

GOVERNMENT AMENDMENT

AMENDMENTS TO BILL 31

**RULES OF COURT STATUTES
AMENDMENT ACT, 2009**

A1 Agreed to November 3, 2009

The Bill is amended as follows:

A Section 2 is amended

- (a) in subsection (6) in the proposed section 46.1**
 - (i) by striking out subsection (1) and substituting the following:**

46.1(1) An application may be made to the Court for authority to sell or dispose of personal property of an enforcement debtor.
 - (ii) in subsection (2) by striking out “7 days’ notice” and substituting “5 days’ notice”;**
- (b) in subsection (10) by striking out the proposed section 106(3)(b) and substituting the following:**
 - (b) governing the circumstances in which applications to the Court may be made for the purposes of this Act and the relief that may be granted in respect of those applications;**
- (c) by striking out subsection (11).**

B The following is added after section 5:

Family Law Act

Amends SA 2003 cF-4.5

5.1(1) The *Family Law Act* is amended by this section.

(2) Section 107(1) is amended

- (a) in clause (f)(vi) by striking out “rules” and substituting “requirements”;
- (b) in clause (f)(viii) by striking out “rules” and substituting “regulations”;
- (c) in clause (i) by striking out “rules under which” and substituting “how”.

C The following is added after section 19:

Amends SA 2007 cA-40.2

19.1(1) The *Animal Health Act* is amended by this section.

(2) Section 41(1) and (2) are amended by striking out “by way of originating notice”.

(3) Section 49(2)(a) and (b) are amended by striking out “originating notice” and substituting “application”.

(4) Section 50 is amended

(a) in subsection (1) by striking out “, by filing an originating notice with the Court of Queen’s Bench, apply” and substituting “apply to the Court of Queen’s Bench”;

(b) in subsections (2) and (3) by striking out “originating notice” and substituting “application”.

D Section 32 is amended by adding the following after subsection (3):

(4) Section 23(2) is amended by striking out “by originating notice”.

E Section 35(2)(a) is amended by striking out the proposed clause (h.1) and substituting the following:

(h.1) “discovery” means the process of requesting and obtaining disclosure of records and information from a person under Part 5 of the *Alberta Rules of Court*;

F The following is added after section 39:

Amends RSA 2000 cC-29

39.1(1) The *Corrections Act* is amended by this section.

(2) Section 15.3(1) is amended by striking out “Part 56.1 of”.

G The following is added after section 69:

Amends RSA 2000 cG-10

69.1(1) The *Government Organization Act* is amended by this section.

(2) Schedule 7.1 is amended in section 7 by striking out “by way of originating notice”.

(3) Schedule 12 is amended

(a) by repealing section 13(2);

(b) in section 13(3) by striking out “originating notice” and substituting “application”.

H Section 81(2) is amended by striking out “38(2)(b)” and substituting “38(2)(d)”.

I Section 100 is amended by adding the following after subsection (1):

(1.1) Section 22(4)(h) is amended by striking out “taxed” and substituting “reviewed or assessed”.

J Section 102 is amended

(a) by striking out subsection (2)(a) and substituting the following:

(a) in subsection (3) by striking out “by way of an originating notice” and substituting “in the form prescribed by the regulations”;

(b) in subsection (4) by adding the following after clause (b):

(c) in subsection (3) by striking out “that notice of motion” and substituting “the stay application”.

K Section 111(2) is amended by striking out “Sections 26(2)(a) and (b) and 94.1(1)” and substituting “Section 26(2)(a) and (b)”.

L Section 114(3) and (4) are struck out and the following is substituted:

(3) Section 6(2) is amended by striking out “by notice of motion or” and substituting “in accordance with the *Alberta Rules of Court* or by”.

(4) Section 9(1) is amended by striking out “by originating notice or” and substituting “in accordance with the *Alberta Rules of Court* or by”.

M Section 125 is amended by adding the following after subsection (2):

(3) Section 73(1) is amended by adding the following after clause (j):

(j.1) governing the examination of collateral and information to be provided by persons for the purposes of determining or verifying the location of collateral;

N The following is added after section 125:

Amends RSA 2000 cP-10

125.1(1) The *Petroleum Marketing Act* is amended by this section.

(2) Section 16(6) is amended by striking out “by originating notice”.

O Section 141(4) is struck out and the following is substituted:

(4) Section 37(1)(a) is repealed and the following is substituted:

- (a) by an official court reporter appointed pursuant to the *Recording of Evidence Act*, or

P Section 144(6) is struck out and the following is substituted:

(6) Section 66.2 is amended

- (a) in subsection (1) by striking out “by way of originating notice”;
- (b) in subsection (2) by striking out “originating notice” and substituting “application”.

Q Section 152(7) is struck out and the following is substituted:

(7) Section 53(2) is amended by striking out “originating notice” and substituting “application”.

R Section 154(2) is struck out and the following is substituted:

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

- (f) “reporter” means
 - (i) an official court reporter as defined in the *Alberta Rules of Court*,
 - (ii) a person who is appointed by the Minister as an official court reporter pursuant to section 1.1, or
 - (iii) a person who is appointed by the Minister as a court reporter pursuant to section 1.2 or an agent or employee of that person;

(3) The following is added after section 1:

Official court reporter

1.1 The Minister may appoint persons as official court reporters for the purposes of this Act.

Court reporter

1.2 The Minister may appoint persons as court reporters for the purposes of this Act.

(4) Section 4 is amended by striking out “to the same extent and with the same effect as a transcript of shorthand notes prepared by a reporter pursuant to the *Alberta Rules of Court*” **and substituting** “without proof of the signature of the reporter unless the court orders otherwise”.

S Section 172 is amended by adding the following after subsection (1):

(1.1) Section 11.2(2) is repealed and the following is substituted:

(2) An application under subsection (1) must

- (a) be accompanied with the documents referred to in section 11.1(3) and the notification referred to in section 11.1(5), if any, and
- (b) be served on the Minister by registered letter.

(1.2) Section 19.3(11) is amended by striking out “shall determine the question summarily and”.

T Section 173 is amended by adding the following after subsection (1):

(1.1) Section 10.1(11) is amended by striking out “shall determine the question summarily and”.

U Section 174(6) is struck out and the following is substituted:

(6) Section 181 is amended

- (a) in subsection (1)(b)(i) by striking out “notice of motion” and substituting “application”;**
- (b) by repealing subsection (2) and substituting the following:**
 - (2) An application for a stay of the disqualification under subsection (1) must be brought by**
 - (a) an application, if the application for the stay is to be made in the same court as the application for the appeal, application for leave to appeal or application to quash the conviction, or
 - (b) an originating application, if the application for the stay is to be made in the Court of Queen’s Bench and the application for leave to appeal or application to quash the conviction is to be made in the Court of Appeal.

V Section 178 is amended

- (a) in subsection (2) by striking out “originating application” and substituting “application”;**
- (b) by striking out subsection (4) and substituting the following:**
 - (4) Section 12 is amended**
 - (a) by repealing clause (b) and substituting the following:**
 - (b) to attend an appointment for the purpose of being questioned on the respondent’s affidavit;
 - (b) in clause (c) by striking out “on examination” and substituting “during questioning”.**
- (c) in subsection (5) by striking out “originating application” and substituting “application”;**
- (d) by striking out subsection (7) and substituting the following:**

(7) Section 19.92 is amended

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

(b) to attend an appointment for the purpose of being questioned on the respondent's affidavit;

(b) in clause (c) by striking out "on examination" and substituting "during questioning".