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CAT. NO. 1138—L.-M. CO. D33896

S-2.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-2.

An Act respecting the Revised Statutes of Canada.

First reading, Wednesday, 19th February, 1964.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20377-8

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-2.

An Act respecting the Revised Statutes of Canada.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Statute Revision Commission established.

1. (1) There is hereby established a Statute Revision Commission (in this Act called the "Commission") consisting of the Minister of Justice and five other members to be appointed by the Governor in Council.

Chairman.

(2) The Governor in Council shall designate one of the members of the Commission to be the chairman thereof.

Duties of Commission.

2. The Commission shall examine the Revised Statutes of Canada, 1952, and the public general statutes of Canada enacted since the coming into force of the Revised Statutes of Canada, 1952, and in accordance with the provisions of this Act shall arrange, revise and consolidate the said statutes.

Certified Roll to be deposited with the Clerk of the Parliaments.

3. (1) So soon as the Commission reports in writing the completion of the consolidation, including therein such Acts or parts of Acts passed during the present session and subsequent thereto as the Governor General upon the said report may deem advisable so to be included, the Governor General may cause a printed Roll thereof, attested under his signature and that of the Clerk of the Parliaments, to be deposited in the office of the Clerk; and the Roll shall be held to be the original of the statutes so arranged, revised and consolidated.

Explanatory Note.

This Bill would authorize the preparation and publication of a revision and consolidation of the public general statutes of Canada. In general the Bill follows previous Revised Statutes Acts, particularly *An Act respecting the Revised Statutes of Canada*, 1948, c. 67, as amended by 1951, c. 23, except that no provision is made in the Bill for the payment of remuneration to the members of the Commission established to prepare the revision.

Supplement.

(2) After the completion of the consolidation, the Commission may prepare a supplement thereto, showing, as amendments or additions to the consolidation, the public general statutes of Canada passed after the completion of the consolidation but before the coming into force of the printed Roll thereof, and any other public general statutes of Canada, not included in the consolidation that the Commission may consider advisable to add thereto; and the provisions of this Act applicable to or in respect of such consolidation are *mutatis mutandis* applicable to and in respect of such supplement.

Schedule of repealed, superseded, inconsistent or spent enactments.

4. There shall be appended to the Roll a Schedule A similar in form to the Schedule A appended to the Revised Statutes of Canada, 1952; and the Commission may include in the Schedule all Acts and parts of Acts that, though not expressly repealed, are superseded by the Acts so consolidated, or are inconsistent therewith, and all Acts and parts of Acts that were for a temporary purpose, the force of which is spent.

Powers of Commission as to alterations.

5. (1) The Commission, in consolidating the statutes and in incorporating therewith the Acts or parts of Acts passed subsequent to the consolidation and selected for inclusion therein as provided in section 3, may make such alterations in their language as are necessary to preserve a uniform mode of expression, and may make such minor amendments as are necessary to bring out more clearly what it deems to be the intention of Parliament or to reconcile seemingly inconsistent enactments or to correct clerical or typographical errors.

Tables prepared by Commission.

(2) Any explanatory notes and tables inserted by the Commission form no part of the said statutes and shall be held to have been inserted for convenience only.

Proclamation declaring statutes in force.

6. The Governor in Council, after deposit of the Roll in accordance with section 3, may by proclamation declare the day on, from and after which the same shall come into force and have effect as law, by the designation of the "Revised Statutes of Canada, 19..".

Effect of proclamation.

7. (1) On, from and after the day mentioned in section 6, the Roll shall accordingly come into force and effect as and by the designation of the "Revised Statutes of Canada, 19....", to all intents as if the Roll were expressly embodied in and enacted by this Act to come into force and have effect on, from and after such day.

Repeal of enactments in Schedule A.

(2) On, from and after such day, all the enactments in the several Acts and parts of Acts set out in Schedule A to the Roll stand and are repealed to the extent mentioned in the third column of that Schedule.

Repeal not to revive dead law; nor to be retroactive.

8. The repeal of the Acts and parts of Acts as set out in Schedule A to the Roll does not

(*a*) revive any Act or provision of law repealed by them,

(*b*) affect any saving clause in the Acts or parts of Acts so repealed, or

(*c*) prevent the application of any of those Acts or parts of Acts, or of any Act or provision of law formerly in force, to any transaction, matter or thing, anterior to the repeal, to which they would otherwise apply.

Revised Statutes not to be deemed new laws.

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

Construction where they differ from repealed enactments.

(2) If upon any point the provisions of the Revised Statutes 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 subsequent to the time when the Revised Statutes take effect, the provisions contained in them prevail; but, as respects all transactions, matters and things anterior to that time, the provisions of the repealed Acts and parts of Acts prevail.

References to repealed Acts in former Acts, etc.

10. A reference in any Act enacted prior to the coming into force of the Revised Statutes and remaining in force after that time, or in any proclamation, order in council, instrument or document, to any Act or enactment so repealed, shall, after the coming into force of the Revised Statutes, be held, as regards any subsequent transaction, matter or thing, to be a reference to the Act or enactment in the Revised Statutes having the same effect as the repealed Act or enactment.

Effect of insertion of an Act in Schedule A.

11. The insertion of any Act in Schedule A to the Roll 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.

Copies by Queen's Printer to be evidence.

12. Copies of the Revised Statutes purporting to be printed by the Queen's Printer shall be received as evidence of the Revised Statutes in all courts and places whatever without further proof of any kind.

Distribution and printing of Revised Statutes.

13. The laws relating to the distribution of the printed copies of the statutes, and to the style of printing and binding of statutes, do not apply to the Revised Statutes, but the same shall be distributed in such numbers and to such persons only as the Governor in Council directs and shall be printed and bound in such style or form as the Commission deems best suited to the Revised Statutes.

Citation of Revised Statutes.

14. (1) A chapter of the Revised Statutes may be cited and referred to in any Act, proceeding, instrument or document whatever either by its short or long title as an Act or by using the expression "Revised Statutes, 19...., Chapter .....", or "Revised Statutes of Canada, 19...., Chapter .....", or "Chapter ..... of the Revised Statutes", or the abbreviation "R.S.C. 19...., c. .....", or "R.S. c. .....", adding in each case the number of the particular chapter.

Supplement.

(2) The supplement to the Revised Statutes shall be deemed to be included in and to be part of the Revised Statutes, and the citation of any chapter of the Revised Statutes in accordance with subsection (1) shall be deemed to include any amendments thereto contained in the supplement.

Printing and construction of this Act.

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

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-3.

An Act to make Provision for the Disclosure of Information in respect of Finance Charges.

Read a first time, Tuesday, 25th February, 1964.

Honourable Senator CROLL.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20396-8

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-3.

An Act to make Provision for the Disclosure of Information in respect of Finance Charges.

Preamble.

WHEREAS Canadian consumers generally are not being fully or accurately informed, with reference to any recognizable common standard, of the cost of the credit extended to them in respect of retail purchases, and it is highly desirable in the public interest to ensure that in future they will be provided with such essential information: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as the *Finance Charges (Disclosure) Act.*

Definitions.

2. In this Act,

"credit financier".

(*a*) "credit financier" means any person who in the ordinary course of his business, whether operated separately or in conjunction with some other business, enters into a transaction with another person arising out of a sale or agreement for the sale of personal property to such other person whereby the whole or part of the price therefor is to become payable after the transaction is complete, and in respect of which finance charges are to become payable to such person;

"finance charges".

(*b*) "finance charges" means the total cost of the credit to the consumer thereof, and includes interest, fees, bonuses, service charges, discounts and any other type of charge whether described as interest or not;

"person".

(*c*) "person" includes any individual, partnership, association, corporation or unincorporated organization.

Explanatory Notes.

The sole purpose of this bill is to require every person who carries on the business of extending consumer credit to disclose in writing to the consumer of such credit the total cost thereof, expressed both as a lump sum and in terms of simple annual interest.

The bill is restricted to the field of consumer credit and has no application to cash loans, mortgages on real estate, etc.

No criminal liability would flow from non-compliance with the bill but in the event of non-disclosure a credit financier would be unable to recover or retain any finance charges whatever on any unpaid balance in respect of which he has extended credit.

Statement in writing.

3. Every credit financier who enters into a transaction extending credit to another person, as referred to in paragraph (*a*) of section 2, shall in accordance with regulations made under section 5, and before the transaction is complete, furnish such other person with a clear statement in writing setting forth

(*a*) the total amount of the unpaid balance outstanding;

(*b*) the total amount of the finance charges to be borne by such other person in connection with the transaction; and

(*c*) the percentage relationship, expressed in terms of simple annual interest, that the total amount of the finance charges bears to the unpaid balance outstanding under the transaction.

Recovery of finance charges.

4. (1) No credit financier who fails to provide the written statement referred to in section 3 to a person to whom he is extending credit shall have any right, remedy or cause of action either in law or equity with respect to any finance charges whatsoever under the transaction.

(2) Where a credit financier has failed to provide the written statement referred to in section 3 to a person to whom he is extending credit, and such person has paid some or all of the finance charges to such credit financier, such person shall have a right of action against such credit financier whereby he may recover back the finance charges so paid.

Regulations.

5. The Governor in Council may make regulations prescribing

(*a*) the form and manner in which the written statement referred to in section 3 is to be made;

(*b*) the manner of calculating the percentage relationship mentioned in paragraph (*c*) of section 3 in respect of any transaction or type of transaction; and

(*c*) the degree of accuracy within which the percentage relationship mentioned in paragraph (*c*) of section 3 shall be calculated.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-4.

An Act respecting the International Bridge over the St. Clair River known as the Blue Water Bridge.

Read a first time, Wednesday, 26th February, 1964.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20424-8

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-4.

An Act respecting the International Bridge over the St. Clair River known as the Blue Water Bridge.

Preamble.

WHEREAS it is deemed appropriate that an international bridge providing facilities for the carriage of highway traffic between Canada and the United States be operated on a joint international basis by a public authority having equal representation of members appointed from each of the two countries, and having power to levy tolls to meet the costs of operating and maintaining such a bridge;

AND whereas there is at present no competent authority to levy tolls to defray the costs of operating and maintaining the Canadian portion of the international bridge connecting Canada and the United States across the St. Clair River, commonly known as the Blue Water Bridge, and it is deemed advisable that, pending the establishment of a competent joint international authority to operate the Blue Water Bridge, an authority be established at the earliest possible date to operate and maintain the Canadian portion of the said bridge and to levy tolls to defray the costs thereof;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

Short title.

1. This Act may be cited as the *Blue Water Bridge Authority Act.*

INTERPRETATION.

Definitions.

"Bridge Authority."

"Blue Water Bridge."

2. In this Act,

(*a*) "Bridge Authority" means the Blue Water Bridge Authority established by this Act;

(*b*) "Blue Water Bridge" means the international bridge across the St. Clair River from a point at or near the Village of Point Edward in the Province of Ontario to a point at or near the City of Port Huron in the State of Michigan, commonly known as the Blue Water Bridge.

PART I.

JOINT OPERATION.

Organization.

Blue Water Bridge Authority established.

3. There is hereby established a corporation to be known as the Blue Water Bridge Authority which, in Canada, shall have such powers as are set out in this Act and which, in the United States, shall have such powers as the appropriate authority in the United States allows and be subject to such limitations as the appropriate authority in the United States imposes.

Composition of Bridge Authority.

4. (1) Subject to Part II, the Bridge Authority shall consist of eight members,

(*a*) four of whom shall be Canadian citizens ordinarily resident in Canada, hereinafter referred to as the "Canadian members", who shall be appointed by the Governor in Council or such other authority in Canada as the Governor in Council may designate; and

(*b*) four of whom, hereinafter referred to as the "United States members", shall be appointed by such authority, in such manner and upon such terms as the appropriate authority in the United States prescribes.

Quorum.

(2) A majority of the members of the Bridge Authority constitutes a quorum for the transaction of its business.

Vacancies.

