

Bill No. 68 of 1942.

A BILL RESPECTING THE REVISED STATUTES
OF ALBERTA.

NOTE.

This Bill introduces a new Act. It provides for the revision and consolidation of the Statutes of Alberta. A draft of the revision has been prepared by the Acting Legislative Counsel under the direction and supervision of the Attorney General. This draft which appears in galley proof form is complete except for the Statutes which it is proposed to include in Volume IV, being Statutes relating to the constitution and boundaries of the Province, relevant Imperial and Canadian Statutes, appendices, indexes and things of a like nature. The Statutes and amendments passed at the present Session of the Legislature will also have to be included in the Revision. This Act will give the Acting Legislative Counsel power to continue and complete the work which he has begun. There are many corrections which must still be made in the proof, and many additions, alterations and further changes yet to be made. When the work of the Acting Legislative Counsel has been completed he is required to submit it through the Attorney General to the Lieutenant Governor in Council. The Lieutenant Governor in Council is empowered to print the revision. One of the original copies to be known as the Statute Roll is to be deposited with the Clerk of the Legislative Assembly, and this copy shall be deemed to be the original Statute Roll of the Acts contained in the Revised Statutes. The Lieutenant Governor in Council may then bring the Revised Statutes of Alberta, 1942, into force upon a date to be named by proclamation. On, from and after the named date the Revised Statutes repeal and replace the existing Statutes of the Province to the extent that they are incorporated in the Revised Statutes of Alberta, 1942, or in the Schedules thereto.

The remaining sections of the Act are largely for the purpose of providing for a smooth transition from the law presently in force to the law contained in the revision.

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

No. 68 of 1942.

An Act respecting the Revised Statutes of Alberta.

(Assented to _____, 1942.)

WHEREAS it is deemed expedient to revise and consolidate the public general Statutes of the Province and a draft revision and consolidation is being made by the Acting Legislative Counsel under the direction of the Attorney General; and

Whereas a Provisional Roll, hereinafter called the draft Statute Roll in the form of printed galley proofs of the revision and consolidation, has been prepared and deposited with the Clerk of the Legislative Assembly at its present session; and

Whereas it is expedient to provide for the completion of the draft Statute Roll and for the correction of any inaccuracies which may be found therein, and for the incorporation of the public general Statutes which may be passed during the present session in the draft Statute Roll; and

Whereas it is in the public interest that the draft Statute Roll as soon as practicable after it is completed, corrected, revised and consolidated, and prior to the holding of another session of this Legislature, should be issued, authorized and given the force of law as the Revised Statutes of Alberta, 1942;

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, 1942.*"

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 draft.

3. The Acting Legislative Counsel under the direction of the Attorney General shall complete the draft Statute Roll and shall correct, revise and consolidate the Statutes of Alberta, and without limiting the generality of the foregoing may,—

(a) incorporate in the draft Statute Roll any public general statutes not yet included therein, and any public general statutes passed at the present session, and any amendments made at the present session to any of the Statutes contained or which may be contained in the draft Statute Roll;

- (b) omit therefrom such Acts and parts thereof as at the date of the completion of the revision and consolidation have been repealed or superseded or have expired or have had their effect and can have no further enforcement;
- (c) omit therefrom all enactments repealing or amending any Act giving effect either to the repeals or amendments so effected in so far as such repealing or amending enactments as at the date aforesaid remain effective;
- (d) alter the numbering and sequence of the Acts so revised and consolidated and of the sections thereof, consolidate two or more thereof into one Statute or section, divide any Act or section into two or more Acts or sections and transfer any particular provision or part of any Act or section to any other or others in so far as may be thought advisable in order to secure a better arrangement of the Statutes without altering their true intent;
- (e) alter the language of any Act where necessary or advisable in order to better express the spirit and meaning of the law or in order to preserve a uniform mode of expression, but not so as to change the meaning or intent of any enactment;
- (f) correct clerical and typographical errors, and make such minor amendments as are necessary to express more clearly what is deemed to have been the intention of the Legislature, or reconcile seemingly inconsistent enactments;
- (g) omit any Acts or parts thereof which, although public general Acts, have reference only to a particular place or municipality or particular places or municipalities and have no general application throughout the Province, and include such private Acts or parts thereof as affect the public generally and ought to be included in the revision and consolidation;
- (h) include relevant Imperial and Canadian Statutes;
- (i) append to the draft Statute Roll,—
 - (i) a schedule showing certain Acts and parts of Acts omitted from but not repealed by the Revised Statutes of Alberta, 1942, which Acts and parts of Acts remain in force in the Province subject to the Revised Statutes of Alberta, 1942;
 - (ii) a schedule showing certain Acts and parts of Acts omitted from and repealed by the Revised Statutes of Alberta, 1942;
 - (iii) such other schedules and appendices as may be deemed necessary or expedient;
- (j) prepare a comprehensive index for the whole.

