

Bill No. 42 of 1934.

A BILL TO AMEND THE GOVERNMENT LIQUOR
CONTROL ACT OF ALBERTA.

NOTE.

By section 2 of this Bill the definition of a member of a club is extended to include a duly registered visitor; and the definition of residence is extended to include a residence in premises not exclusively used as a residence or in a club which has been designated as a residence in writing by the Board.

Section 3 of the Bill amends section 17 of the Act to enable the Board to fix a later hour for the closing of a liquor store than eight p.m., and permits the sale by a vendor of beer to the holder of a beer license on a holiday other than a Sunday on which the licensee is permitted to have his licensed premises open.

Section 4 of the Bill amends the present provisions as to individual permits and provides for one class of such permit, the fees for which are to be in the discretion of the Lieutenant Governor in Council.

The amendment made by section 5 of the Bill is consequential upon the last mentioned amendment.

Section 6 of the Bill empowers the Board to issue a special permit for the consumption of liquor, other than beer, on club premises.

Section 7 of the Bill makes provision for the continuance of a beer license on the death of a licensee for the remainder of the license year in favour of a trustee, executor or administrator.

Section 8 of the Bill extends the power of the Board with reference to the inspection of the books and records of a brewer.

Section 9 of the Bill makes provision for the sale by an authorized person of certain preparations containing alcohol made in accordance with the British or United States Pharmacopoeia or formulas approved by the Board in the area to the north of the 55th parallel of latitude.

Section 10 of the Bill provides that interdiction orders shall have effect only for five years from the making thereof.

Section 11 of the Bill makes provision for the cancellation of an order of interdiction by any police magistrate in case the justice who made the order is dead or incapable of acting.

Section 12 reduces the penalties provided by section 109 in the case of a corporation.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 42 of 1934.

An Act to amend The Government Liquor Control Act
of Alberta.

(Assented to 1934.)

HIS 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 Government Liquor
Control Act of Alberta Amendment Act, 1934.*"

2. *The Government Liquor Control Act of Alberta*, being
chapter 14 of the Statutes of Alberta, 1924, is hereby
amended as to section 2 thereof—

(a) by striking out the words "within ten days after
his admission," where the same occur in paragraph
(p) thereof and by substituting therefor the follow-
ing:

"and includes any person who is for the time being
a visitor to a club who has been registered and
admitted according to the rules or by-laws of the
club"; and

(b) by adding at the end of paragraph (v) thereof, the
following:

"but shall include any part of a building which is
not exclusively used as a private residence, or of a
club which is for the time being designated by the
Board in writing as a residence."

3. The said Act is further amended as to section 17 there-
of by striking out the same and by substituting therefor the
following:

"**17.**—(1) No Government liquor store shall be open for
the sale of liquor—

"(a) after the hour of eight o'clock in the afternoon of
any day or such later hour, if any, as may be fixed
by the Board as the hour for closing a store pur-
suant to this Act;

"(b) on any holiday;

"(c) on any day on which polling takes place at any
Dominion or Provincial election held in the electoral
district in which the store is situate;

"(d) on any day on which polling takes place at any
municipal election held in the municipality in which
the store is situate; and

“(e) during such other periods and on such other days as the Board may direct.

“(2) No sale or delivery of liquor shall be made on or from the premises of any store during the time which it is required to be not open for the sale of liquor save and except only that the vendor may sell and deliver beer to a person who is the holder of a subsisting beer license issued pursuant to this Act on any holiday not being a Sunday upon which the person so licensed is permitted by this Act to have open the premises in respect of which he is licensed.”

4. The said Act is further amended as to section 19 thereof—

(a) by striking out the words “who has resided in the Province for a period of at least one month immediately preceding the date of his making the application,” where the same occur in paragraph (a) of subsection (2) thereof;

(b) by striking out paragraph (b) thereof; and

(c) by striking out subsection (3) thereof and by substituting therefor the following:

“(3) The fees payable for any permit or any class of permit shall be such as may be from time to time prescribed by order of the Lieutenant Governor in Council.”