(3) Subject to subsection (2), vacancies occurring in the membership of the Bridge Authority do not impair the powers of the Bridge Authority, and any such vacancy shall be filled by the appropriate appointing authority under subsection (1).

Officers and conduct of business.

(4) The members of the Bridge Authority shall appoint a chairman and vice-chairman from among the members thereof and may establish rules and regulations for the conduct of the meetings and the management of the business of the Bridge Authority.

Affirmative vote of United States and Canadian member required.

(5) Notwithstanding subsection (2), the affirmative vote of at least one Canadian member and at least one United States member shall be required for any action to be taken by the Bridge Authority.

Term of Canadian members.

5. (1) Canadian members of the Bridge Authority hold office during the pleasure of the appointing authority.

Alternate Canadian member.

(2) Canadian members may, with the approval of the appointing authority, appoint deputies in writing to attend any meetings of the Bridge Authority and to act and vote in their stead.

No compensation.

6. The members of the Bridge Authority shall serve without remuneration but are entitled to be reimbursed out of the revenues of the Authority for travel, living and other necessary expenses incurred by them in the performance of the duties of the Bridge Authority under this Act.

Powers and Duties of Authority.

Duties of the Bridge Authority.

7. (1) The Bridge Authority may acquire and shall hold so much of the Blue Water Bridge and such approaches, structures, easements, privileges or rights connected thereto or held in connection therewith, as are granted or conveyed to the Bridge Authority by, respectively,

(*a*) Her Majesty in right of Canada, and

(*b*) the appropriate authority in the United States;

and shall operate, maintain and repair the Blue Water Bridge and the approaches and structures held in connection therewith.

Powers of Bridge Authority.

(2) For the purpose of performing its duties under this Act the Bridge Authority may

(*a*) acquire, hold and dispose of real property for the purposes of the Bridge Authority;

(*b*) make traffic surveys and engineering, architectural and other studies;

(*c*) obtain legal, engineering, architectural, accounting, financial and other services;

(*d*) in order to maintain adequate facilities for the traffic carried over it, extend, add to, enlarge or otherwise alter the Blue Water Bridge; and

(*e*) generally, do all things necessary, convenient or proper for the purposes of carrying out the duties of the Bridge Authority or functions incidental thereto.

Application of s. 30 of the *Interpretation Act*.

(3) For greater certainty, it is hereby declared that section 30 of the *Interpretation Act* applies to the Bridge Authority.

Presumption regarding holding of United States portion.

(4) In the event that the portion of the Blue Water Bridge situated in the United States and any approaches or structures used in connection therewith and situated in the United States are entrusted to the Bridge Authority, in such manner as is prescribed by the appropriate authority in the United States, to be operated and maintained by the Bridge Authority in accordance with this Act, the said portion, approaches and structures shall be deemed, for the purposes of this Act, to be held by the Bridge Authority notwithstanding the title or interest therein acquired by the Bridge Authority.

Bridge Authority may acquire staff.

8. (1) The Bridge Authority may employ such officers and employees, and may engage the services of such professional and expert personnel, as it deems necessary for the proper performance of the duties of the Bridge Authority.

Pension and other benefits.

(2) The Bridge Authority may provide, or make provision for, pension, welfare, hospital or other benefits for its officers and employees and may contribute toward the costs of any such benefits.

Revenues.

Tolls authorized.

9. (1) The Bridge Authority may, subject to the *Railway Act*, fix and charge tolls for the use of so much of the Blue Water Bridge as is held by the Bridge Authority, and may prohibit the use thereof without the payment of the toll.

(2) The tolls to be charged shall be fixed from time to time to provide current revenues in an amount sufficient

(*a*) to pay the reasonable current costs of the Bridge Authority in carrying out its duties in an economical manner, and to provide and replenish a reserve fund for such purposes and in such amounts as may be estimated by the Bridge Authority to be prudent;

(*b*) to provide or replenish (whenever bonds of the Bridge Authority are outstanding and unpaid) a sinking fund to pay the principal of any such

bonds and the interest thereon at or before maturity, and to provide a reserve therefor in such amount as the Bridge Authority may deem necessary; and

(*c*) to pay any other expenses that the Bridge Authority may properly incur in the performance of its duties under this Act.

Uniform classification and uniform rates.

(3) The Bridge Authority shall establish uniform classifications for all traffic carried over so much of the Blue Water Bridge as is held by it and the toll charges collected by the Bridge Authority pursuant to this section shall be at a uniform rate with respect to the traffic falling within each classification.

Qualification on classifying power.

(4) The class of goods or commodities carried in or upon any vehicle shall not be taken into account in establishing uniform classifications under subsection (3) for traffic carried over the Blue Water Bridge.

No tolls chargeable for official passages.

10. Notwithstanding section 9, no toll shall be charged by the Bridge Authority for the passage of any person or of any vehicle used by him when the passage is in connection with the discharge of his duties as a member, officer or employee of the Bridge Authority.

Leasing for other uses.

11. The Bridge Authority may enter into leases or other contractual agreements permitting the use of the Blue Water Bridge to support power or communication transmission equipment, pipelines, or any other similar facilities so long as the use of the Blue Water Bridge for such facilities is not inconsistent with its use for pedestrian and vehicular traffic; and the consideration to the Bridge Authority under any such lease or agreement need not be directly related to the traffic carried by any such facility.

Application of revenues.

12. (1) All revenues of the Bridge Authority shall be applied in conformity with this Act.

Liabilities to charge only revenues.

(2) The Bridge Authority may not incur any liability not dischargeable solely from revenues or funds received by the Bridge Authority under this or any other Act of the Parliament of Canada or under any enactment of the appropriate authority in the United States.

Issuance of Bonds.

Bond issues authorized.

13. (1) Subject to the approval of the Governor in Council or such other authority in Canada as the Governor in Council may designate and such authority in the United States as the appropriate authority in the United States prescribes, the Bridge Authority may issue bonds in Canada

or the United States for the purpose of obtaining funds with which to perform any of its functions, including refunding, under this Act.

Excess proceeds from bond issue.

(2) If the proceeds from any issue of bonds exceeds the cost, as finally determined, of carrying out the purposes for which any bonds were issued, the excess of proceeds over such cost shall be added to the sinking fund provided for in paragraph (*b*) of subsection (2) of section 9.

Bond prices and interest, and other requirements.

(3) A bond issued by the Bridge Authority

(*a*) shall be sold at such price as the Bridge Authority may determine, but not less than a price at which the interest-yield basis will equal six and one-half per cent per annum as computed from standard tables of bond values;

(*b*) shall bear interest at a coupon rate not exceeding six per cent per annum, payable semi-annually;

(*c*) shall be payable solely from funds obtained by the Bridge Authority pursuant to statutory authority conferred by this or any other Act of the Parliament of Canada and by the appropriate authority in the United States;

(*d*) shall mature not more than twenty-five years after its date of issue; and

(*e*) shall be issued in such form, not inconsistent with this section, as the Bridge Authority may determine.

Types of bond provisions which may be used.

(4) In the discretion of the Bridge Authority, a bond issued by it

(*a*) may be issued with a call provision reserving to the Bridge Authority the right to redeem the bond before maturity at a price or prices not exceeding the sum of the accrued interest plus one hundred and fifty per cent of the par value;

(*b*) may be temporary, with or without coupons, and exchangeable for definitive bonds upon the issuance of the latter; or

(*c*) may be issued in bearer form, or registrable as to principal, or registrable as to principal and interest.

Currency of repayment of bond issue.

(5) A bond issued by the Bridge Authority may be made payable in the currency of Canada or of the United States in the discretion of the Bridge Authority.

Bond anticipation notes.

(6) The Bridge Authority may, in its discretion, issue bond anticipation notes payable from the proceeds of its bonds when issued; and a reference in this Act to bonds of the Bridge Authority includes bond anticipation notes.

Repurchase of its bonds by Bridge Authority.

(7) The Bridge Authority may purchase any bond issued by it at a price not exceeding the sum of the accrued interest plus one hundred and five per cent of the par value of the bond, and may exercise any contractual rights reserved to itself under authority of paragraph (*a*) of subsection (4) or otherwise when in the judgment of the Bridge Authority it may be to its financial interest to do so.

Trust agreement for bond issues.

14. (1) The Bridge Authority may enter into trust agreements to secure any bonds issued or to be issued by it.

Bond or trust company to be trustee.

(2) A trust agreement for the purpose referred to in subsection (1) may be made with any bank or trust company in Canada or the United States legally qualified to execute such a trust agreement.

Contents of trust agreement.

(3) In specifying the rights and duties of the Bridge Authority, the trustee and the bondholders, a trust agreement may, subject to the rights of the holder of any bonds of the Bridge Authority then outstanding, and subject to section 17, contain such provisions and covenants affecting the security or protection of any bonds issued by the Bridge Authority as may be appropriate, including but not limited to the following:

(*a*) setting forth any function that the Bridge Authority may perform pursuant to this Act and providing that the Bridge Authority will faithfully perform the same;

(*b*) limiting the purposes and uses for which the proceeds of sale of any bonds issued by the Bridge Authority may be employed and pledging such proceeds to secure the payment of any bonds issued by the Bridge Authority;

(*c*) specifying the conditions that must exist before additional bonds may be issued, limiting the amount thereof, and specifying any terms and conditions that such additional bonds and associated security instruments shall contain;

(*d*) providing that such bonds shall be payable from any or all lawful revenues of the Bridge Authority and pledging the revenues of the Bridge Authority for such purpose;

(*e*) providing for the appointment of trustees, depositaries, and paying-agents to receive, hold, disburse, invest, and re-invest all or any part of the funds of the Bridge Authority, for the approval by a representative of the bondholders of the security given by any bank or trust company with which funds of the Bridge Authority may be deposited and for any other means of safeguarding funds of the Bridge Authority;

(*f*) setting forth procedures, if any, by which the terms of any contract with bondholders may be granted or abrogated, the amount of the bonds the holders of which must consent thereto and the manner in which such consent may be given; and

(*g*) imposing reasonable restrictions upon the right of action of individual bondholders.

Procedure on default in payment on bonds.

15. (1) Any trust agreement that is entered into by the Bridge Authority to secure any bonds or refunding bonds issued by it and that empowers the trustee thereunder to declare the principal amount of any such outstanding bonds or refunding bonds due and payable as a result of any default in payment of principal, interest or both in accordance with the terms thereof, shall provide therein and be subject as follows:

(*a*) before declaring the said principal amount due and payable, the trustee shall give notice in writing of such default to the Minister of Finance;

(*b*) if Parliament is in session at the time the notice referred to in paragraph (*a*) is received by the Minister of Finance, the trustee shall not declare the said principal amount due and payable before the prorogation of that session, but if Parliament is not in session at the time such notice is so received or does not continue in session for at least four weeks thereafter, he shall not declare the said principal amount due and payable before the prorogation of the next ensuing session of Parliament; and

(*c*) if at the session of Parliament referred to in paragraph (*b*) Parliament takes any action as the result of which past due principal and interest with interest on past due interest, together with fees, counsel fees and expenses of the trustee and of the receiver, if any, are paid to the trustee not later than sixty days after such prorogation, the default shall thereby be remedied.

Obligations of Bridge Authority.

16. The bonds or other obligations of the Bridge Authority are not obligations of Her Majesty, nor is Her Majesty liable on such obligations.

Bridge not subject to charge.

17. No charge against any portion of the Blue Water Bridge in Canada or against any underlying land therein may be created or enforced, either by agreement or by judicial process, to secure or enforce the payment of any obligation of the Bridge Authority.

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Bond issues to conform with Act.

18. The Bridge Authority may not issue bonds or any other securities of any description except in accordance with this Act.

Accounting.

Records of Bridge Authority.

19. (1) The Bridge Authority shall keep complete and accurate records of the cost to it of performing its functions, and complete and accurate records of all its cash receipts and disbursements, and shall make its records available to such authorities or the representatives thereof as the Governor in Council or any authority designated by the Governor in Council may by regulation prescribe, and to such authorities or the representatives thereof as the appropriate authority in the United States prescribes.

Financial reports and audits.

