

Bill No. 32 of 1941.

A BILL TO AMEND THE NOXIOUS WEEDS ACT,
1932.

NOTE.

This Bill amends *The Noxious Weeds Act, 1932*.

Section 2 is amended by adding to the definitions of Class A and Class B weeds.

The amendments to section 6 require an inspector upon his appointment to forward a declaration in the form provided to the secretary-treasurer of the municipal district. He in turn advises the Field Crops Commissioner of the appointment of the inspector.

Section 8 and section 9 have been amended to include Class B weeds in addition to Class A weeds as there was really very little difference in the procedure in dealing with the extermination of these two classes of weeds. This amendment enables sections 11, 12 and 13 which deal with Class B weeds to be struck out.

The amendment to section 15 enables inspectors to order seed cleaned in accordance with the provisions of *The Seeds Act* of the Dominion of Canada rather than specifying in their notice the method of cleaning.

By the addition to section 8 of a subsection (2) and the alteration of the first part of section 37, an inspector may give notice that certain designated lands are not to be sown to crop. Then, in the case of this notice being given the provisions of section 37 are made to apply. Previously section 37 applied to any notice under this Act unless an inspector or the Field Crops Commissioner gave his consent in writing to seed the land affected by the notice.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

Bill No. 32 of 1941.

An Act to Amend The Noxious Weeds Act, 1932.

(Assented to _____, 1941.)

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 Noxious Weeds Act, 1932, Amendment Act, 1941.*"

2. *The Noxious Weeds Act, 1932*, being chapter 28 of the Statutes of Alberta, 1932, is hereby amended as to section 2,—

(a) by striking out paragraph (a) thereof and by substituting therefor the following:

"(a) Class A noxious weeds means perennial sow thistle (*Sonchus arvensis*, L.), field bindweed (*Convolvulus arvensis*, L.), hoary cress (*Lepidium Draba*, L.), leafy spurge (*Euphorbia esula*, L.), Russian Knapweed (*Centaurea picris*), Canada thistle (*Cirsium arvense*, L.), and hemp (*Cannabis Sativa*); and any other weed declared to be a Class A noxious weed by the Lieutenant Governor in Council;"

(b) by striking out paragraph (b) thereof and by substituting therefor the following:

"(b) Class B noxious weeds means and includes blue lettuce (*Lactuca pulchella* (Pursh.) D.C.), all members of the mustard family, false flax (*Camelina sativa* (L.) Crantz), shepherd's purse (*Capsella Bursa-pastoris*, L.), red root (*Amaranthus retroflexus*, L.), stink weed (*Thlaspi arvense* L.), Russian thistle (*Salsola Kali* L., var. *tenuifolia* G.F.W. May), ragweed (*Ambrosia trifida* L.), wild oats (*Avena fatua* L.), Russian pigweed (*Azyris amaranthoides* L.), blue bur (*Lappula echinata* Gilibert), tumble weed (*Amaranthus græcizans* L.), and *Xanthium* species), common barberry (*Berberis vulgaris*), toad flax (*Linaria vulgaris*, Hill), black-headed sunflower (*Helianthus scaberrimus* Ell.), corn spurrey (*Spergula arvensis* L.), couch grass (*Agropyron repens* L.), hedge bindweed (*Convolvulus sepium* L.), hemp nettle (*Galeopsis Tetrahit* L.), cow cockle (*Saponaria Vaccaria* L.),

white cockle (*Lychnis alba* L.), bladder Campion (*Silene latifolia*), tartary (tartarian), buckwheat *Polygonum tartaricum* L.), and downy brome grass (*Bromus tectorum* L.), and any other weed declared to be a Class B noxious weed by the Lieutenant Governor in Council!"

- (c) by striking out the word "germination", where the same occurs in paragraph (d) thereof, and by substituting therefor the word "reproduction".

3. The said Act is further amended as to section 4 by striking out subsection (2) thereof and by substituting therefor the following:

"(2) Every regulation made pursuant to this Act shall be effective upon publication in *The Alberta Gazette*."

4. The said Act is further amended as to section 6,—

- (a) by adding immediately after the words "Justice of the Peace", where the same occur in subsection (4) thereof, the words "Commissioner for Oaths";
- (b) by adding immediately after subsection (4) the following new subsection:

"(4a) Every inspector so appointed shall deliver such declaration to the secretary-treasurer within eight days of his appointment";

- (c) by striking out subsection (5) thereof and by substituting therefor the following:

"(5) Upon the receipt of any such declaration from an inspector, the secretary-treasurer of the municipal district shall advise the Field Crops Commissioner of the Province, of the name and address of the inspector, the date of his appointment, the period for which the appointment is made, and the rate of his remuneration."