4. As soon as the Acting Legislative Counsel has completed his work he shall, through the Attorney General, report the same to the Lieutenant Governor in Council, and shall deposit the result of his work with the Provincial Secretary.

5.—(1) The Lieutenant Governor in Council may cause the result of the work of the Acting Legislative Counsel to be printed and may cause a correct printed copy thereof, to be known as the Statute Roll, signed by the Lieutenant Governor and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Legislative Assembly, which Statute Roll shall, subject to the other provisions of this section, be deemed to be the original of the Statute laws of the Province therein contained, and of the several Acts and parts of Acts which it purports to embody.

(2) The Lieutenant Governor in Council may by proclamation declare a day on, from and after which the Statute Roll or such portion thereof as is considered proper shall come into force and have effect as law by the designation of the Revised Statutes of Alberta, 1942.

(3) On, from and after the day so declared, the Statute 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 were expressly embodied in and enacted by this Act, to come into force and have effect on, from and after that day.

6.—(1) 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, 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, 1942, 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, 1942, or are repugnant thereto.

(2) All the Acts or parts of Acts mentioned in the schedule showing Acts or parts of Acts repealed by the Revision, shall be repealed to the extent mentioned in the said schedule.

7.—(1) The Revised Statutes of Alberta, 1942, shall not be held to operate as new laws, but shall be construed and have effect as a consolidation of the law contained in the Acts or parts of Acts so repealed for which the Revised Statutes of Alberta, 1942, are substituted.

(2) The various provisions of the Revised Statutes of Alberta, 1942, corresponding to and substituted for the provisions of the Acts and parts of Acts previously in

force shall, where they are the same in effect as those of the previous Acts and parts of Acts, 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 Revised Statutes of Alberta, 1942, 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 on and subsequent to the day upon which 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 day, the provisions of the Acts or parts of Acts for which they are substituted 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 the said Acts and parts of Acts or of any Act or provision of law formerly in force, to any transactions, matter or thing anterior to the said repeal to which they would otherwise apply.

9. The marginal or side notes, and the references to former enactments at the foot of sections, in the Revised Statutes of Alberta, 1942, shall be held to be no part of those Statutes, but to be inserted for convenience of reference only.

10. The repeal of the said Acts and parts of Acts shall not affect,—

- (a) any penalty, forfeiture or liability incurred before the time of the repeal or any proceedings for enforcing the same had, done, completed or pending at the time of the repeal;
- (b) any information, conviction, sentence or prosecution had, done, completed or pending at the time of the 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 the 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 the repeal;

(e) any office, appointment, commission, salary, allowance, security, duty or any matter or thing appertaining thereto at the time of the 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 the repeal; but every such matter or thing set out in paragraphs (a) to (e), inclusive, and every other matter or thing whatsoever 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, 1942, and other Statutes and laws having force in the Province and subject to the provisions of the said several Statutes and laws as if no such repeal had taken place.

11. 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, 1942, take effect, be held as regards any subsequent transaction, matter or thing to be a reference to the enactments in the Revised Statutes of Alberta, 1942, having the same effect as the repealed Act or enactment.

12. The insertion or incorporation of any Act or part of an Act in the Revised Statutes of Alberta, 1942, or in any schedule thereto shall not be considered as a declaration that the Act or any part of it was or was not in force immediately before the coming into force of the Revised Statutes of Alberta, 1942.

13. This Act shall be printed with the Revised Statutes of Alberta, 1942, and shall be subject to the same rules of construction as the Revised Statutes of Alberta, 1942.

14. Copies of the Revised Statutes of Alberta, 1942, purporting to be printed by the King's Printer shall be evidence of the Revised Statutes of Alberta, 1942, in all Courts and other places without further proof of any kind whatsoever.

15. Any chapter of the Revised Statutes of Alberta, 1942, may be cited and referred to in any Act or proceeding whatsoever either by its title as an Act or by using the expression "the Revised Statutes of Alberta, 1942" chapter....." (adding the number of the particular chapter appearing in the copies printed by the King's Printer).

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

No. 68.

SECOND SESSION
NINTH LEGISLATURE
6 GEORGE VI
1942

BILL
An Act respecting the Revised
Statutes of Alberta.

Received and read the

First time

Second time

Third time

HON. MR. ABERHART.

EDMONTON:
A. Shntka, King's Printer
1942