

Bill No. 6 of 1936.

A BILL RESPECTING THE REVISED STATUTES OF
ALBERTA.

NOTE.

This Bill makes provision for the revision of the Statutes of the Province and the publication of the Statutes so revised.

The Statute Roll referred to in the Bill contains the Statutes comprised in the Revised Statutes and all Statutes which have since been passed up to and including the year 1935.

The Bill provides for incorporation by the Legislative Counsel in the Statute Roll of any Statutes passed during the present Session, and the preparations for its publication: the Legislative Counsel is authorized to rearrange and renumber Statutes and sections of Statutes, and to make verbal alterations of a limited nature. In carrying out this work the Legislative Counsel is under the direction of the Attorney General.

The Lieutenant Governor in Council is empowered to print and publish the Statute Roll and to bring the same into force as the Revised Statutes of Alberta, 1936, by Proclamation as and from a day to be named therein.

The Bill provides for the supersession of the Statutes incorporated in the revision by the revision upon the same coming into force, but provides that the revision shall operate as a consolidation of the superseded Statutes and not as new legislation.

The Bill contains a number of provisions designed to obviate inconveniences arising from the supersession of the Statutes occasioned by the revision.

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. 6 of 1936.

An Act respecting the Revised Statutes of Alberta.

(Assented to _____, 1936.)

WHEREAS it has been deemed expedient to revise and consolidate the public general Statutes of the Province, and a draft revision and consolidation has been made under the directions of the Attorney General, and has been laid before the Legislative Assembly at its present session, and is hereinafter called the draft Statute Roll; and

Whereas it is expedient to provide for the correction of any inaccuracies which may be found in the said draft revision and consolidation and for the incorporation of the public general Statutes which may be passed during the present session with said draft revision and consolidation, and for giving the force of law to the body of the Revised Statutes as so corrected, incorporated, revised and consolidated;

Therefore, 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 Revised Statutes Act, 1936.*"

2. The draft Statute Roll attested as that of the said draft revision and consolidation under the signature of the Speaker, and deposited with the Clerk of the Legislative Assembly, shall be deemed to be the original thereof.

3. The Legislative Counsel, under the direction of the Attorney General, shall incorporate in the draft Statute Roll any public general Statutes passed at the present session and any amendments to any of the Statutes contained in the draft revision and consolidation made at the present session, and so soon as he has done so and has completed his work the Legislative Counsel shall through the Attorney General report the same to the Lieutenant Governor and shall deposit the result of his work with the Provincial Secretary.

4. In carrying out his work under this Act the Legislative Counsel shall prepare and arrange the said Statutes for publication and may alter their numbering and the arrangement of the different sections thereof where considered necessary or advisable, and may make such alterations in their language as are requisite in order to preserve a uniform mode of expression, and may make such minor amendments as are necessary to bring out more clearly what is considered to have been the intention of the Legis-

lature, or to reconcile seemingly inconsistent enactments, or to correct clerical or typographical errors, and he may omit from said revision any Statutes or parts of Statutes which, although printed among the public general Statutes, have reference only to a particular circumstance, time, place or person, and have no general application throughout the Province or have ceased to have such general application; and shall prepare a comprehensive index for the whole.

5.—(1) As soon as the Legislative Counsel has deposited the result of his work, as provided in section 3, the Lieutenant Governor in Council may cause a correct printed Roll thereof, signed by the Lieutenant Governor and countersigned by the Provincial Secretary, to be deposited in the office of the Provincial Secretary, which Roll shall, subject to subsections (2) and (3), be deemed to be the original Statute laws of the Province therein contained and of the several Acts and parts of Acts which it purports to embody or for which it purports to be substituted.

(2) The Lieutenant Governor in Council may by Proclamation declare a day on, from and after which the said Roll, or such portion thereof as he considers to be in compliance with section 4, shall come into force and have effect as law by the designation of the Revised Statutes of Alberta, 1936; but the marginal notes thereon and the references at the end of the several sections thereof to former or other enactments shall form no part of such Statute laws and shall be held to have been inserted for convenience of reference only.

(3) On, from and after the day so declared the said Roll, or such portion thereof as may be designated by the Proclamation, shall come into force and have effect accordingly, to all intents as if the same was expressly embodied in and enacted by this Act to come into force and have effect on, from and after that day.