5. The said Act is further amended as to section 23 thereof by striking out the same and by substituting therefor the following:

“23. No person shall purchase any liquor otherwise than upon the last individual permit issued to that person.”

6. The said Act is further amended as to section 30 thereof by striking out subsection (1) thereof and by substituting therefore the following:

“(1) No liquor other than beer shall be kept in or consumed in any club premises other than such part of those premises as are for the time being designated by the Board in writing as a residence within the meaning of this Act except only in cases where the Board has issued a special permit and then only to the extent and subject to the conditions set out or referred to in the permit.”

7. The said Act is further amended as to section 35 thereof by adding at the end thereof the following new subsection:

“(3) In the event of the death of the holder of a beer license, the same shall, subject to the other provisions of this Act, continue in force until the end of the license year, and during that period the person who is for the time being entitled to the estate of the deceased either as trustee, executor or administrator, or the person who is for the time being managing the licensed business with the approval of the Board on behalf of a trustee, executor or administrator,

shall have all the rights and be subject to all of the liabilities which the deceased licensee would by virtue of the license have had or been subject to were he then living.

8. The said Act is further amended as to section 41 thereof by striking out the same and by substituting therefor the following:

“41.—(1) The Board may at any time it deems proper by writing authorize any person or persons to examine all books, documents, vouchers and other papers kept or in the possession of any brewer in the Province relating to his business as a brewer; and every brewer shall on demand produce at his office all such books, documents, vouchers and other papers to any person or persons so authorized, and shall afford the person or persons so authorized every reasonable facility for making any such examination and shall permit him or them to make such copies or extracts of any such books, vouchers, documents and other papers.

“(2) Every person who in contravention of this section, refuses to permit any person so authorized as aforesaid to examine any such books, vouchers, documents and papers, or who hinders or impedes any person in making any such examination or in the making of any copies or extracts which he is by this section empowered to make shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of one hundred dollars and costs for each offence.

“(3) Every brewer who omits or neglects to make any return which he is required to make pursuant to any regulation of the Board within the time thereby fixed for the making of that return shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of one hundred dollars and costs for each offence.”

9. The said Act is further amended as to section 52 thereof by striking out the words “prepared according to a formula approved by the Board; such authority may be withdrawn at any time by the Board,” where the same occur in subsection (5) thereof, and by substituting therefor the words “extract, essence, tincture, toilet water or preparation which contains more than two and one-half per centum of proof spirits prepared according to a formula of the British Pharmacopœia or the United States Pharmacopœia or according to a formula approved of by the Board; and any such authority may be withdrawn at any time by the board.”

10. The said Act is further amended as to section 101 thereof by adding at the end thereof the following new subsection:

“(3) Every order of interdiction shall, unless sooner revoked, cease to have any force or effect upon the expiration of the period of five years from the day of the making of the order.”

11. The said Act is further amended as to section 103 thereof by adding at the end thereof the following new subsection:

“(2) In case the justice by whom any order of interdiction is made thereafter dies or resigns or is permanently absent from the Province or for any other reason is incapable of acting as a justice of the peace, any police magistrate may revoke an order of interdiction made by that justice.”

12. The said Act is further amended as to section 109 thereof by striking out all the words at the end thereof commencing with the words “if the offender convicted of an offence referred to in this section is a corporation,” and by substituting therefor the words “if the person convicted of an offence referred to in this section is a corporation it shall for a first offence be liable to a penalty of not less than two hundred dollars nor more than one thousand dollars, and for a second or subsequent offence to a penalty of not less than one thousand dollars nor more than three thousand dollars.”

13. This Act shall come into force on the day upon which it is assented to.

No. 42.

FOURTH SESSION
SEVENTH LEGISLATURE
24 GEORGE V
1934

BILL

An Act to amend The Government
Liquor Control Act of Alberta.

Received and read the

First time

Second time.....

Third time.....

HON. MR. LYMBURN

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1934