(2) The Bridge Authority shall,

(*a*) at such periods, not less frequently than annually, file an itemized, detailed and verified report of all receipts and disbursements of the Bridge Authority with such persons, and

(*b*) permit such auditing of its accounts by such persons,

as the Governor in Council or any authority designated by the Governor in Council may prescribe and as the appropriate authority in the United States prescribes.

Miscellaneous.

Resident agent in Ontario.

20. Not later than ninety days after the commencement of this Act, and at all times thereafter, the Bridge Authority shall have an agent resident in the Province of Ontario who is authorized to receive service of process in any proceedings against the Bridge Authority in any court of competent jurisdiction in Canada.

Assessment and taxation.

21. Nothing in this Act in any way affects any right, privilege, obligation or liability in respect of provincial or municipal assessment or taxation.

Relationship of Bridge Authority to Crown.

22. The Bridge Authority is not an agent of Her Majesty and no member, officer or employee of the Bridge Authority shall be deemed, as such, to be an officer, agent or employee of Her Majesty.

PART II.

Canadian Operation.

Reciprocal United States legislation.

23. When the Governor in Council is satisfied that the appropriate authority in the United States has indicated its consent to the joint operation of the Blue Water Bridge, by enacting reciprocal legislation authorizing the Bridge Authority to operate and maintain the portion of the Blue Water Bridge situated in the United States, the Governor in Council may by proclamation empower the Bridge Authority to exercise its powers and carry out its functions in the United States in accordance with this Act and the enactment of the appropriate authority in the United States.

Restriction on powers of Bridge Authority.

24. (1) Subject to subsection (2), until such time as a proclamation is issued under section 23,

(*a*) the Bridge Authority may not exercise any of its powers in the United States or in respect of any portion of the Blue Water Bridge situated in the United States;

(*b*) the Bridge Authority shall consist of the Canadian members only and all the provisions of this Act relating to the members of the Bridge Authority and to the composition or constitution of that body shall be read and construed as if no provision were made for United States members or United States participation.

Joint or co-operative arrangements.

(2) The Bridge Authority may enter into contractual or other arrangements with any authority in the United States responsible for the maintenance or repair of any portion of the Blue Water Bridge situated in the United States

(*a*) for joint or co-operative maintenance and repair of the Blue Water Bridge;

(*b*) for widening, extending, adding to or enlarging or otherwise altering the Blue Water Bridge; or

(*c*) to act as an agent of any such authority in the maintenance or repair of the portion of the Blue Water Bridge situated in the United States.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-5.

An Act respecting The General Council of the Canadian Branch of the St. John Ambulance Association.

Read a first time, Wednesday, 26th February, 1964.

Honourable Senator KINLEY.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20400–8

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-5.

An Act respecting The General Council of the Canadian Branch of the St. John Ambulance Association.

Preamble. 1914, c. 145.

WHEREAS The Grand Priory in the British Realm of the Most Venerable Order of the Hospital of St. John of Jerusalem, styled and designated for brevity "The Order of St. John" and hereinafter called "the Order", was originally incorporated by a Royal Charter under the Great Seal of Great Britain bearing date at Westminster the 14th day of May, 1888, which Royal Charter has been superseded by a succession of Royal Charters, the latest of which bears date at Westminster the 15th day of March, 1955, as supplemented by a Supplemental Royal Charter bearing date at Westminster the 14th day of November, 1958;

Whereas on or about 16th day of September, 1946, the Order created an Establishment of the Order in and throughout Canada now called The Priory of Canada of the Most Venerable Order of the Hospital of St. John of Jerusalem, designated for brevity "The Priory of Canada of the Order of St. John", and hereinafter called "the Priory";

Whereas The General Council of the Canadian Branch of the St. John Ambulance Association, hereinafter called "the Corporation", was incorporated on the 12th day of June, 1914, to enable the Canadian Branch of the St. John Ambulance Association to promote and carry out its objects in Canada;

Whereas since on or about the said 16th day of September, 1946, the Priory has performed all the purposes of the Corporation and the Corporation has been used by the Priory solely for the purpose of holding property of the Priory, other than funds required for current expenditure; and

Explanatory Notes.

The principal purpose of the bill is to provide the Corporation with objects and powers appropriate to the only function it has in fact been fulfilling since 1946, namely, that of a bare trustee for the Priory holding title to property beneficially owned by the Priory, as more particularly set out in the recitals in the preamble of the bill, and in connection therewith to define the trusts upon which the Corporation holds such property.

Additional purposes of the bill are to provide a location for the head office of the Corporation, to define its membership consistent with its control and direction by the Priory, and to change its name to one more appropriate to its functions.

The purpose of subsection (2) of the new section 7, which would be enacted by clause 3, is to remove retroactively the existing limitation of fifty thousand dollars on the annual value of the real estate held by the Corporation.

The purpose of clause 4 is to provide that the new Act will come into force on June 24th, 1964, which is St. John's Day, a day of significance to the Order and the Priory.

WHEREAS the Corporation and the Priory have by their joint petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Definitions.

1. In this Act,

(*a*) "Foundations" means institutions or organized bodies constituted by the Priory for the furtherance of the objects of the Order, or any of them, and includes the St. John Ambulance Association and the St. John Ambulance Brigade in Canada;

(*b*) "branches" means subordinate parts of the Priory and its Foundations and includes its Provincial Councils and Special Centres;

(*c*) "Regulations of the Priory" means the regulations of the Priory and its Foundations in force from time to time under the government of the Order in so far as it relates to Canada.

Change of name.

Existing rights saved.

2. The name of the Corporation is hereby changed to St. John Priory of Canada Properties, but such change of name shall not in any way impair, alter or affect the rights or liabilities of the Corporation, or in any way affect any suit or proceeding now pending or judgment existing, either by or in favour of or against the Corporation, which, notwithstanding such change in the name of the Corporation, may be prosecuted, continued, completed and enforced as if this Act had not been passed, and any legal proceeding that might have been commenced or continued by or against the Corporation under its former name may be commenced or continued by or against it under its new name.

3. Section 2 to 7, both inclusive, of chapter 145 of the statutes of 1914 are repealed and the following substituted therefor:

Objects.

"**2.** The objects of the Corporation, subject to the laws in force in Canada, shall be to hold property, both real and personal, corporeal and incorporeal, present and future, beneficially owned by the Priory, upon the trusts set forth in section 3."

Trusts of property.

"**3.** Subject to the provisions of any trust affecting any particular property, all property of every nature and kind held by the Corporation shall be held by it solely upon trust for the Priory or any successor

governing body of the Order in Canada, and subject always to its direction and control, and in the event and at the time that the Priory or any such successor governing body may be dissolved, thereinafter solely in trust for the Order for use in Canada."

Head office.

"**4.** (1) The head office the Corporation shall be in the city of Ottawa in the province of Ontario, or at such other place within Canada as the Corporation may determine by by-law from time to time.

(2) Notice in writing shall be given to the Secretary of State by the Corporation of any change of the head office and a copy of such notice shall be published forthwith in the Canada Gazette."

Members.

"**5.** The members of the Corporation shall initially be the Priory Executive Officers on the 24th day of June, 1964, and thereafter shall be the Priory Executive Officers from time to time, and upon a member ceasing to be a Priory Executive Officer he shall thereupon cease to be a member of the Corporation."

Power to make by-laws.

"**6.** The Corporation may from time to time make by-laws not contrary to law, for

(*a*) the administration, management and control of property held by it and the regulation of the affairs of the Corporation;

(*b*) the appointment, functions and duties of all officers of the Corporation;

(*c*) the calling of regular and special meetings of the Corporation and of the executive and other committees of the Corporation;

(*d*) fixing the quorum for and the procedure to be followed at all meetings referred to in the preceding paragraph; and

(*e*) generally carrying out the objects and purposes of the Corporation."

Power to acquire, hold and dispose of property.

"**7.** (1) Subject to the provisions of section 3 and the terms of any trust relating thereto, the Corporation may purchase, take, have, hold, receive, possess and retain property, real or personal, corporeal or incorporeal, and any or every estate or interest therein whatsoever, given, granted, leased, devised, mortgaged, bequeathed, appropriated, purchased or acquired in any manner or way whatsoever to, by or for the benefit of the Corporation or the Priory or any of its Foundations or branches, and may sell, convey, alienate, mortgage, lease or demise in whole or in part, any such property held by the Corporation.

(2) There shall not be and shall be deemed not to have been at any time in the past any limitation on the annual value of the real estate held by the Corporation."

Borrowing powers.

"**8.** (1) The Corporation may from time to time for the purposes of the Corporation and the Priory

(*a*) borrow money on the credit of the Corporation;

(*b*) limit or increase the amount to be borrowed;

(*c*) make, draw, accept, endorse or become party to promissory notes and bills of exchange, and every such note or bill made, drawn, accepted or endorsed by the party or parties thereto, authorized by the by-laws of the Corporation, shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown, and it shall not be necessary to have the seal of the Corporation affixed to any such note or bill;

(*d*) issue bonds or securities of the Corporation;

(*e*) pledge or sell such bonds or other securities for such sums and at such prices as may be deemed expedient; and

(*f*) mortgage, hypothecate or pledge any property held by the Corporation, real or personal, present or future, to secure the repayment of any money borrowed for the purposes of the Corporation or the Priory.

Limitation.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note or bill payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance.

Investment of funds.

"**9.** The Corporation may from time to time invest or reinvest or lend moneys in or upon any securities, real or personal, in which a Canadian insurance company may invest its funds or upon which it may lend its funds under the authority of the *Canadian and British Insurance Companies Act*, subject to the same limitations and conditions as apply to such a company pursuant to that Act, except that investment in common shares shall not be subject to the limitation set out in subsection (7) of section 63 thereof; and the Corporation shall have all such rights and remedies for the collection, enforcement or repayment of an investment or loan as any individual or corporation would have by law in the premises: Provided that the Corporation

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13.

Proviso.

shall not exercise its powers of investment otherwise than in accordance with such investment powers and restrictions as may be applicable from time to time to the Order generally.

Custody and occupation of property.

"**10.** The Corporation may deliver the custody, use, occupation and enjoyment of property held by it, both real and personal, to the Priory and any of its branches for the purposes of the Priory and its Foundations, including all funds required for current expenditure.

Incidental powers.

"**11.** The Corporation may do all such lawful acts and things as are incidental to or as may be conducive to the attainment of its objects and the purposes of the Priory and its Foundations and branches.

Jurisdiction

"**12.** The Corporation may pursue its objects and exercise its rights and powers in any part of Canada.

Limitation of powers.

"**13.** Nothing in this Act contained shall empower the Corporation to pursue its objects or exercise its rights and powers otherwise than in a manner consistent with the Regulations of the Priory and in accord with its directions from time to time."

Effective date.

4. This Act shall come into force or shall be deemed to have come into force on the 24th day of June, 1964.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-6.

An Act to incorporate Bank of Western Canada.

AS PASSED BY THE SENATE, 28th JULY, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20440

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-6.

An Act to incorporate Bank of Western Canada.

