

# BILL

No. 62 of 1927.

An Act to amend The Public Utilities Act, 1923.

(Assented to \_\_\_\_\_, 1927.)

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** This Act may be cited as "*The Public Utilities Act, 1923, Amendment Act, 1927.*"

**2.** *The Public Utilities Act, 1923*, being chapter 53 of the Statutes of Alberta, 1923, is amended as to section 47 thereof, by striking out subsections (1) and (2) thereof, and substituting therefor the following:

"(1) The Lieutenant Governor in Council may at any time in his discretion, either upon petition of any party, person or company interested, or of his own motion, and without any petition or application, vary or rescind any order or decision of the board whether such order or decision is made *inter partes* or otherwise; and any order which the Lieutenant Governor in Council may make with respect thereto shall be binding upon the board and upon all parties.

"(1a) An appeal shall lie from the board to the Appellate Division of the Supreme Court of Alberta upon a question of jurisdiction, upon leave therefor being obtained from a judge of the said Appellate Division upon application made within one month after the making of the order, decision, rule or regulation sought to be appealed from, or within such further time as the judge under special circumstances shall allow, and upon notice to the parties and the board, and upon hearing such of them as appear and desire to be heard, and the costs of such application shall be in the discretion of the judge.

"(1b) An appeal shall also lie from the board to the said Appellate Division upon any question which in the opinion of a judge of the said Appellate Division or of the board is a question of law, or a question of jurisdiction, or both, upon leave therefor having been first obtained from a judge of the said Appellate Division or from the board within one month after the making of the order or decision sought to be appealed from, or within such further time as such judge or the board under special circumstances shall allow; and after notice to the opposite party stating the grounds of appeal, either a judge of the said Appellate Division or the board may grant such leave.

“(2) Upon leave being obtained the party so appealing shall deposit with the Registrar of the said Appellate Division, the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar shall set the appeal down for hearing at the next sittings, and the party appealing shall, within ten days after the appeal has been so set down, give to the parties affected by the appeal or the respective solicitors, by whom such parties were represented before the board, and to the secretary of the board, notice in writing that the case has been so set down to be heard in appeal as aforesaid; and the said appeal shall be heard by the said Appellate Division as speedily as practicable.”

3. This Act shall come into force on.....