5. The said Act is further amended as to section 8 by striking out the same and by substituting therefore the following.

"8.—(1) An inspector may, upon finding any Class A or Class B noxious weeds or weed seeds upon any occupied or unoccupied land or in or upon any building, vehicle, farm machinery or other equipment thereon or therein, give notice in writing to any person who is under the duty imposed by this Act to prevent the growth of such weeds and weed seeds and to destroy the same, directing the destruction of such weeds or weed seeds on or before a day to be named in such notice, and after such last mentioned date, if such weeds or weed seeds have not been destroyed the inspector may proceed either in person or by some other person authorized by him to destroy such weeds or weed seeds, and for that purpose may adopt such means as he may deem advisable.

“(2) An inspector may in the same or in a subsequent notice to any such person direct that such person shall not thereafter cause, suffer or permit the land designated by the inspector to be seeded with any grain or other crop which may be designated by the inspector, unless and until the inspector or the Field Crops Commissioner has by writing consented thereto.”

6. The said Act is further amended as to section 9 by striking out the same and by substituting therefor the following:

“9. An inspector upon finding any Class A or Class B noxious weeds or weed seeds upon any land which is unoccupied or in or upon any building other than a dwelling house, or any vehicles, farm machinery, or other equipment thereon or therein, and in the event of his finding after due inquiry that it is not practicable to serve a notice pursuant to the last preceding section within seventy-two hours thereafter, may in his absolute discretion, proceed either in person or by some other person authorized by him to destroy such weeds or weed seeds in any manner which may be deemed advisable, and immediately thereupon shall, as soon as conveniently may be, send by registered mail in a prepaid cover addressed to the last known postal address of the owner of such land, notice of the destruction of such weeds and weed seeds.”

7. The said Act is further amended as to section 10,—

- (a) by striking out the words “Any inspector, upon finding Class B noxious weeds or weed seeds in any grain or hay crops, may give notice in writing to any person who is under the duty imposed by this Act to prevent the growth of such weeds and weed seeds and to destroy the same in such manner as is required by this Act—”, and by substituting therefor the following: “Any inspector, upon finding any Class A or Class B noxious weeds or weed seeds in any grain or hay crops, may give notice in writing to any person who is under the duty imposed by this Act to prevent the growth of such weeds and weed seeds, and to destroy the same—”;
- (b) by striking out paragraph (a) thereof.

8. The said Act is further amended as to section 11 by striking out the same.

9. The said Act is further amended as to section 12 by striking out the same.

10. The said Act is further amended as to section 13 by striking out the same.

11. The said Act is further amended as to section 15 by striking out the same and by substituting therefor the following:

"15. An inspector may at any time between sunrise and sunset enter upon any land and any building other than a dwelling house thereon and inspect the same and any vehicle, farm machinery and other equipment thereon or therein for the purpose of inspecting any threshed crop found thereon which is to be or may be used for seed, and if the same is found to contain seeds of noxious weeds, may give notice in writing to any person who is under the duty imposed by this Act to prevent the growth of such weeds and weed seeds and to destroy the same, prohibiting the use of any such grain as seed or the removal thereof from the premises upon which they are found until the same has been cleaned until it complies with the seed grade standard provided for seeds of commerce in an enactment of the Dominion of Canada known as *The Seeds Act*."

12. The said Act is further amended as to section 16 by striking out the same and by substituting therefor the following:

"16. The powers conferred upon an inspector by this Act to direct the destruction of any grain or forage crop, whether growing or cut, or to destroy any such crop, shall not be exercised so as to affect more than five acres of crop, without the consent in writing of the Field Crops Commissioner, first had and obtained."

13. The said Act is further amended as to section 37 by striking out the words "In case any notice has been given by an inspector pursuant to this Act in respect of any parcel of land requiring the destruction of any noxious weeds or weed seeds thereon", where the same occur therein, and by substituting therefor the following: "In case a notice forbidding any person to seed any parcel of land with any grain or other crop has been given by an inspector pursuant to this Act—".

14. The said Act is further amended as to sections 38, 39, 40, 41, 42, 43, 44, 45, 48 and 49 by striking out the words "order" or "order made", wherever the same occur therein, and by substituting therefor the words "notice" or "notice given", as the case may be.

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

FIRST SESSION
NINTH LEGISLATURE
5 GEORGE VI
1941

BILL

An Act to amend The Noxious
Weeds Act, 1932.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MACMILLAN.

EDMONTON:
A. Sholtka, King's Printer
1941