Preamble. WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation. **1.** Albert Clifford Abbott, physician and surgeon, Maurice Joseph Arpin, one of Her Majesty's Counsel, Richard Caffyn Baxter, executive, John William Beech, chartered accountant, Andrew Lorne Campbell, one of Her Majesty's Counsel, Robert Megill Chipman, executive, Hugh Windsor Cooper, executive, John Henry Crowley, executive, Charles Ernest Dojack, executive, Frederic Galt de Sieyes, consultant, Bernard Bronislaw Dubienski, one of Her Majesty's Counsel, Thomas Burns Findlay, councillor, Douglas Cole Groff, executive, Graeme Thomson Haig, solicitor, Alan Grant Howison, investment dealer, William Arthur Johnston, executive, Robert Angus Kipp, executive, William Gordon Konantz, executive, William Mark, pharmacist, William Steward Arnold Martin, solicitor, John Hugh McDonald, executive, James Sylvester McGoey, physician and surgeon, Edward Rex Plewman Nesbitt, executive, Peter Edward Reeve, executive, Allan Kemmel Rogers, executive, Alexander Allyn Rossen, executive, Ronald Barrie Slater, solicitor, Arni Ragnar Swanson, investment dealer, Thorburn Kenneth Thorlakson, surgeon, Donald Albert Tomlin, chartered accountant, James Cobden Trueman, civil engineer, and Alan Harvie Waisman, architect, all of the city of Winnipeg, in the province of Manitoba, Laurent Guillaume Marcoux, solicitor, of the city of St. Boniface, in the province of Manitoba, Rodmond Palen Roblin, executive, of the town of St. Norbert, in the province of Manitoba,

John Leslie Bodie, executive, Paul Dennis Bowlen, executive, Frederick Alexander Campbell, executive, Geoffrey Craig Hamilton, executive, Hu Harries, professor, Gordon Donald Love, executive, Arthur Hoadley Mitchell, executive, Douglas Max Ritchie, executive, Cecil Hingston Ross, executive, Dennis Robert Stewart, executive, John Errol Sydie, executive, and Andrew Mathew Wofford, petroleum engineer, all of the city of Edmonton, in the province of Alberta, Walter Faye Anderson, chartered accountant, John Bishop Ballem, solicitor, Harold Alexander Irving, manufacturer, Frederick Halliday Peacock, executive, Fred Edward King, pharmacist, Stanley Bradshaw Laing, executive, Gerald Wheeler McArthur, executive, and Phyllis Ellen Weston, educationalist, all of the city of Calgary, in the province of Alberta, Arthur Frank Shortell, executive, of the city of Lloydminster, in the province of Alberta, Richard MacGregor Parsons, physician, of the city of Red Deer, in the province of Alberta, William Martin Anderson, executive, John Gustav Bene, executive, Brenton Simpson Brown, executive, Peter Esmond Cromie, executive, Allan Murray Eyre, executive, Bertram Meryl Hoffmeister, executive, Allan Morton McGavin, executive, Gordon Neil Perry, professor, Arthur Phillips, executive, Henry Leslie Purdy, executive, John Sidney Shakespeare, executive, Frank Alexander Sherrin, executive, William Edward Thomson, investment dealer, and Leslie Gok John Wong, professor, all of the city of Vancouver, in the province of British Columbia, Clifford Stuart Collison, retired executive, Harold Barrington Elworthy, executive, and John Courtney Haddock, executive, all of the city of Victoria, in the province of British Columbia, Linden Hilary Achen, executive, Paul Bookhalter, dentist, John Milton Broderick, executive, William James Goodall, solicitor, Albert Edward Perry, radiologist, Frank Benjamin Poutney, investment dealer, and Charles Morley Willoughby, investment dealer, all of the city of Regina, in the province of Saskatchewan, Ralph Morgan Dill, chartered accountant, of the city of Saskatoon, in the province of Saskatchewan, Albert Bruce Douglas, farmer, of the town of McTaggart, in the province of Saskatchewan, James Henry Clyne Harradence, solicitor, of the city of Prince Albert, in the province of Saskatchewan, Elmer Clarence Lang, executive, of the city of Yorkton, in the province of Saskatchewan, Gordon Henderson Russell, executive, of the city of Weyburn, in the province of Saskatchewan, William Randell Allen, executive, John Danvers Bateman, geologist, Maxwell Bruce, one of Her Majesty's Counsel, Peter Alfred Charlebois, physician, Joseph Anthony Nicholas Chiappetta, solicitor, James Elliott Coyne, executive, Louis Darrigo, executive, Frederick Coulter Deacon,

investment dealer, George Henry Dickson, executive, William Stanley Hawkins, executive, Henry Newton Rowell Jackman, executive, Philip Bartlett MacDonald, executive, Robert Murray Stevens, esquire, Sinclair McKnight Stevens, solicitor, and Richard James Hardy Stanbury, one of Her Majesty's Counsel, all of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the corporation by this Act created, are incorporated under the name Bank of Western Canada, hereinafter called "the Bank".

Corporate name.

2. James Elliott Coyne, executive, Sinclair McKnight Stevens, solicitor, and Maxwell Bruce, one of Her Majesty's Counsel, all of the city of Toronto, in the province of Ontario, Edward Rex Plewman Nesbitt, executive, of the city of Winnipeg, in the province of Manitoba, and John Leslie Bodie, executive, of the city of Edmonton, in the province of Alberta, shall be the provisional directors of the Bank.

Capital stock.

3. The capital stock of the Bank shall be ten million dollars.

Head office.

4. The head office of the Bank shall be at the city of Winnipeg, in the province of Manitoba.

Qualifications of directors.

5. (1) All directors of the Bank shall be subjects of Her Majesty ordinarily resident in Canada.

Restrictions on transfers of shares to non-residents.

(2) Neither the directors nor the shareholders of the Bank may make any by-law which shall have the effect of making it unnecessary that transfers of shares of capital stock of the Bank to a non-resident of Canada or to a person acting as nominee, agent, trustee or otherwise on behalf of a non-resident, be made in the books of the Bank.

(3) No transfer of shares to a non-resident or to a person acting as nominee, agent, trustee or otherwise on behalf of a non-resident shall be valid unless and until it has been registered at the head office of the Bank, and no such transfer shall be registered if, after such registration, the aggregate number of shares registered in the names of non-residents and of persons acting as nominees, agents, trustees or otherwise on behalf of non-residents would exceed ten per cent of the total number of shares then issued and outstanding.

(4) The directors or any person thereunto authorized by the directors may refuse to register any transfer of shares which is not accompanied by a statement in writing signed by the transferee stating (*a*) whether he is a resident or non-resident of Canada and (*b*) if he is a resident, whether any arrangement exists under which, in respect of any shares to be registered in his name, he will be acting as nominee, agent, trustee or otherwise on behalf of a non-resident; and the directors or such person may require that any such statement in writing be made by affidavit or statutory declaration.

(5) The directors or any person thereunto authorized by the directors may refuse to register any transfer of shares unless they are or such person is satisfied that registration of such transfer is not prohibited under the provisions of subsection (3) of this section.

(6) To assist them in carrying out the provisions of this section, the directors may at any time request any registered shareholder to provide a sworn statement or other evidence to show whether he is or is not a resident of Canada or whether he is or is not acting as nominee, agent, trustee or otherwise on behalf of any non-resident.

(7) In carrying out the provisions of this section, the directors or any person thereunto authorized by the directors may in good faith act upon any information which they believe or such person believes to be reliable.

Definitions.

(8) In this section,

(*a*) the expression "non-resident" includes any natural person not ordinarily resident in Canada, any firm, association or other aggregation of persons any of whom is not ordinarily resident in Canada, and any corporation other than a corporation which (i) is incorporated under the laws of Canada or of any province or territory thereof, (ii) has its principal place of business in Canada and (iii) is not by any means whatsoever under the control of non-residents of Canada, and

(*b*) the expression "acting as nominee, agent, trustee or otherwise on behalf of a non-resident" includes acting as nominee, agent, trustee or otherwise on behalf of any person who is acting as nominee, agent, trustee or otherwise on behalf of a non-resident.

When section in force. 1953-54, c. 48.

(9) This section shall have effect notwithstanding anything in the *Bank Act*, but shall cease to have effect on and after July 1st, 1965, unless otherwise provided by Parliament.

Amendment to Schedule A of *Bank Act.*

6. Schedule A of the *Bank Act* is amended by adding thereto the following:

Name of Bank	Additional name under which Bank is authorized to carry on business	Authorized Capital Stock	Head Office of the Bank
Bank of Western Canada	Banque de l'Ouest Canadien	$10,000,000	Winnipeg

Powers and liabilities.

7. Except as provided in the *Bank Act* and in this Act, the Bank shall have all the powers, privileges and immunities and be subject to all the liabilities and provisions set forth in the *Bank Act.*

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-7.

An Act to amend the Canada Shipping Act.

AS PASSED BY THE SENATE, 17th JUNE, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20449

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-7.

An Act to amend the Canada Shipping Act.

R.S., c. 29; 1952-53, c. 20; 1956, c. 34; 1957, c. 4; 1960, c. 40; 1960-61 c. 32.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) Paragraph (8) of section 2 of the *Canada Shipping Act* is repealed and the following substituted therefor:

"Cargo ship."

"(8) "cargo ship" means a ship that is not a fishing vessel, a passenger ship or a pleasure yacht;"

(2) Paragraphs (24) and (25) of section 2 of the said Act are repealed and the following substituted therefor:

"Equipment."

"(24) "equipment" includes life boats, life saving equipment, apparatus for the detection and extinguishing of fire, fire-control plans, line-throwing apparatus, anchors, cables, pilot ladders, means of making sound signals and distress signals, compasses, lights, signals, navigating appliances and all other apparatus or equipment designed or required for the safety of the ship or the protection of the passengers and crew, but does not include radio apparatus other than radio apparatus for survival craft;

"Fishing vessel."

(25) "fishing vessel" means a ship that is employed in catching fish, whales, seals, walrus or other living resources of the sea, and that does not carry passengers or cargo;"

(3) Section 2 of the said Act is further amended by adding thereto, immediately after paragraph (59) thereof, the following paragraph:

Explanatory Notes.

Clause 1: (1) to (6) These amendments are consequential on the amendments proposed in subsequent clauses that give effect to the International Convention for the Safety of Life at Sea, 1960.

"Nuclear ship."

"(59*a*) "nuclear ship" means a ship fitted with a nuclear power plant;"

(4) Paragraph (63) of section 2 of the said Act is repealed and the following substituted therefor:

"Passenger ship."

"(63) "passenger ship" means a ship carrying passengers;"

(5) Paragraphs (86) to (92) of section 2 of the said Act are repealed and the following substituted therefor:

"Safety Convention".

"(86) "Safety Convention" means the International Convention for the Safety of Life at Sea, 1960, signed at London on the 12th day of June, 1960;

"Safety Convention ship."

(87) "Safety Convention ship" means a steamship (other than a ship of war, a troop ship or a fishing vessel) registered in a country to which the Safety Convention applies, and that is on an international voyage and

(*a*) is carrying more than twelve passengers;

(*b*) is of three hundred tons gross tonnage or more; or

(*c*) is a nuclear ship;"

(6) Paragraph (102) of section 2 of the said Act is repealed.

1956, c. 34, s. 4.

2. Sections 107 to 113 of the said Act are repealed and the following substituted therefor:

Small vessel licensing.

"**107.** The Governor in Council may, notwithstanding anything in this Part, make regulations

(*a*) providing for the licensing of vessels that are exempted from registry under this Act;

(*b*) providing for the marking of licensed vessels;

(*c*) prescribing forms for licences and the forms for applications for licences;

(*d*) providing for the designation of persons to be issuers of licences;

(*e*) prescribing the fees to be paid for licences;

(*f*) providing for the disposition, notwithstanding the *Financial Administration Act*, of licence fees collected by licence issuers;

(*g*) prescribing the records to be kept and returns to be made by licence issuers; and

(*h*) prescribing a fine not exceeding five hundred dollars or imprisonment for a term not exceed-

Clause 2: The purpose of this amendment is to permit the making of regulations authorizing persons other than Customs officers to issue small vessel licences, providing for the collection and disposition of the fees received for such licences, and providing that the penalty for violating such regulations conforms with other provisions of the Act respecting summary conviction offences.

Sections 107 to 113 at present read as follows:

"**107.** The master, owner or managing owner, or one of the managing owners, if there are more than one, of every vessel not a ship within the meaning of this Part, that is employed in or owned for the purpose of fishing, trading or carrying loads of any kind in any of the waters of Canada, shall, within one month from the date of her being so employed or owned for such purpose by him, or of her being built or acquired for such purpose, take from the collector or other chief officer of the Customs at some port or place in Canada the licence provided for by this Part.

108. The master, owner, managing owner, or one of the managing owners, if there are more than one, of every ship exempted from the provisions of this Part relating to measurement and registration shall also take a licence from the chief officer of Customs at some port or place in Canada.

