

26(1) The *Public Health Act* is amended by this section.

(2) Section 33 is amended

(a) in subsection (2) by adding “a registered nurse providing extended health services or a midwife” after “physician”;

(b) in subsection (3) by adding “a registered nurse providing extended health services, a midwife” after “community health nurse”.

(3) Section 49(1) is amended by adding “, midwife” after “community health nurse” wherever it occurs.

Rural Electrification Loan Act

Amends RSA
1980 cR-18

27 The *Rural Electrification Loan Act* is amended in section 22 by striking out “a writ proceedings” and substituting “writ proceedings”.

Rural Electrification Long Term Financing Act

Amends RSA
1980 cR-17

28 The *Rural Electrification Long Term Financing Act* is amended in section 22 by striking out “a writ proceedings” and substituting “writ proceedings”.

Rural Utilities Act

Amends RSA
1980 cR-21

29 The *Rural Utilities Act* is amended in section 41(4) by striking out “a writ proceedings” and substituting “writ proceedings”.

Sale of Goods Act

Amends RSA
1980 cS-2

30 The *Sale of Goods Act* is amended in section 30(8) by striking out “of an incidental to” and substituting “of and incidental to”.

Science and Research Authority Act

Amends SA
1995 cS-5.5

31 The *Science and Research Authority Act* is amended in section 2(1) by striking out “20 members” and substituting “25 members”.

Students Finance Act

Amends RSA
1980 cS-24

32 The *Students Finance Act* is amended in section 9(1)(g) by striking out “a county” and substituting “a municipal district”.

Universities Act

Amends RSA
1980 cU-5

33 The *Universities Act* is amended in section 52

(a) in subsection (4) by striking out “Health” and substituting “Agriculture, Food and Rural Development”;

(b) by repealing subsection (5) and substituting the following:

(5) The Director of the Animal Industry Division of the Department of Agriculture, Food and Rural Development or the Director’s delegate shall at least once each year inspect the premises in which the animals are sheltered and all areas in which medical research is being carried out, and shall at the end of each year submit a report of the inspections to the Minister of Agriculture, Food and Rural Development, who shall lay the report before the Legislative Assembly if it is sitting, or if it is not sitting, within 30 days after the commencement of the next sitting.

Victims of Crime Act

Amends SA
1996 cV-3.3

34 The *Victims of Crime Act* is amended in section 14 by adding the following after subsection (1):

(1.1) An appeal must be submitted to the Appeal Board not later than 30 days after the receipt of a notice of the determination of the Director under section 13 or 15.

(1.2) The Appeal Board may, on application made before or after the expiry of the period referred to in subsection (1.1), extend that period where the Appeal Board is of the opinion that there are sufficient grounds for doing so.

Repeals

Repeals
various Acts

35 The following Acts are repealed:

- (a) *An Act to Postpone the Commencement of Certain Other Acts* (SA 1919 c23);
- (b) *Alberta Farmers Co-operative Elevator Company, Limited, An Act to Incorporate* (SA 1913(1) c13);
- (c) *Alberta Farmers' Co-operative Elevator Company, Ltd., An Act to Provide for the Winding-up of the* (SA 1918 c23);
- (d) *Alberta Liquor Control Board Superannuation Act* (RSA 1942 c36);
- (e) *The Alberta Loan Act, 1968* (SA 1968 c3);
- (f) *The Alberta Loan Act, 1969* (SA 1969 c5);
- (g) *The Alberta Loan Act, 1970* (SA 1970 c8);
- (h) *The Alberta Loan Act, 1971* (SA 1971 c3);
- (i) *The Berry Creek School Division Act* (SA 1937 c39);
- (j) *Calgary Exhibition and Stampede Limited, An Act to Authorize and Permit the City of Calgary to enter into a certain lease with* (SA 1961 c7);
- (k) *Calgary Power Ltd., An Act to Authorize and Permit The City of Calgary to Enter into a certain Agreement with* (SA 1960 c11);
- (l) *The City of Calgary and Calgary Power Ltd. Agreement Authorization Act, 1972* (SA 1972 c17);
- (m) *The Coal Miners Rehabilitation Act* (SA 1954 c12);
- (n) *Education of Service Men's Children Act* (RSA 1980 cE-1);

- (o) *The Estate Tax Rebate Act (RSA 1970 c126);*
- (p) *Falher, An Act respecting the Village of (SA 1924 c39);*
- (q) *Highways in the City of Edmonton, An Act to close and vest in His Majesty, in the right of the Province of Alberta, Certain (SA 1915 c23);*
- (r) *The Hospital Debt Retirement Act (SA 1980 c24);*
- (s) *Innisfree, An Act respecting the Village of (SA 1946 c13);*
- (t) *The Mewata Park Enabling Act (SA 1956 c31);*
- (u) *The Mineral Springs Hospital (Sisters of St. Martha) of Banff, Act (SA 1962 c108);*
- (v) *The Municipal Hospital Districts of Cardston and Myrnam Confirmation Act (SA 1936 c52);*
- (w) *The Order in Council 1084-57 Validation Act (SA 1958 c55);*
- (x) *Provost, An Act respecting the Village of (SA 1924 c40);*
- (y) *Secondary Highways, An Act to Validate and Confirm Certain Agreements made between the Minister of Public Works and Certain Municipal Districts with respect to (SA 1933 c46);*
- (z) *Smoky Lake Gas Utility Act, The Town of (SA 1964 c85);*
- (aa) *The Temporary Restriction on Alienation of Mines and Minerals Act (SA 1955(1) c67);*
- (bb) *The United Community Fund of Greater Edmonton Donation Act (SA 1961 c83);*
- (cc) *The United Fund of Calgary and District Act (SA 1964 c100).*