

Bill No. 54 of 1936.

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

NOTE.

The amendment made by section 2 is for the sake of removing a possible ambiguity in the definition of the word "residence".

Section 3 strikes out the power for the imposition and collection of the gallonage tax which becomes unnecessary upon the Board undertaking the distribution of beer.

Section 4 makes an amendment to section 11 of the Act as to the establishment of Liquor Stores and the prices to be charged therein, which becomes necessary upon the Board taking over the distribution of beer.

Section 5 amends section 17 of the Act by requiring, amongst other things, Liquor Stores to be closed on holidays which are designated by the regulations as days upon which the same are to be closed instead of on any holiday; and by providing that Liquor Stores are required to be closed in the case of a municipal election only if the same are located in a polling district in which polling is taking place.

The amendments made by sections 7 and 8 are necessitated by the Board taking over the distribution of beer.

The amendment made by section 9 refers to the days on which hotels are required to be closed, and makes closing compulsory on a day on which polling takes place in a municipality if the hotel is located in a polling district in which polling takes place.

The amendments made by sections 10 and 11 are consequential upon the Board undertaking the distribution of beer.

Section 12 gives the Board power to appoint an agent and assign him to a brewery, and confers upon the agent the duty of acting as the agent of the Board at the brewery and the power to inspect the brewery and its operations.

The amendment made by section 13 is consequential upon the Board undertaking the distribution of beer.

The amendment made by section 14 is designed to prevent persons disqualified from purchasing liquor buying beer by the bottle from a licensed hotel.

Section 15 makes an amendment necessitated by the Board undertaking the distribution of beer.

Section 16 includes amongst the persons who may be interdicted any person who, by excessive drinking, endangers the welfare, life or health of any person to whom he owes a duty.

The amendment made by section 17 protects from prosecution the officers mentioned therein for offences under the Act committed by an officer in the course of his duty and for the purpose of obtaining evidence.

The amendments made by sections 18 and 19 make the fiscal year of the Board the same as the fiscal year of the Province.

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. 54 of 1936.

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

(Assented to _____, 1936.)

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, 1936.*"

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 by striking out the words "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.", where the same occur in paragraph (v) thereof, and by substituting therefor the words "but shall include any part of a building which is not exclusively used as a private residence, which part is for the time being designated by the Board in writing as a residence, or any part of a club which part is for the time being designated by the Board in writing as a residence;".

3. The said Act is further amended as to section 10 thereof by striking out paragraph (u) of subsection (2) thereof.

4. The said Act is further amended as to section 11 thereof by striking out the same and by substituting therefor the following:

"**11.**—(1) The Board shall establish and maintain at the cities of Edmonton and Calgary stores to be known as Government Liquor Stores for the sale, pursuant to this Act, of liquor, and may establish and maintain Government Liquor Stores at such other places in the Province as may be deemed advisable.

"(2) The Board may from time to time fix the prices at which the various classes, varieties and brands of liquor may be sold in a Government Liquor Store, which prices, except the prices for beer and malt liquor, shall be the same in all such stores."

5. The said Act is further amended as to section 17 thereof,—

(a) by striking out paragraph (b) of subsection (1) thereof, and by substituting therefor the following:

“(b) on any day being a holiday which is designated by the regulations as a day upon which Government Liquor Stores shall remain closed;” and

(b) by striking out paragraph (d) of subsection (1) thereof and by substituting therefor the following:

“(d) on any day on which polling takes place at any municipal election held in any municipality if the store is located in a polling district therein in which polling is taking place; and”;

(c) by striking out the words “on any holiday not being a Sunday”, where the same occur in subsection (2) thereof, and by substituting therefor the words “on any day not being a Sunday”.

6. The said Act is further amended as to section 29 thereof by striking out the words “or brewer licensed to sell beer under this Act”, where the same occur in subsection (1) thereof.

7. The said Act is further amended as to section 31 thereof by striking out the words “or from a brewer, licensed to sell beer under this Act”, where the same occur therein.

8. The said Act is further amended as to section 34 thereof by striking out subsection (1) thereof and by substituting therefor the following:

“**34.**—(1) Upon receipt of the application and fee and upon being satisfied of the truth of the statements in the application and that the hotel is suitably constructed, equipped and conducted and that the part of the hotel where it is proposed to keep, sell and consume beer under the license applied for is suitable and satisfactory for the purpose and that the applicant is a fit and proper person to be licensed, the Board may grant and issue to the applicant a license entitling him to purchase beer from a vendor and to sell the beer so purchased to persons not disqualified under this Act in that part of the hotel set out in the license, by the glass or open bottle for consumption therein and by the closed bottle for consumption elsewhere, in accordance with the terms and conditions of the license and the provisions of this Act and the regulations made thereunder.”

9. The said Act is further amended as to section 37 thereof by striking out paragraph (c) thereof and by substituting therefor the following:

“(c) on any day on which polling takes place at any municipal election held in any municipality if the hotel is located in a polling district therein in which polling takes place;”.