109. The Governor in Council may make regulations

(*a*) providing for the licensing of vessels *equipped with detachable motors*;
(*b*) providing for the licensing of vessels maintained or operated in Canada by a person who is not qualified to own a British ship;
(*c*) providing for the marking of licensed vessels;
(*d*) prescribing forms for licences;
(*e*) prescribing vessels or classes of vessels to which sections 107 and 108 shall not apply;
(*f*) prescribing the fine, not exceeding *one* hundred dollars, that may be imposed on summary conviction, for failure to license and mark vessels in accordance with the Act or the regulations; and
(*g*) providing for the effective carrying out of the licensing provisions of this Part.

ing six months or both fine and imprisonment to be imposed upon summary conviction as a penalty for violation of a regulation made under this section."

3. Paragraph (*b*) of subsection (1) of section 114 of the said Act is repealed and the following substituted therefor:

"(*b*) ships not exceeding one hundred tons gross tonnage that

(i) are solely employed in fishing, or

(ii) are principally employed in fishing, do not carry passengers and are employed on waters within the area within which a home-trade voyage may be made,"

1956, c. 34, s. 6.

4. (1) Subsection (2) of section 115 of the said Act is amended by striking out the word "and" at the end of paragraph (*a*) thereof, by adding the word "and" at the end of paragraph (*b*) thereof and by adding thereto the following paragraph:

"(*c*) if the steamship is a tug of not more than one hundred and fifty tons gross tonnage and powered by internal combustion engines of not more than fifteen nominal horse power that are fully controlled from the bridge, the Minister may, subject to such conditions as he may prescribe, exempt it from the requirements of this subsection when making voyages in waters not more open than would be encountered in a home-trade voyage Class III or an inland voyage Class II."

(2) Section 115 of the said Act is further amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

Engineers for small ships.

"(2a) Every ship of more than fifteen tons gross tonnage, other than a passenger ship or a pleasure yacht, powered by internal combustion engines of more than eight but not more than ten nominal horse power and of more than six hundred brake horse power as determined by the Board shall, when making any voyage other than a home-trade voyage Class III of not more than ten miles in length, a home-trade voyage Class IV or a minor waters voyage, be provided with the following:

110. It shall be the duty of the chief officer of Customs at every port or place in Canada to furnish such licence, without fee or reward, to every person complying with the provisions of this Part who applies for the same at the custom house or office of such chief officer of Customs in office hours.

111. Upon any such application being made to a chief officer of Customs,
(*a*) the chief officer of Customs shall furnish the applicant gratis with a printed blank for a declaration, in Form B in the Eleventh Schedule,
(*b*) the applicant shall fill up the said Form with true statements, in their proper places, of the length, breadth, depth and approximate tonnage of the ship or vessel, the names of the owners thereof, and, if the property in the ship or vessel is divided into shares, the number of shares held by each owner, and shall subscribe the same and return it to the officer,
(*c*) the officer shall then fill up a licence with the particulars stated in the declaration, adding thereto the name of the port and the number of the licence, which shall be consecutive for each port, and he shall sign such licence and hand the same to the applicant, and
(*d*) the officer shall record the particulars contained in the licence in a book to be kept by him for that purpose."

(**112.** Repealed. 1956, c. 34, s.4.)

"**113.** Every officer of Customs authorized by this Part to license ships and vessels shall make and forward to the Minister returns in such form and containing such particulars as the Minister directs of ships and vessels licensed by him."

Clause 3: The purpose of this amendment is to provide that the exemption given fishing vessels from the requirement to carry certificated masters and mates shall only apply to vessels that are not over one hundred tons gross tonnage.

The relevant portion of section 114 at present reads as follows:

"**114.** (1) Every British ship except
(*b*) *ships* solely employed in fishing, and other ships principally *engaged* in fishing not exceeding *one hundred and fifty* tons gross tonnage, not carrying passengers, and employed on the waters within the area within which a home-trade voyage may be made,"

Clause 4: (1) New. The purpose of this amendment is to provide that tugs of not more than one hundred and fifty tons gross tonnage, powered by internal combustion engines of not more than fifteen nominal horse power fully controlled from the bridge, may be exempted from carrying the additional certificated engineers required by subsection (2) of section 115 when making voyages in waters not more open than home-trade voyages Class III or inland voyages Class II.

(2) New. The purpose of this amendment is to require that there be one certificated engineer carried on ships powered by internal combustion engines of over eight nominal horse power and of over six hundred brake horse power as determined by the Board of Steamship Inspection when making voyages in waters more exposed than home-trade voyages Class III of not more than ten miles in length, home-trade voyages Class IV and minor waters voyages.

(*a*) if the ship is not solely employed in fishing, a third class engineer, duly certificated, and

(*b*) if the ship is solely employed in fishing, a chief engineer of a motor-driven fishing vessel, duly certificated,

and subsection (2) does not apply to the ship when making such voyage."

5. The said Act is further amended by adding thereto, immediately after section 116 thereof, the following sections:

Certificates for masters and mates of fishing vessels.

"**116A.** (1) The Governor in Council may make regulations respecting the certificates of competency and service to be held by masters and mates of fishing vessels, including regulations prescribing,

(*a*) the grades and classes of certificates;

(*b*) the qualifications of applicants for certificates;

(*c*) the examination of applicants for certificates; and

(*d*) the fees to be paid for examinations and the issuance of certificates.

Idem.

(2) Notwithstanding anything in this Part, regulations made pursuant to subsection (1) may provide for the issue of certificates to persons who are not British subjects.

Entitlement to certificates of service for experienced masters and mates.

116B. (1) Every person who is a Canadian citizen and every person who is a landed immigrant within the meaning of the *Immigration Act* is, on application to the Minister, entitled to

(*a*) a certificate of service as a fishing master, or

(*b*) a certificate of service as a fishing mate,

if within the five years preceding the date of his application and before the first day of December, 1965, he has served for one fishing season as fishing master or fishing mate, as the case may be, of a Canadian fishing vessel of over twenty-five tons gross tonnage and is able to provide evidence satisfactory to the Minister as to his experience and ability.

Period of validity.

(2) A certificate issued to a landed immigrant pursuant to subsection (1) shall be valid for such period as the Minister may fix.

"Fishing vessel" defined.

(3) In this section and section 116A, "fishing vessel" includes a vessel used in the transferring to shore of the catch of other vessels."

Clause 5: The new sections 116A and 116B would authorize the Governor in Council to make regulations respecting the types of certificates to be held by masters and mates of fishing vessels and the qualifications and examinations of applicants for such certificates, and would provide for the issue of certificates of service to masters and mates with suitable experience in those capacities.

6. Section 389 of the said Act is repealed and the following substituted therefor:

Regulations giving effect to Safety Convention.

"**389.** Subject to this Act, the Governor in Council may make such regulations as he deems necessary to carry out and give effect to the provisions of the Safety Convention and to the provisions of the Load Line Convention."

7. Subsection (1) of section 391 of the said Act is repealed and the following substituted therefor:

Inspection of Safety Convention passenger and nuclear ships.

"**391.** (1) Every Canadian Safety Convention ship that is a passenger ship and every nuclear ship registered in Canada shall have its hull, machinery and equipment inspected by a steamship inspector in accordance with the regulations before the ship is first put into service and at least once in each year thereafter.

Inspection of Safety Convention cargo ships.

(1a) Every Canadian Safety Convention ship that is a cargo ship of five hundred tons gross tonnage or more, other than a nuclear ship, shall have

(*a*) its equipment inspected by a steamship inspector in accordance with the regulations before the ship is first put into service and at least once every two years thereafter; and

(*b*) its hull and machinery inspected by a steamship inspector in accordance with the regulations before the ship is first put into service and at least once in each year thereafter or, if classification surveys are made, in such longer period as may be prescribed by the regulations.

Inspection of Canadian steamships not Safety Convention ships.

(1b) Subject to sections 480 to 482, every Canadian steamship that is not a Safety Convention ship, shall have its hull, machinery and equipment inspected by a steamship inspector in accordance with the regulations before the ship is first put into service and at least once in each year thereafter or, if classification surveys are made, in such longer period, and subject to such conditions as may be prescribed by the regulations.

Other inspections.

(1c) Notwithstanding subsections (1a) and (1b), where the hull, machinery and equipment of a ship described in those subsections are inspected at intervals less frequent than once a year, the ship shall, in addition, be inspected by a steamship inspector at least once in each year to the extent prescribed in the regulations."

Clause 6: A new International Convention for the Safety of Life at Sea was signed by Canada at London on June 12, 1960. The provisions of that Convention are intended to replace the International Convention for the Safety of Life at Sea, 1948.

The purpose of this amendment is to authorize the Governor in Council to make regulations to give effect to those provisions of the new Convention that are not given effect to by amendments to the Act.

Section 389 at present reads as follows:

"**389.** The Governor in Council may, subject to the provisions of this Act, make such regulations as may appear to be necessary to give effect to the provisions of the Convention known as the International Convention for the Safety of Life at Sea, 1948, which forms Annex A to the Final Act of the International Conference on Safety of Life at Sea, 1948 signed at London on the 10th day of June, 1948 (in this Act referred to as the Safety Convention) and set out in the Fourth Schedule and the Convention known as the International Convention respecting Load Lines together with the Final Protocol signed at London on the 5th day of July, 1930 (in this Act referred to as the Load Line Convention) and set out in the Fifth Schedule. Such regulations shall conform in all respects to the provisions of the said Conventions."

Clause 7: The purpose of this amendment is to bring the Act into compliance with the requirements of the Safety Convention respecting the construction of cargo ships and to extend the application of the section to nuclear ships.

Subsection (1) at present reads as follows:

"**391.** (1) Every steamship registered in Canada that goes from any place in Canada shall, subject to sections 480, 481 and 482, have the hull and equipment, and machinery inspected by a steamship inspector at least once in each year or, if classification surveys are made, such longer period and subject to such conditions as the Governor in Council may prescribe; but where the hull, equipment and machinery of a steamship are inspected at intervals exceeding one year the steamship shall in addition be inspected by a steamship inspector at least once in each year to such extent as the Governor in Council may prescribe."

8. Section 393 of the said Act is repealed and the following substituted therefor:

Issue of certificates to Safety Convention passenger and nuclear ships.

"**393.** (1) Where the Chairman has received a report of inspection described in section 392 and a report of a radio inspector described in section 419 in respect of a Canadian Safety Convention ship that is a passenger ship or a nuclear ship, and he is satisfied that all the relevant provisions of this Act and the regulations have been complied with, he shall issue for that ship an inspection certificate and the Safety Convention certificate that is described in section 395 and is appropriate to the class and intended service of that ship.

Issue of certificates to Safety Convention cargo ships.

(2) Where, after an inspection of a Canadian Safety Convention ship that is a cargo ship of five hundred tons gross tonnage or more, other than a nuclear ship, covering all the particulars set forth in section 392, a steamship inspector is satisfied that all relevant provisions of this Act and the regulations have been complied with, he shall issue for that ship the Safety Convention certificates that are described in section 395 and that are appropriate to the class and intended service of that ship.

Issue of certificates to nuclear ships not Safety Convention ships.

(3) Where the Chairman has received a report of inspection described in section 392 in respect of a Canadian ship that is a nuclear ship not intended to be used on an international voyage, and he is satisfied that all the relevant provisions of this Act and the regulations have been complied with, he shall issue for that ship an inspection certificate appropriate to the class and intended service of that ship.

Register of certificates.

(4) The Chairman shall maintain a register of all Safety Convention certificates issued pursuant to this section and shall cause each such certificate to be marked to show that it has been registered."

9. (1) All that portion of subsection (1) of section 394 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Steamships that are not Safety Convention ships.

