

Bill No. 56 of 1935.

A BILL TO AMEND THE CORPORATIONS TAXATION  
ACT.

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NOTE.

By section 2 the expression "head office" in the case of a foreign company is amended to conform to the provisions of *The Companies Act, 1929*.

By section 3 the rate of taxation for gas companies is reduced from one cent per thousand feet of gas to one-half of one cent.

Section 4 provides a minimum tax of fifty dollars for finance companies.

Section 5 re-enacts the provision struck out in 1934 whereby the minimum tax payable by a company under section 18 is ten dollars.

By section 6 the Lieutenant Governor in Council is empowered to prescribe as to the ascertainment of the authorized capital of companies whose capital is represented by shares which have no par value.

By section 7 in any prosecution under the Act the onus of proof as to non-liability to taxation under the Act or the payment of taxes is placed upon the defendant; and it is further provided that if a company makes default in payment of taxes or in the making of returns, its registration under *The Companies Act, 1929*, may be cancelled; and for the subsequent reinstatement of a company on the order of a Judge of the Supreme Court in a proper case.

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. 56 of 1935.

An Act to amend The Corporations Taxation Act.

(Assented to \_\_\_\_\_, 1935.)

**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 Corporations Taxation Act Amendment Act.*"

**2.** *The Corporations Taxation Act*, being chapter 29 of the Revised Statutes of Alberta, 1922, is hereby amended as to section 2 thereof by striking out paragraph (d) thereof and by substituting therefor the following:

"(d) 'Head office', in the case of any foreign company, shall mean the head office of the company within the Province for the purposes of Part VIII of *The Companies Act, 1929*,".

**3.** The said Act is further amended as to section 8 thereof by striking out the words "a tax of one cent", where the same occur in subsection (2) thereof, and by substituting therefor the words "a tax of one-half of one cent".

**4.** The said Act is further amended as to section 12*a* thereof by adding at the end thereof the words "or the sum of fifty dollars, whichever is the greater."

**5.** The said Act is further amended as to section 18 thereof by adding at the end of subsection (1) thereof the following:

"Provided further that in no case shall the tax payable by any company under this section at any time from and after the fifteenth day of April, 1934, be less than the sum of ten dollars."

**6.** The said Act is further amended by inserting therein, immediately after section 18*a* thereof, the following new section:

"**18b.** The Lieutenant Governor in Council may from time to time prescribe rules and regulations as to the method of ascertainment of the amount of the authorized capital of companies whose capital is represented by shares which have no par value, and the amount of the authorized capital of any company ascertained in accordance with any such

rules and regulations shall be deemed to be the amount of the authorized capital of that company for all of the purposes of this Act."

7. The said Act is further amended by inserting therein, immediately after section 22a thereof, the following new sections:

"22b. In any prosecution under this Act the onus of proving that a company is not liable to taxation pursuant to this Act or that a company has paid all the taxes payable by it pursuant to this Act shall be upon the defendant.

"22c.—(1) If the Minister does not receive from a company any tax payable by it or any return or statement which the company is required to make and deliver to him pursuant to this Act, he may cause a notice of such non-receipt to be sent by registered mail to the company at its head office, and after the expiration of one month from the date of such mailing, unless the tax statement or return, as the case may be, is received by him in the meantime, he may by order in writing addressed to the Registrar of Joint Stock Companies direct that the registration of the company under *The Companies Act, 1929*, be cancelled and thereupon the Registrar shall cancel such registration and give notice thereof in *The Alberta Gazette*.

"(2) If a company or any member or creditor thereof feels aggrieved by the name of the company having been struck off the register in pursuance of this section, such company, member or creditor may apply to a Judge of the Supreme Court and the Judge, if satisfied that it is just and proper so to do, may order the name of the company to be restored to the register upon payment of all fees or taxes then due, in which event the Minister shall forthwith publish in *The Alberta Gazette* a notice that the name of the company has been restored to the register, and thereupon the company shall be deemed to have continued in existence as if the name had never been struck off."

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

No. 56.

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FIFTH SESSION  
SEVENTH LEGISLATURE  
25 GEORGE V  
1935

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**B I L L**

An Act to amend The Corporations  
Taxation Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. REID.

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