

B I L L

No. 100 of 1935.

An Act to amend The Dairymen's Act.

(Assented to _____, 1935.)

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 Dairymen's Act Amendment Act, 1935."

2. The Dairymen's Act, being chapter 162 of the Revised Statutes of Alberta, 1922, is hereby amended as to section 47 thereof by striking out the proviso to subsection (2) thereof.

3. The said Act is further amended by inserting therein, immediately after section 50 thereof, the following new Part:

"PART III.

"51. Every motor vehicle which is used for the purpose of carrying cream to a creamery shall be licensed for that purpose, except only,-

"(a) motor vehicles owned and operated by the producer of cream and used by him for the purpose of the carriage of the cream produced by him so long as such vehicle is not used for the carriage of cream produced by any other person; and

"(b) motor vehicles used for the carriage of cream from any railway to a creamery so long as such vehicle is not used for the transportation of cream from a producer directly to a creamery.

"52. No person shall accept for carriage to a creamery or carry to a creamery for hire, gain or reward any cream in any motor vehicle which is required to be licensed by this Act and is not so licensed.

"53. No person shall accept delivery of any cream at any creamery from any motor vehicle which is required to be licensed pursuant to this Act and is not so licensed.

"54.-(1) In every case in which cream is delivered at any creamery from any motor vehicle which is not licensed under this Act it shall be the duty of the owner and the person for the time being having the control and management of the creamery to make sufficient enquiries for the purpose of ascertaining the name of the owner of the motor vehicle in which cream is delivered, the name of the owner of the cream so offered for delivery therefrom.

"(2) Upon the receipt of any cream at any creamery from a motor vehicle, it shall be the duty of the owner and of the person having control and management of the creamery for the time being to enter in the daily record kept pursuant to the regulations the name of the owner of the cream and the number of the license of the vehicle if licensed under this Act and if not so licensed, the number of the license of the vehicle under The Vehicles and Highway Traffic Act, 1924.

"(3) Every owner of a creamery and every person for the time being having the control and management thereof shall keep the book referred to in subsection (2) hereof at the creamery and shall produce the same on demand at all reasonable times to any peace officer or to any person authorized in writing by the Minister of Agriculture or by the Board of Public Utility Commissioners to inspect the same.

"55. Every person who accepts for carriage or carries cream in any motor vehicle in contravention of the provisions of this Act shall be guilty of an offence and shall be liable upon summary conviction therefor to a fine of not more than two hundred dollars and costs and in default of payment to imprisonment for a term of not more than ninety days; and in addition to any such penalty every license under this Act in respect of any or every motor vehicle of the person so convicted may be forthwith cancelled.

"56. In any prosecution for any contravention of this Act the onus of proving that any cream was not carried for hire, gain or reward shall be upon the defendant.

"57.-(1) Every license issued under this Act shall expire on the thirty-first day of December following the date of its issue.

"(2) The fee payable for any license and the manner of any conditions precedent to the issuance thereof shall be such as are prescribed by the regulations.

"(3) In case any license has been cancelled pursuant to this Part, the issuance of any subsequent license shall be subject to the approval of the Board of Public Utility Commissioners.

"58. The Lieutenant Governor in Council may from time to time by regulation,-

"(a) prescribe as to the issuance and cancellation of licenses and the fee payable thereon;

"(b) prescribe as to any license-plate to be issued with any license, and the display thereof on the licensed vehicle;

"(c) prohibit the carriage of cream in any vehicle licensed under this Act at any time during which the license-plate for that vehicle is not displayed thereon; and

"(d) make such other provisions not inconsistent with the other provisions of this Part as may be deemed necessary for the purpose of making the provisions of this Part as to licensing effective.

"59. The Board of Public Utility Commissioners may from time to time by order,-

"(a) prescribe tariffs of charges for the transportation of cream in any freight vehicle and in so doing may differentiate between any area or areas specified therein and any other area or areas, and may prescribe different bases of calculation in different areas;

"(b) make regulations as to the transportation of cream in any freight vehicle and as to the records to be kept at any creamery at which cream is received from any freight vehicle, and as to the returns to be made by the proprietor of any freight vehicle licensed for the transportation of cream or by the proprietor of any creamery as to cream transported by any freight vehicle or received by any creamery from a freight vehicle.

"60.-(1) Every person who operates any motor vehicle licensed under this Part and every owner of any creamery and every person who has the control and management of any creamery shall comply with the regulations made by the Board of Public Utility Commissioners under this Part, and every such person who contravenes any of the provisions of any such regulation shall be guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars and costs, and in default of payment to imprisonment for a term of not more than ninety days.

"(2) Upon it being made to appear to the Board of Public Utility Commissioners that any contravention of any such regulation has occurred, the Board may direct the cancellation of all or any of the licenses held by any person under this Part who is directly or indirectly a party to or responsible for or concerned in that contravention, and thereupon the license or licenses shall be forthwith cancelled."

No. 100.

FIFTH SESSION
SEVENTH LEGISLATURE
25 GEORGE V
1935

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An Act to amend
The Dairymen's Act.

Received and read the

First time

Second time

Third time

MR. CLAYPOOL