"**394.** (1) Where a Canadian steamship is not a ship described in section 393, a steamship inspector shall issue for that ship an inspection certificate appropriate to the class and intended service of that ship if he"

Clause 8: The amendments made to subsections (1) and (2) of this section are necessary for compliance with the requirements of the new Safety Convention. Section 393 at present reads as follows:

"**393.** (1) Where a Canadian steamship, being a Safety Convention ship, is intended to carry more than twelve passengers on an international voyage, and the Chairman, on receipt of the report of inspection provided for in section 392 and of a report of a radio inspector, is satisfied that all relevant provisions of this Act have been complied with, there shall be issued the appropriate Safety Convention Certificate or Certificates, and an inspection certificate, and such certificates shall be issued under and subject to section 395.

(2) Where a Canadian steamship, being a cargo ship of five hundred tons gross tonnage or more, is intended to be employed on an international voyage, and a steamship inspector is satisfied that all relevant provisions of this Act have been complied with, there shall be issued under and subject to sections 394 and 395 the appropriate Safety Equipment Certificate and inspection certificate."

(3) New. The purpose of this amendment is to extend the safety requirements of the Act to nuclear ships.

(4) Formerly s. 395(5).

Clause 9: (1) This amendment is consequential on the amendment made to section 393 by clause 8.

The relevant portion of subsection (1) at present reads as follows:

"**394.** (1) Where a Canadian steamship is one not coming within the provisions of *subsection (1) of* section 393, an appropriate inspection certificate shall be issued after inspection, *as prescribed in section 391*, and such certificate may be issued by any steamship inspector who"

1960-61, c. 32, s. 19.

(2) Subsection (3) of section 394 of the said Act is repealed and the following substituted therefor:

Inspection by exclusive surveyor or other inspector.

"(3) For the purposes of this section and of subsection (2) of section 393, the Chairman may direct that a survey or inspection by

(*a*) an exclusive surveyor to a society or association for the classification and registry of ships, approved by the Minister, or

(*b*) a surveyor or inspector appointed by the government of a country other than Canada,

if made at a place outside Canada may, subject to the regulations, be deemed to have been made by a steamship inspector, and the report of such surveyor or inspector may be delivered to a steamship inspector who is entitled to act upon it and issue the appropriate inspection or Safety Convention certificates."

10. Subsections (2) to (6) of section 395 of the said Act are repealed and the following substituted therefor:

Safety Convention certificates.

"(2) The Safety Convention certificate to be issued pursuant to section 393 is, in the case of a ship

(*a*) that complies with all the provisions of this Part applicable to Safety Convention passenger ships, other than nuclear ships, a Passenger Ship Safety Certificate;

(*b*) that complies with all the provisions of this Part relating to construction that are applicable to Safety Convention cargo ships, other than nuclear ships, a Cargo Ship Safety Construction Certificate;

(*c*) that complies with all the provisions of this Part relating to safety equipment that are applicable to Safety Convention cargo ships, other than nuclear ships, a Cargo Ship Safety Equipment Certificate;

(*d*) that is issued a certificate described in paragraph (*a*), (*b*) or (*c*) and is exempted from any of the provisions of this Part that would otherwise be applicable to it, an Exemption Certificate;

(*e*) that complies with all the provisions of this Part applicable to Safety Convention nuclear passenger ships, a Nuclear Passenger Ship Safety Certificate; and

(*f*) that complies with all the provisions of this Part applicable to Safety Convention nuclear cargo ships, a Nuclear Cargo Ship Safety Certificate."

(2) This amendment is also consequential on the amendment to section 393.

Subsection (3) at present reads as follows:

"(3) For the purposes of this section the Chairman may direct that a survey or inspection by

(*a*) an exclusive surveyor to a society or association for the classification and registry of *shipping*, approved by the Minister, or

(*b*) a surveyor or inspector appointed by the government of a country other than Canada,

if made at a *port or* place outside Canada may, subject to *any* regulations *the Minister may make*, be deemed to have been made by a steamship inspector, and the report of such surveyor or inspector may be delivered to a steamship inspector who is entitled to act upon it and issue the *necessary* inspection *certificate*."

Clause 10: These amendments are necessary to provide for the certificates required by the new Safety Convention.

11. Subsection (1) of section 396 of the said Act is repealed and the following substituted therefor:

Modification of Safety Convention certificates.

"**396.** (1) Where, in the course of a voyage, a Canadian ship for which a Passenger Ship Safety Certificate has been issued has on board a number of persons that is less than the number of persons stated in the Certificate, the Chairman or a person authorized by him may issue a memorandum stating the number of persons carried on that voyage and the modifications that may be made with respect to the life saving appliances carried on the ship on that voyage, and that memorandum shall be annexed to the certificate."

12. (1) Subsections (1) and (2) of section 397 of the said Act are repealed and the following substituted therefor:

Posting of certificates.

"**397.** (1) The owner or master of a ship, in respect of which a certificate has been issued pursuant to section 393 or 394, shall cause that certificate to be posted on the ship in a conspicuous place accessible to all persons on board and to remain so posted for so long as the certificate is in force and the ship is in use.

Duration of certificates other than Exemption Certificate.

(2) A certificate issued pursuant to section 393 or 394, other than an Exemption Certificate, shall be in force for a period not in excess of

(*a*) six years, in the case of a Cargo Ship Safety Construction Certificate,

(*b*) two years, in the case of a Cargo Ship Safety Equipment Certificate,

(*c*) four years, in the case of an inspection certificate issued in respect of a ship to which section 482 applies, and

(*d*) one year, in the case of any other certificate,

or until such earlier date that notice that the certificate is cancelled is given by the Chairman to the owner or master.

Duration of Exemption Certificate.

(2a) No Exemption Certificate shall be in force for a longer period than the certificate to which it relates."

(2) Subsection (4) of section 397 of the said Act is repealed and the following substituted therefor:

Extension of certificates.

"(4) A certificate that has been issued pursuant to section 393 or 394 and that has not been extended under subsection (3) may be extended by the Minister or any person authorized by him for a period of not more than one month beyond the date when it would otherwise expire."

Clause 11: This amendment is consequential on the change in the names of the Safety Convention certificates.

Clause 12: (1) and (2). These amendments are consequential on the change in the names of the Safety Convention certificates.

13. (1) Subsection (2) of section 399 of the said Act is repealed.

(2) All that portion of subsection (3) of section 399 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Effect of certificates.

"(3) Where a valid Passenger Ship Safety Certificate is produced in respect of a Safety Convention ship that is not a Canadian ship and there is annexed to that certificate a memorandum that"

14. (1) All that portion of subsection (1) of section 400 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Application of Part to non-Canadian Safety Convention ships.

"**400.** (1) Where a valid Passenger Ship Safety Certificate is produced in respect of a Safety Convention ship that is not a Canadian ship"

(2) Subsections (2) and (3) of section 400 of the said Act are repealed and the following substituted therefor:

Dispensing with inspection of certain passenger ships.

"(2) Where

(*a*) a valid Passenger Ship Safety Certificate is produced in respect of a Safety Convention ship that is not a Canadian ship, together with an inspection certificate issued by or under the authority of the government of the country to which the ship belongs showing the number of passengers the ship is fit to carry; and

(*b*) the Minister is satisfied that the number of passengers the inspection certificate shows the ship may carry with safety has been determined substantially in the same manner as is prescribed in this Act or the regulations with respect to a Canadian Safety Convention ship,

the Minister may dispense with the inspection mentioned in paragraph (*b*) of subsection (1) in respect of that ship.

Dispensing with inspection of certain cargo ships.

(3) Where a valid Cargo Ship Safety Equipment Certificate, a valid Cargo Ship Safety Construction Certificate and, if one has been issued, a valid Exemption Certificate relating to either of those certificates is produced in respect of a Safety Convention cargo ship of five hundred tons gross tonnage or more

Clause 13: (1) The purpose of this amendment is to repeal subsection (2) of section 399, the provisions of which are now provided for in the proposed amendment set out in clause 6.

Subsection (2) at present reads as follows:

"(2) With a view to determining the validity in Canada of certificates purporting to have been issued in accordance with the Safety Convention in respect of Safety Convention ships that are not Canadian ships, the Governor in Council may make such regulations as appear to him to be necessary for the purpose of giving effect to the provisions of regulation 19 of Chapter I of the Safety Convention, and for the purpose of the provisions hereafter contained in this Part relating to Safety Convention ships that are not Canadian ships, the expression "a valid Safety Convention Certificate" means a certificate or certificates complying with such of those regulations as are applicable in the circumstances."

(2) This amendment is consequential on the change in the names of the Safety Convention certificates.

Clause 14: (1) and (2) These amendments are consequential on the change in the names of the Safety Convention certificates.

that is not a Canadian ship, the ship is not subject to inspection under subsection (1) of section 391 except in so far as may be necessary to determine that the condition of the ship and of its equipment correspond substantially with the particulars set out in the certificates."

15. All that portion of subsection (1) of section 401 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Miscellaneous privileges of passenger ships holding Safety Convention certificates.

"**401.** (1) Where a valid Passenger Ship Safety Certificate is produced in respect of a Safety Convention ship that is not a Canadian ship"

16. Section 402 of the said Act is repealed and the following substituted therefor:

No clearance to be granted until Safety Convention certificates produced.

"**402.** A clearance shall not be granted for any Safety Convention ship until there has been produced to the officer of Customs from whom clearance is requested

(*a*) if the ship is a passenger ship other than a nuclear ship, a valid Passenger Ship Safety Certificate and, if one has been issued, a valid Exemption Certificate;

(*b*) if the ship is a nuclear passenger ship, a valid Nuclear Passenger Ship Safety Certificate;

(*c*) if the ship is a nuclear cargo ship and there has not been produced a certificate mentioned in paragraph (*b*), a valid Nuclear Cargo Ship Safety Certificate; and

(*d*) if the ship is a cargo ship other than a nuclear ship and there has not been produced a certificate mentioned in paragraph (*a*), a valid Cargo Ship Safety Construction Certificate, a valid Cargo Ship Safety Equipment Certificate and

(i) if the gross tonnage is sixteen hundred tons or more, a valid Cargo Ship Safety Radiotelegraphy Certificate, or

(ii) if the gross tonnage is less than sixteen hundred tons, a valid Cargo Ship Safety Radiotelegraphy Certificate or a valid Cargo Ship Safety Radiotelephony Certificate

and any valid Exemption Certificate, that has been issued in respect of the ship."

Clause 15: This amendment is consequential on the change in the names of the Safety Convention certificates.

Clause 16: The purpose of this amendment is to extend the application of the section to Canadian Safety Convention ships and to provide for the clearance of ships certificated as passenger ships when not employed as passenger ships.

17. All that portion of subsection (1) of section 403 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

International voyages from Canada by ships to which the Convention does not apply.

"**403.** (1) A ship registered in a country that is not a party to the Safety Convention and that is carrying more than twelve passengers, is of three hundred tons gross tonnage or more, or is a nuclear ship shall not go on an international voyage from any place in Canada unless it complies with all the provisions of this Part and the regulations applicable to Canadian Safety Convention ships, but the Minister may authorize the clearance of any such ship if he is satisfied that"

18. (1) Subsections (1) to (3) of section 411 of the said Act are repealed and the following substituted therefor:

Radio installations on certain Convention ships.

"**411.** (1) Every Canadian Safety Convention Ship that is a passenger ship, a cargo ship of sixteen hundred tons gross tonnage or more, or a nuclear ship shall, unless exempted by this Part or the regulations,

(*a*) be fitted with a radiotelegraph station that complies with the requirements of this Act and the regulations; and

(*b*) carry operators with such qualifications as are prescribed by the regulations.

Idem.

(1a) Every ship exempted from the requirements of subsection (1) shall be fitted with a radiotelephone station that complies with the provisions of this Part and the regulations.

Radio installations on certain cargo ships.

(2) Every Canadian Safety Convention Ship that is a cargo ship of less than sixteen hundred tons gross tonnage, other than a nuclear ship, shall, unless exempted by this Part or the regulations,

(*a*) be fitted with a radiotelephone or radiotelegraph station that complies with the provisions of this Part and the regulations; and

(*b*) carry operators with such qualifications as are prescribed by the regulations.

Watches to be kept by operators.