6. On, from and after the day so declared the Revised Statutes of Alberta, 1922, and the several public Acts and parts of Acts of the Province passed since the coming into force of the Revised Statutes of Alberta, 1922, including those passed during the present session, shall, so far as the same are within the legislative authority of the Legislature, stand repealed to the extent that they are incorporated in the Revised Statutes of Alberta, 1936, or are repugnant thereto; and the several private Acts of the Province passed since the coming into force of the Revised Statutes of Alberta, 1922, shall stand repealed to the extent that they are incorporated in the Revised Statutes of Alberta, 1936.

7.—(1) The Revised Statutes of Alberta, 1936, shall not be held to operate as new laws but shall be construed and have effect as a consolidation of the law as contained in the said Acts and parts of Acts so repealed and for which the Revised Statutes of Alberta, 1936, are substituted.

(2) The various provisions of the Revised Statutes of Alberta, 1936, corresponding to and substituted for the

provisions of the Acts and parts of Acts so repealed shall, where they are the same in effect as those of Acts and parts of Acts so repealed, be held to operate retrospectively as well as prospectively and to have been passed upon the days respectively upon which the Acts and parts of Acts so repealed came into force.

(3) If upon any point the provisions of the said Revised Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Revised Statutes take effect the provisions contained in them shall prevail; but as respects all transactions, matters and things anterior to the said time the provisions of the said repealed Acts and parts of Acts shall prevail.

8. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts or the application of any of the said Acts or parts of Acts, or of any Act or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.

9. The repeal of the said Acts and parts of Acts shall not affect:—

- (a) any penalty, forfeiture or liability incurred before the time of such repeal or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal;
- (b) any indictment, information, conviction, sentence or prosecution had, done, completed or pending at the time of such repeal;
- (c) any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatsoever respecting the same, had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal;
- (d) any act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, Order in Council, Proclamation, regulation, contract, lien, charge, status, capacity, immunity, matter or thing had, done, made, acquired, established or existing at the time of such repeal;
- (e) any office, appointment, commission, salary, allowance, security, duty or any matter or thing appertaining thereto at the time of such repeal;
- (f) any marriage, marriage certificate or registry thereof lawfully had, made, granted or existing before or at the time of such repeal;

nor shall such repeal defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal; but every such:—

- (g) penalty, forfeiture, liability;
- (h) indictment, information, conviction, sentence and prosecution;
- (i) action, suit, judgment, decree, certificate, execution, process, order, rule, proceeding, matter or thing;
- (j) act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, Order in Council, Proclamation, regulation, contract, lien, charge, status, capacity, immunity, matter or thing;
- (k) office, appointment, commission, salary, allowance, security and duty; and
- (l) every marriage, marriage certificate and registry thereof and every such other matter and thing, and the force and effect thereof respectively,—

may and shall remain and continue as if no such repeal had taken place and, so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under the Revised Statutes of Alberta, 1936, and other Statutes and laws having force in this Province and subject to the provisions of the said several Statutes and laws as if no such repeal had taken place.

10. Any reference in any former Act remaining in force or in any Proclamation, Order in Council, instrument or document, to any Act or enactment so repealed shall, after the Revised Statutes of Alberta, 1936, take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the said Revised Statutes of Alberta, 1936, having the same effect as such repealed Act or enactment.

11. The insertion or incorporation of any Act or part of an Act in the Revised Statutes of Alberta, 1936, shall not be considered as a declaration that such Act or any part of it was or was not in force immediately before the coming into force of the said Revised Statutes.

12. Copies of the Revised Statutes of Alberta, 1936, purporting to be printed by the King's Printer shall be evidence of the said Revised Statutes in all Courts of judicature and thereout without further proof of any kind whatsoever.

13. This Act shall be printed with the Revised Statutes of Alberta, 1936, and shall be subject to the same rules of construction as the said Revised Statutes.

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

No. 6.

FIRST SESSION
EIGHTH LEGISLATURE
1 EDWARD VIII
1936

BILL

An Act respecting the Revised
Statutes of Alberta.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HUGLL.

EDMONTON:
A. Shnitka, King's Printer
1936