

Bill No. 46 of 1943.

A BILL FOR THE ASSISTANCE OF DEBTORS.

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NOTE.

This Bill provides for a Debtors' Assistance Board to advise and assist debtors in the adjustment and settlement of their debts with creditors, to arrange meetings between debtors and creditors and to advise and assist debtors in the preparation of any plan or scheme of settlement before any Dominion Board or Court which may have been or may hereafter be set up for the adjustment and settlement of debts.

The Board is given power to make inquiries with regard to the property of debtors and to examine the debtor or other persons on oath who appear to have knowledge of the affairs of the debtor. It is given the powers conferred upon a commissioner pursuant to *The Public Inquiries Act*.

The expenditures incurred under the Act are payable out of the appropriation voted for the purpose of *The Debt Adjustment Act*.

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. 46 of 1943.

An Act for the Assistance of Debtors.

(Assented to \_\_\_\_\_, 1943.)

**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 Debtors' Assistance Act.*"

2. In this Act unless the context otherwise requires,—

- (a) "Board" means the Debtors' Assistance Board constituted pursuant to this Act;
- (b) "Debt" includes secured and unsecured debts, moneys owing under a guarantee, and also includes money owing under or secured by mortgage, hypothec, pledge, charge, lien or privilege on or against the property of the debtor or any part thereof;
- (c) "Debtor" means a person who is unable to pay a debt as it becomes due, and includes the legal representative or representatives of a deceased debtor.

3. There is hereby constituted a Board to be known as the "Debtors' Assistance Board" consisting of either one, two or three members as the Lieutenant Governor in Council may from time to time determine, and the Lieutenant Governor in Council may from time to time,—

- (a) appoint such person or persons as members of the Board as may be deemed advisable, and prescribe the remuneration and duties of persons appointed as members of the Board;
- (b) appoint, subject to the provisions of *The Public Service Efficiency Act*, such officers, clerks and employees as may be deemed necessary, who shall be under the direct control of the Board;
- (c) appoint for any designated areas one or more committees for the purpose of co-operating with the Board in the administration of this Act within the designated area and prescribe the powers and duties thereof;
- (d) prescribe rules and regulations for the due administration of this Act and as to the procedure upon any proceeding under this Act, and prescribe forms,

and prescribe and fix a tariff of fees to be taken or received by any person on account of service performed by him in the course of any such proceeding or in respect of any act or thing done by such person pursuant to this Act.

**4.**—(1) The Board constituted pursuant to this Act shall be a body politic and corporate.

(2) For the purpose of performing any duty or function or exercising any power which is conferred or imposed upon the Board by this Act, any member of the Board is hereby empowered to act for and on behalf of the Board, and any act or thing so done shall be deemed to have been done by the Board.

**5.** The Board shall have the following powers, duties and functions,—

- (a) to advise and assist debtors in adjusting their debts and in working out satisfactory arrangements for the settlement of their debts with their creditors;
- (b) to arrange meetings between debtors and their creditors in an endeavour to bring about amicable arrangements for the payment by the debtor of his indebtedness to his creditors;
- (c) to advise and assist debtors in the preparation of any plan or scheme of settlement of their debts before any Dominion Board or Court which may have been or may hereafter be set up for the settlement of debts;
- (d) to aid debtors in obtaining postponements, adjustments or extensions of time for the payment of their debts in proper cases;
- (e) to act as an intermediary in negotiations between debtors and creditors in the adjustment and settlement of debts;
- (f) generally to render advice and assistance to debtors who are unable to meet their liabilities and who, through proceedings in the courts or otherwise, are being pressed for payment or harassed by their creditors.

**6.** The Board and any person authorized by the Board in writing may make all such inquiries as may be from time to time deemed advisable with regard to the property of any debtor, and for that purpose the Board or any person authorized by the Board in writing may examine under oath any such debtor and his servants and agents, and any person who appears to the Board, or any person authorized by the Board in writing, to have any knowledge of the affairs of the debtor, and shall have all the powers in that behalf which may be conferred upon a commissioner appointed pursuant to *The Public Inquiries Act*.

**7.** The Lieutenant Governor in Council may from time to time by order make such regulations as may be necessary for the carrying out of the general effect and purpose of this Act and in particular but not so as to restrict the generality of the foregoing as to the manner in which the Board shall execute all or any of its powers, duties and functions, and may prescribe the forms to be used in relation thereto.

**8.** The expenditures incurred under this Act shall be payable out of and charged to appropriation number 420 voted for the purposes of *The Debt Adjustment Act* under the administration of the Municipal Affairs Department.

**9.** *The Debt Adjustment Act*, being chapter 119 of the Revised Statutes of Alberta, 1942, is hereby repealed.

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

No. 46.

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THIRD SESSION  
NINTH LEGISLATURE

7 GEORGE VI

1943

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**BILL**

An Act for the Assistance of  
Debtors.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. MAYNARD.

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EDMONTON:  
A. Shnitka, King's Printer  
1943