(3) The operators mentioned in subsections (1) and (2) shall keep such watches as the regulations prescribe and radiotelegraph operators while keeping such watches shall not engage in duties that in any way interfere with the keeping of those watches."

1960-61, c. 32, s. 21.

(2) Subsection (7) of section 411 of the said Act is repealed and the following substituted therefor:

Clause 17: This amendment is consequential on the change in the names of the Safety Convention certificates. The amendment also extends the requirements of the Convention to nuclear ships and to cargo ships of three hundred tons gross tonnage or more.

Clause 18: (1) and (2) The purpose of these amendments is to make requirements of the Safety Convention respecting radio applicable to cargo ships of three hundred tons gross tonnage or more and to nuclear ships.

Subsections (1) to (3) and subsection (7) at present read as follows:

"**411.** (1) All Canadian passenger ships *carrying more than twelve passengers*, and other Canadian ships of sixteen hundred tons gross tonnage or more, plying on international voyages shall, unless exempted *under the provisions of this Act* or of the regulations *made thereunder*, be fitted with a *radio installation* complying with the provisions of the Safety Convention applicable to ships fitted with a radiotelegraph installation, and shall carry such operators with such qualifictions who shall keep such watches *as the Minister may prescribe*, and while keeping such watches operators shall not engage in any other duties which in any way interfere with the keeping of watches.

(2) Canadian cargo ships *of five hundred tons gross tonnage or more*, but less than sixteen hundred tons gross tonnage, plying on international voyages shall, unless exempted *under this Act* or the regulations *made thereunder*, be fitted with a *radio installation* complying with the provisions of the Safety Convention and shall carry such operators with such qualifications as are prescribed by the *Minister*.

(3) The Governor in Council may exempt from the obligations imposed by subsection (1) any ship or class of ships if he is of the opinion that, having regard to the nature of the voyage in which the ship is engaged or other circumstances of the case, the provision of a radio installation or the operation thereof is unnecessary or unreasonable.

"(7) Subsection (6) also applies to all other steamships of five thousand tons gross tonnage or upwards going on any voyage outside a port."

Idem.

"(7) Subsection (6) also applies to all nuclear ships and to all other steamships of five thousand tons gross tonnage or more going on a voyage outside a port."

19. Subsection (1) of section 412 of the said Act is repealed and the following substituted therefor:

Prohibition against proceeding to sea without radio certificate.

"**412.** (1) No Canadian Safety Convention ship that is a cargo ship, other than a nuclear ship, shall proceed on an international voyage unless there is in force in respect of that ship

(*a*) a Cargo Ship Safety Radiotelegraphy Certificate or a Cargo Ship Safety Radiotelephony Certificate; and

(*b*) if the ship has been exempted from any of the provisions of this Act or the regulations relating to radio, an Exemption Certificate that by the terms thereof is applicable to the voyage on which the ship is about to proceed."

20. (1) Subsection (1) of section 419 of the said Act is repealed and the following substituted therefor:

Annual inspection to include radio inspection.

"**419.** (1) The annual inspection required by section 391 of a passenger or nuclear ship in respect of which a Safety Convention Certificate is issued shall include an inspection by a radio inspector."

(2) Paragraph (*b*) of subsection (2) of section 419 of the said Act is repealed and the following substituted therefor:

"(*b*) that, having regard to the number of persons carried or certified to be carried, the tonnage of the ship and the voyages on which she is declared to be fit to ply, the ship complies with the provisions of this Act and the regulations relating to radio; and"

21. Section 420 of the said Act is repealed and the following substituted therefor:

Inspection of certain Convention cargo ships by radio inspectors.

"**420.** The owner of every Canadian Safety Convention ship that is a cargo ship, other than a nuclear ship or a ship exempted by this Act from the requirement of being fitted with radio, shall, before the ship first proceeds on an international voyage and at least once in each year thereafter, cause the ship to be inspected by a radio inspector."

Clause 19: The amendment to this section is consequential on the proposed amendment set out in clause 17 making the requirements of the Safety Convention respecting radio applicable to cargo ships of three hundred tons gross tonnage or more.

Subsection (1) at present reads as follows:

"**412.** (1) No ship *of five hundred tons gross tonnage or more, not being a passenger ship*, shall proceed to sea on an international voyage *from a place in Canada* unless there is in force in respect of the ship

(*a*) a Safety Radiotelegraphy Certificate, or

(*b*) a Safety Radiotelephony Certificate,

and if a certificate referred to in paragraph (*a*) *or* (*b*) *is qualified*, an Exemption Certificate that by the terms thereof is applicable to the voyage on which the ship is about to proceed."

Clause 20: (1) The purpose of this amendment is to require, in conformity with the Safety Convention, that nuclear ships in respect of which a Safety Convention certificate is issued are inspected yearly by a radio inspector.

(2) The purpose of the amendment to paragraph (*b*) is to require, in conformity with the new Safety Convention, that a ship and not only its radio installations are in compliance with the provisions of this Act and the regulations respecting radio.

Clause 21: The purpose of this amendment is to require all Canadian Safety Convention cargo ships of three hundred tons gross tonnage or more to be inspected by a radio inspector annually.

Section 420 at present reads as follows:

"**420.** The owner of every Canadian ship *of five hundred tons gross tonnage or more, not being a passenger steamship* or a ship exempted in pursuance of this Act from the *obligations* of being fitted with a radio *installation* shall, before the ship first proceeds to sea on an international voyage *from a port in Canada after the coming into force of this section* and once in each year thereafter, cause the ship to be inspected by a radio inspector."

22. Subsection (1) of section 421 of the said Act is repealed and the following substituted therefor:

Issue of Cargo Ship Radiotelegraphy and Radiotelephony Certificate.

"**421.** (1) Where a radio inspector has inspected a Canadian Safety Convention ship that is a cargo ship, other than a nuclear ship, and he is satisfied that it complies with the provisions of this Act and the regulations relating to radio, he shall issue in respect of the ship a Cargo Ship Safety Radiotelegraphy Certificate or a Cargo Ship Safety Radiotelephony Certificate."

23. All that portion of section 422 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Radio certificates required by certain Convention ships that are not Canadian ships.

"**422.** (1) Where a valid Passenger Ship Safety Certificate, Nuclear Passenger Ship Safety Certificate, Nuclear Cargo Ship Safety Certificate, Cargo Ship Safety Radiotelegraphy Certificate or a Cargo Ship Safety Radiotelephony Certificate is produced in respect of a Safety Convention ship that is not a Canadian ship"

24. Subsections (1) and (2) of section 423 of the said Act are repealed and the following substituted therefor:

Duration of Cargo Ship Radiotelegraphy and Radiotelephony Certificate.

"**423.** (1) A Cargo Ship Safety Radiotelegraphy Certificate or a Cargo Ship Safety Radiotelephony Certificate shall not be in force for more than one year from the date of its issue nor after notice is given by the Minister, or a person authorized by him, to the owner, agent or master of the ship in respect of which it has been issued that he has cancelled it; and no Exemption Certificate shall be in force for a longer period than the certificate to which it relates.

Issue of new certificate.

(1a) Notwithstanding subsection (1), where the inspection of a Canadian Safety Convention ship that is a cargo ship of three hundred tons gross tonnage or more but less than five hundred tons gross tonnage, and in respect of which a certificate described in subsection (1) has been issued, takes place within two months of the end of the period for which the certificate was issued, a new certificate may be issued for a period ending one year from the expiry date of the former certificate if the ship meets the requirements of this Act and the regulations.

Clause 22: This amendment is consequential on the change in the names of the Safety Convention certificates.

Clause 23: This amendment is consequential on the change in the names of the Safety Convention certificates.

Clause 24: The amendments to subsections (1) and (2) of this section are consequential on the change in the names of the Safety Convention certificates.

Subsection (1a) is new and provides that a new certificate when issued to certain Canadian Safety Convention cargo ships may be valid for a period of up to fourteen months.

Posting of certificates.

(2) The owner or master of a ship in respect of which a certificate described in subsection (1) has been issued shall cause that certificate to be posted on the ship in a conspicuous place accessible to all persons on board and to remain so posted for so long as the certificate is in force and the ship is in use."

25. Subsection (1) of section 454 of the said Act is repealed and the following substituted therefor:

Information to be sent as to dangers to navigation.

"**454.** (1) The master of any Canadian ship on meeting with dangerous ice, a dangerous derelict or other direct dangers to navigation, a tropical storm, winds of a force of ten or more on the Beaufort scale for which no storm warning has been received or sub-freezing air temperatures associated with gale force winds and causing severe ice accretion on the superstructure of his ship shall, in the manner prescribed by the regulations, send information thereof to all ships in the vicinity and to such authorities on shore as may be prescribed by the regulations."

26. Subsection (2) of section 461 of the said Act is repealed.

27. Section 484 of the said Act is repealed and the following substituted therefor:

Production of certificates.

"**484.** A collector or other chief officer of Customs shall demand of the owner or master of every ship entered, cleared or otherwise officially dealt with by him, the production of every certificate required under the provisions of this Part to be held in respect of the ship, and where any certificate is not produced he shall detain the ship until the certificate is produced and until any fine imposed on the ship, her master or owner under this Part or the regulations is paid."

1956, c. 34, s. 25

28. (1) Paragraph (*a*) of subsection (2) of section 495A of the said Act is repealed and the following substituted therefor:

"(*a*) to carry out and give effect to the provisions of the Convention and the amendments thereto set forth in the Annex to the Final Act of the Conference of the Contracting Governments to the said Convention signed at London on the 11th day of April, 1962;"

Clause 25: The purpose of this amendment is to require the master of a Canadian ship to report gale force winds for which no storm warning has been received and icing conditions incurred at sea. These amendments are required as a result of changes made in the new Safety Convention.

Clause 26: The purpose of this amendment is to repeal subsection (2) of section 461, the provisions of which are included in the amendment to section 389 set out in clause 6.

Subsection (2) at present reads as follows:

"(2) Such regulations as may be made under subsection (1) with respect to steamships plying on international voyages shall be such as appear to the Governor in Council to be necessary for the purpose of giving effect to the provisions of Regulation 3 of Chapter VI of the Safety Convention."

Clause 27: This amendment is consequential on the change in the names of the Safety Convention certificates.

Section 484 at present reads as follows:

"**484.** A collector or other chief officer of Customs shall demand of the owner or master of every ship entered, cleared or otherwise officially dealt with by him the production of any certificate of inspection, Safety Certificate, Safety Equip- Certificate, Safety Radiotelegraphy or Safety Radiotelephony Certificate or the required Exemption Certificate in the case of any ship that is exempted from full compliance with any of the requirements of the Safety Convention, Load Line Certificate, certificate respecting the stowage of a deck cargo of timber, or any other certificate required to be held by the ship under the provisions of this Part, and if such certificate is not produced he shall detain such ship until the certificate is produced and until any fine imposed on such ship, or her master or owner, under the provisions of this Part before she is in other respects entitled to clearance, has been paid."

Clause 28: (1) The purpose of this amendment is to authorize the amendment of the *Oil Pollution Prevention Regulations* in conformity with certain amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, adopted on April 11, 1962 by a conference of governments of countries party to the Convention.

1956, c. 34, s. 25.

(2) Paragraph (*c*) of subsection (2) of section 495A of the said Act is repealed and the following substituted therefor:

"(*c*) prescribing a fine not exceeding five thousand dollars or imprisonment not exceeding six months or both fine and imprisonment to be imposed upon summary conviction as a penalty for violation of a regulation made under this section."

29. Sections 608 to 610 of the said Act are repealed and the following substituted therefor:

Regulations re imposition and collection of harbour dues.

"**608.** The Governor in Council may make regulations respecting the imposition and collection of fees to be paid upon vessels using public harbours and upon goods landed from or shipped on board such vessels or transhipped by water within such harbours."

30. Section 645 of the said Act is amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

Restriction of navigation.

"(4a) Without limiting the generality of subsection (4), any order or regulation made by the Governor in Council under that subsection may provide for the prohibiting or limiting of navigation on any part of the waters of Canada, in the interests of public safety or of promoting or ensuring the effective regulation of such waters in the public interest or for the protection or convenience of the public, of vessels not exceeding fifteen tons gross tonnage."

