

# BILL

No. 5 of 1937 (Third Session).

An Act to amend and consolidate The Licensing of Trades and Businesses Act.

(Assented to \_\_\_\_\_, 1937.)

**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 Licensing of Trades and Businesses Act, 1937.*"

2. The Minister of Trade and Industry (hereinafter in this Act referred to as the "Minister"), shall be charged with the administration of this Act.

3.—(1) This Act shall apply to all trades, businesses, industries, employments and occupations (hereinafter called "businesses") which are carried on in the Province, except only any such business as is for the time being exempted from the operation of this Act by order of the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council may from time to time exempt any trade, business, industry, employment or occupation, from the operation of this Act until further order.

4. The Minister may from time to time, by order,—

- (a) designate any business or any description or class of any business as a business or a description or class thereof to which this Act applies, and to except from any business or any description or class of any business so designated any specified class or subclass of any business or any class or subclass of persons engaged or employed therein;
- (b) provide for the registration of all persons engaged in or employed in any business or any description or class thereof so designated, and prohibit the carrying on of that business by any person who is required to be registered and who is not so registered;
- (c) provide for the licensing of all persons engaged or employed in any business or any description or class thereof so designated and prohibit the carrying on of that business or the engagement in that business by any person who is required to be licensed and who is not so licensed;

- (d) provide that any person required to be registered or licensed in respect of any business or any description or class thereof, shall be registered or licensed as the case may be, in respect of each additional business or description or class thereof carried on by him and in respect of each separate place at which he carries on such business or such description or class thereof, and prohibit the carrying on by such person of the additional business without being so registered or licensed, and prohibit the carrying on of a business or any description or class thereof at any place in respect whereof such person is not so registered or licensed, as the case may be;
- (e) prescribe as to the duration of any license, the form of and mode of issuing any license and the renewal thereof;
- (f) prescribe the fees payable upon any registration in respect of any business or any description or class thereof and the fees payable upon the issue of any license and any renewal thereof, and in so doing may prescribe different fees in respect of different businesses and different descriptions or classes thereof; provided always that the fee payable on any registration or for any license shall not exceed, in the case of a natural person who acts as the agent or representative of any body corporate the sum of three hundred dollars; in the case of any other natural person the sum of one hundred dollars and in the case of any corporate body the sum of one thousand dollars.
- (g) specify any goods, wares, merchandise, articles and things as goods, merchandise, articles or things which may not be sold, offered for sale, handled, distributed, or dealt in by any person licensed under this Act, and prohibit any person so licensed from selling, offering for sale, handling, distributing or dealing in any goods, wares, merchandise, article or thing so specified;
- (h) make such rules and regulations as to the forms to be used and procedure to be followed in relation to any of the matters aforesaid.

5. Every person who is required to be registered or to be licensed in respect of any business or any description or class thereof pursuant to any order of the Minister made pursuant to this Act and who carries on or engages in such business or such description or class thereof without being so registered or licensed as the case may be, shall, if a body corporate incur a penalty not exceeding one hundred dollars for every day during which such person carries on or engages in such business whilst so unregistered or unlicensed and if any other person, shall incur a penalty not exceeding twenty-five dollars for every day during which such person carries on business whilst so unregistered or unlicensed; and all such penalties shall be recoverable by

action brought on behalf of the Crown by the Minister in any Court of competent jurisdiction as a debt due to the Crown.

**6.** Every person who contravenes any of the regulations passed pursuant to this Act, shall be guilty of an offence and shall be liable on summary conviction, in case the offender is a body corporate to a fine of not more than two hundred dollars and costs, and in any other case to a fine of not more than fifty dollars and costs, and in default of payment to imprisonment for a term of not more than ninety days.

**7.** The Minister upon being satisfied that the holder of any license has on more than one occasion contravened any of the provisions of this Act or any regulations passed pursuant to this Act, or of any other Act of the Province, may in his discretion suspend or cancel for such period as he may decide proper any license issued pursuant to this Act or any other Act, and may refuse to issue any license under this Act to any person whose license has been so cancelled.

**8.** In any case in which it appears to the Minister that it is questionable whether it is in the public interest that any application for the issuance or renewal of any license in respect of any business in any locality should be granted, the Minister may,—

- (a) if he is satisfied that it is in the public interest so to do, refuse such application; or
- (b) refer any such application to any Board constituted pursuant to any Act of the Province for investigation, and upon any such reference being made to any such Board that Board shall proceed to investigate and report to the Minister upon the application; and upon the receipt of any such report the Minister may, if he is satisfied by the report or otherwise that it is in the public interest so to do, either grant or refuse to grant the application.

**9.** No license shall be issued by any city, town, village or municipality for the carrying on of any business which has been designated as a business to which this Act applies, unless the applicant is the holder of a subsisting license issued pursuant to this Act in respect of that business.

**10.** *The Licensing of Trades and Businesses Act*, being chapter 67 of the Statutes of Alberta, 1936, is hereby repealed; provided always that all orders, regulations and rules heretofore made under that Act shall continue good and valid until they are annulled or others are made in their stead in pursuance of this Act.

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

FIFTH SESSION  
EIGHTH LEGISLATURE

1 GEORGE VI

1937

(THIRD SESSION)

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**BILL**

An Act to amend and consolidate The  
Licensing of Trades and  
Businesses Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. MANNING.

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EDMONTON:  
A. Shnitka, King's Printer  
1937