10. The said Act is further amended as to section 39 thereof by striking out subsection (1) thereof and by substituting therefor the following:

“39.—(1) Any brewer who is duly licensed as such by the Government of Canada and who manufactures beer in the Province may, upon payment of a fee of fifteen hundred dollars, be licensed by the Board in accordance with the provisions of this Act and the regulations to sell and deliver beer and malt liquor to the Board.”

11. The said Act is further amended as to section 40 thereof by striking out the same and by substituting therefor the following:

“40.—(1) The Board may at any time and from time to time by notice in writing require any brewer to deliver to the Board, within three days after the day upon which the notice is received or within such further time as may be fixed by the Board, a return in such form and setting out such details and particulars as may be prescribed by the Board as to sales of beer or malt liquor or both by the brewer for any period or periods specified by the Board.

“(2) Any brewer who makes default in delivering to the Board any return which he is required by the Board to make pursuant to this section shall be guilty of an offence and shall be liable on summary conviction to a fine of twenty dollars for each day during which the default continues together with costs.”

12. The said Act is further amended as to section 42 thereof by striking out the same and by substituting therefor the following:

“42.—(1) The Board may from time to time by writing designate such employees of the Board as may be deemed necessary and advisable as agents of the Board and may assign to any person so designated the duty of acting as the agent of the Board at any brewery or breweries designated from time to time by the Board and may prescribe his duties.

“(2) Every person so designated shall have the right to be upon any part of the premises of any brewery to which he is assigned at all times during which the brewery is being operated.

“(3) Every brewer brewing beer within the Province shall notify the Board or its agent in writing of the hours during which shipments of beer or malt liquor are ordinarily made, and shall not make any such shipment at any other hour unless upon twenty-four hours' notice in writing to the Board or its agent of the making of such shipment.

“(4) Every brewer shall provide for the use of the person so designated as the agent at his brewery such accommodation on the brewery premises and facilities for making and keeping books and records as may be required by the Board.

“(5) Every agent of the Board shall in respect of any brewery for which he is appointed have all the powers which may be conferred by the Board upon any person by section 41 and shall be deemed to be a person authorized by the Board under that section.

“(6) Every brewer who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of not more than five hundred dollars and costs.”

13. The said Act is further amended as to section 80 thereof by striking out the words “a brewer or”, where the same occur in subsection (3) thereof.

14. The said Act is further amended by inserting therein, immediately after section 95 thereof, the following new section:

“**95a.**—(1) In case a permit issued to any person is suspended or is cancelled it shall not be lawful for that person in the interval between the suspension and revival of the permit or in the interval during which he is disqualified from holding a permit under this Act, as the case may be, to have in his possession any liquor save and except only liquor which he is by this Act authorized to have in his possession for medicinal purposes and beer for immediate consumption by him on premises which are licensed for the sale of beer to be consumed on such premises.

“(2) The Board may by order declare that any person named therein is not qualified to have liquor in his possession except as hereunder mentioned for such period not exceeding twelve months as may be specified therein, and upon the sending of a copy of such order by registered mail to any such person at his last known post office address it shall not be lawful for such person to have in his possession any liquor save and except only liquor which he is by this Act authorized to have in his possession for medicinal purposes and beer for immediate consumption by him on premises which are licensed for the sale of beer to be consumed on such premises.”

15. The said Act is further amended as to section 99 thereof by striking out the words “to sell beer under the provisions of this Act”, where the same occur in paragraph (1a) thereof, and by substituting therefor the words “to sell beer under the provisions of this Act and then only by persons authorized by the Board in writing, which authority may be withdrawn at any time by the Board”.

16. The said Act is further amended as to section 101 thereof by striking out the word “family”, where the same occurs in subsection (1) thereof, and by substituting therefor the words “family, or endangers the welfare, life or health of any person to whom he owes a duty”.

17. The said Act is further amended by inserting therein, immediately after section 105 thereof, the following new section:

“**105a.** No information or charge shall be laid or preferred nor shall any proceedings for any offence be had or taken in respect of any contravention of any of the provisions of this Act against any person who is an officer appointed by the Board to enforce the provisions of this

Act or who is a member of the Royal Canadian Mounted Police Force or who is a member of the police force of any city or town if that person contravenes any such provision in the course of his duty and for the purpose of obtaining evidence against persons who are suspected of contravening this Act.”

18. The said Act is further amended as to section 137 thereof by striking out the words “the thirty-first day of December”, where the same occur in subsection (1) thereof, and by substituting therefor the words “the thirty-first day of March”.

19. The said Act is further amended as to section 142 thereof by striking out the words “the thirty-first day of December”, where the same occur therein, and by substituting therefor the words “the thirty-first day of March”.

20. This Act, or such part or parts thereof as may be designated in any Proclamation of the Lieutenant Governor in Council, shall come into force upon such day or days as may be from time to time fixed by Proclamation of the Lieutenant Governor in Council.

No. 54.

FIRST SESSION
EIGHTH LEGISLATURE
1 EDWARD VIII
1936

BILL

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

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HUGILL.

EDMONTON:
A. Shnitka, King's Printer
1936