

1998 BILL 13

Second Session, 24th Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 13

**ALBERTA PERSONAL PROPERTY
BILL OF RIGHTS**

MR. HIERATH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 13

1998

ALBERTA PERSONAL PROPERTY BILL OF RIGHTS

(Assented to _____, 1998)

Table of Contents

Definitions	1
Restriction on legislation affecting personal property	2
Exceptions	3
Construction of law	4
Regulations	5
Crown bound	6
Coming into force	7

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

Definitions

1 In this Act,

- (a) “owner” means a person who has legal ownership of personal property;
- (b) “personal property” means only tangible personal property that is capable of being physically touched, seen or moved or that can be physically possessed and does not include
 - (i) intangible personal property,
 - (ii) an incorporeal right, or
 - (iii) any interest in land;
- (c) “provincial enactment” means an Act of the Legislature of Alberta or any regulation or order made under an Act of the Legislature of Alberta;
- (d) “title” means legal title.

Restriction on legislation affecting personal property

2 Subject to section 3, where

- (a) personal property is owned by a person other than the Crown, and
- (b) a provincial enactment contains provisions that authorize the acquiring of permanent title to that personal property by the Crown,

those provisions are of no force or effect unless a process is in place for the determination and payment of compensation for the acquiring of that title.

Exceptions

3 Section 2 does not apply in respect of the following:

- (a) any taxes, levies or royalties that are payable to the Crown under a provincial enactment;
- (b) where personal property is acquired or retained by the Crown following a conviction for violation of a provincial enactment, if
 - (i) the acquiring of that personal property is in whole or part the penalty or an addition to a penalty provided for under that enactment,
 - (ii) the possession of that personal property by its owner constitutes the violation of that enactment, or
 - (iii) the acquiring of that personal property was by reason of the forfeiture of that property to the Crown on account of the conviction;
- (c) where the title to personal property is acquired under or pursuant to
 - (i) any proceedings taken under a provincial enactment respecting the payment of taxes, levies, royalties, fines or penalties;
 - (ii) the *Civil Enforcement Act*;
 - (iii) the *Personal Property Security Act*;
 - (iv) any regulation made under the *Civil Enforcement Act* or the *Personal Property Security Act*;
 - (v) any distress, receivership, trusteeship or similar proceedings;

- (vi) any liens;
- (vii) any agreement or arrangement between the owner of the personal property and the Crown;
- (d) any matter, provincial enactment or provision of a provincial enactment exempted from the application of section 2 by a regulation made under section 5.

Construction of law **4** Subject to section 3, every provincial enactment, whether enacted before or after the coming into force of this Act, shall be construed and applied so as not to abrogate, abridge or infringe on, and so as not to authorize the abrogation or abridgment of or infringement on, any of the rights or benefits provided for under this Act unless an Act of the Legislature expressly declares that that enactment operates notwithstanding the *Alberta Personal Property Bill of Rights*.

Regulations **5** The Lieutenant Governor in Council may make regulations exempting any matter, provincial enactment or provision of a provincial enactment from the application of section 2.

Crown bound **6** This Act binds the Crown.

Coming into force **7** This Act comes into force on Proclamation.