31. (1) Section 658 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Priorities in distribution of limitation fund.

"(1a) A judge of the Court in making a distribution under subsection (1) where there are claims in respect of loss of life or personal injury, and of loss of or damage to property or the infringement of any right, shall distribute rateably among the several claimants the amount at which the liability has been determined, as follows:

(*a*) twenty-one thirty-firsts of the amount shall be applied in payment of claims in respect of loss of life and personal injury; and

(2) The purpose of this amendment is to increase to five thousand dollars the maximum penalty provided for a violation of the *Oil Pollution Prevention Regulations*.

Paragraph (*c*) at present reads as follows:

"(*c*) prescribing a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both fine and imprisonment to be imposed upon summary conviction as a penalty for violation of a regulation made under this section."

Clause 29: The purpose of this amendment is to provide that at harbours operated under Part X of the Act, the frequency of payment of harbour dues, the fees for mooring and anchoring, and exemptions may be fixed by regulation.

Clause 30: New. The purpose of this amendment is to permit the Governor in Council to make regulations respecting the use of small vessels in specified waters for the protection and convenience of the public.

Subsection (4) at present reads as follows:

"(4) The Governor in Council may by order or regulation provide

(*a*) for the government and regulation of any part or parts of the inland, minor or other waters of Canada,

(*b*) for the licensing of operators of vessels on such waters, and

(*c*) for the enforcement of any such order or regulation."

Clause 31: (1) New. The purpose of this amendment is to clarify in accordance with the International Convention relating to the Limitation of Liability of Owners of Seagoing Ships, 1957, the priority of claims when liability is limited by the Convention.

(*b*) ten thirty-firsts of the amount shall be applied in payment of claims in respect of loss of or damage to property or infringement of any right, and to the satisfaction of the balance of any claims in respect of loss of life and personal injury remaining unpaid after distribution of the amount applied pursuant to paragraph (*a*)."

1960-61, c. 32, s. 33.

(2) Section 658 of the said Act is further amended by adding thereto the following subsections:

Court may postpone distribution.

"(3) In making a distribution under this section of the amount determined to be the liability of the owner of a ship the Court may, having regard to any claim that may subsequently be established before a court outside of Canada in respect of that liability, postpone the distribution of such part of the amount as it deems appropriate.

Lien and other rights.

(4) No lien or other right in respect of any ship or property shall affect the proportions in which any amount is distributed by the Court under this section amongst the several claimants."

1960-61, c. 32, s. 34.

32. (1) Paragraph (*c*) of section 659 of the said Act is repealed and the following substituted therefor:

"(*c*) the manager or operator of a ship and any agent of a ship made liable by law for damage caused by the ship"

1960-61, c. 32, s. 34.

(2) Section 659 of the said Act is further amended by adding thereto the following subsection:

Limit of total liability.

"(2) The limits set by section 657 to the liabilities of all persons whose liability is limited by section 657 and subsection (1) of this section arising out of a distinct occasion on which any of the events mentioned in paragraphs (*a*) to (*d*) of subsection (2) of section 657 occurred apply to the aggregate of such liabilities incurred on that occasion."

1960-61, c. 32, s. 36.

33. Section 661 of the said Act is repealed and the following substituted therefor:

"**661.** (1) For the purposes of sections 657 and 660

Tonnage of small vessel.

(*a*) the tonnage of any ship that is less than three hundred tons shall be deemed to be three hundred tons; and

(2) New. This amendment would permit the Court in any action for limitation to defer the distribution of part of the limitation fund until actions outside Canada are resolved and would provide that liens and other rights *in rem* shall not affect the proportions in which the fund is distributed.

Clause 32: (1) The purpose of this amendment is to extend to ships' agents the privilege of limitation in cases where agents are by statute placed in the same position as owners in connection with damage caused by ships.

(2) New. The purpose of this amendment is to ensure that the aggregate liability of persons liable jointly and severally in respect of losses or damages arising on one distinct occasion shall not exceed the liability of any one of them.

Clause 33: The purpose of this amendment is to provide that the equivalent in Canadian funds of the gold franc may be established, from time to time, by Order in Council.

Order respecting gold francs.

(*b*) the Governor in Council may by order from time to time specify the amounts which shall be deemed to be equivalent to 3,100 gold francs and 1,000 gold francs, respectively.

Effect of subsequent order.

(2) Where money has been paid into court in respect of any liability to which a limit is set by section 657 or 660, the ascertainment of that limit shall not be affected by a subsequent variation of the amounts specified under paragraph (*b*) of subsection (1) unless the amount so paid in was less than the limit as ascertained in accordance with the order that was in force under paragraph (*b*) of subsection (1) at the time such money was paid in."

34. The said Act is further amended by adding thereto, immediately after section 663 thereof, the following sections:

Court may order ship's release.

"**663A.** (1) Where a ship or other property is arrested in connection with a claim that appears to the Court to be founded on a liability to which a limit is set by section 657, or security is given to prevent such arrest or to obtain release therefrom, the Court may order the release of the ship, property or security if

(*a*) security that, in the opinion of the Court, is satisfactory (in this section referred to as a "guarantee") has previously been given in Canada or elsewhere in respect of such liability or any other liability incurred on the occasion giving rise to such claim, and the Court is satisfied that if the claim is established the amount for which the guarantee was given or such part thereof as corresponds to the claim will be actually available to the claimant; and

(*b*) the guarantee is for an amount not less than the limit set by section 657 or in the event that the guarantee is less than such limit additional security is given which together with the guarantee is for an amount not less than such limit.

Order of release mandatory.

(2) The Court shall order the release of the ship, property or security in the circumstances mentioned in subsection (1) where the guarantee referred to in that subsection was given in a port of a country that is declared, pursuant to subsection (3), to be a Convention country, and the port

Clause 34: New. The purposes of this amendment are

(*a*) to permit the release of an arrested ship or property or of security where satisfactory security has previously been given and is available to satisfy the claim in respect of which the arrest has been made or the security demanded;

(*b*) to require such release where the previous security was given in a country in respect of which the International Convention relating to the Limitation of Liability of Owners of Sea-going Ships is in force;

(*c*) to provide that the person applying for the release of the arrested ship or property or of the security shall be deemed to have submitted to the jurisdiction of the Court to adjudicate on the claim; and

(*d*) to provide that where such security has been given and is available to the claimant no judgment or decree for his claim may be enforced.

(*a*) is the port where the event giving rise to the claim in respect of which the ship or property was arrested or the security was given, as the case may be, occurred or if the event did not occur in a port, the first port of call after such event occurred; or

(*b*) where the claim is for loss of life, personal injury or damage to cargo, is the port of disembarkation or discharge.

Order declaring a Convention country.

(3) The Governor in Council may by order declare any country in respect of which the International Convention relating to the Limitation of the Liability of Owners of Sea-going Ships signed at Brussels on the tenth day of October, 1957, is in force, to be a Convention country.

Submission to Court's jurisdiction.

(4) Where the release of a ship or other property or security is ordered by the Court pursuant to subsection (1) or (2), the person on whose application such order is made shall be deemed to have submitted to the jurisdiction of the Court to adjudicate on the claim in respect of which the ship or property was arrested or the security was given, as the case may be.

(5) For the purposes of this section

Where guarantee given.

(*a*) a guarantee that consists of security given in more than one country shall be deemed to have been given in the country in which any such security was last given;

Question concerning security.

(*b*) any question as to whether the amount of any security is by itself or together with any other amount not less than the limit set by section 657 shall be determined as of the time at which such security is given; and

Only part of guarantee available.

(*c*) where only part of the amount for which a guarantee is given in respect of a liability is available to a claimant, that part shall not be taken to correspond to his claim if any other part of the amount may be available to any other claimant in respect of a liability to which no limit is set by section 657.

Judgment or decree not to be enforced.

663B. (1) No judgment or decree for a claim founded on a liability to which a limit is set by section 657 shall be enforced by the Court, except so far as it is for costs, if security for an amount not less than such limit has been given in Canada or elsewhere in respect of that liability or any other liability arising on the same occasion and the Court is of the opinion that the security is satisfactory and is satisfied that the amount for which it was given or such part thereof as

corresponds to the claim will be actually available to the person in whose favour the judgment or decree was given or made.

(2) For the purposes of this section

Question concerning security.

(*a*) any question as to whether the amount of any security is not less than the limit set by section 657 shall be determined as of the time at which such security is given; and

Only part of security available.

(*b*) where only part of the amount for which security has been given is available to the person in whose favour the judgment or decree was given or made, that part shall not be taken to correspond to his claim if any other part of the amount may be available to any other claimant in respect of a liability to which no limit is set by section 657."

35. Section 671 of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

Canadian ships only may engage in coasting trade on the Great Lakes and River St. Lawrence.

"(2a) Notwithstanding subsections (1) and (2),

(*a*) no goods shall be transported by water or by land and water, and

(*b*) no passengers shall be transported by water either directly or by way of a foreign port in any ship other than a Canadian ship from one place in Canada to another place in Canada both of which places are situated within the area comprising the Great Lakes, their connecting and tributary waters and the River St. Lawrence and its tributary waters as far seaward as a straight line drawn

(*c*) from Cap des Rosiers to West Point Anticosti Island, and

(*d*) from Anticosti Island to the north shore of the River St. Lawrence along the meridian of longitude sixty-three degrees west."

36. Schedule IV to the said Act is repealed.

37. (1) Section 1, sections 6 to 27 and section 36 of this Act shall come into force with respect to Canadian ships, and with respect to ships registered in any other country on a day or days to be fixed by proclamation of the Governor in Council.

(2) Section 3 and section 35 of this Act shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

Clause 35: New. The purpose of this amendment is to provide that only Canadian ships may engage in the coasting trade of Canada between ports on the Great Lakes and the River St. Lawrence as far seaward as the present limits of the inland waters of Canada.

Subsections (1) and (2) of section 671 read as follows:

"**671.** (1) No goods shall be transported by water or by land and water, from one place in Canada to another place in Canada, either directly or by way of a foreign port, or for any part of the transportation in any ship other than a *British* ship.

(2) No ship other than a *British* ship shall transport passengers from one place in Canada to another place in Canada either directly or by way of a foreign port."

Clause 36: Schedule IV contains the International Convention for the Safety of Life at Sea, 1948, which is to be replaced by the Convention signed in 1960.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-8.

An Act respecting The General Accident Assurance Company of Canada.

Read a first time, Wednesday, 4th March, 1964.

Honourable Senator LEONARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20420-6

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-8.

An Act respecting The General Accident Assurance Company of Canada.

Preamble. 1906, c. 98.

WHEREAS The General Accident Assurance Company of Canada, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name in French.

1. The Company may use, in the transaction of its business, either the name The General Accident Assurance Company of Canada or the name La Compagnie d'Assurance Générale Accident du Canada, or both of such names, as and when it so elects. It may sue or be sued in either or both of such names, and any transaction, contract or obligation heretofore or hereafter entered into or incurred by the Company in either or both of the said names shall be valid and binding on the Company.

Existing rights saved.

2. Nothing contained in section 1 of this Act shall in any way impair, alter or affect the rights or liabilities of the Company, except as therein expressly provided, or in any way affect any suit or proceeding now pending or judgment existing, either by or in favour of or against the Company, which, notwithstanding the provisions of section 1 of this Act, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Explanatory Note.

The sole purpose of this bill is to add a French version to the name of The General Accident Assurance Company of Canada.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-9.

An Act respecting Scottish Canadian Assurance Corporation.

Read a first time, Wednesday, 4th March, 1964.

Honourable Senator LEONARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20412-3

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-9.

An Act respecting Scottish Canadian Assurance Corporation.

Preamble. 1920, c. 95.

WHEREAS Scottish Canadian Assurance Corporation, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name in French.

1. The Company may use, in the transaction of its business, either the name Scottish Canadian Assurance Corporation or the name La Compagnie d'Assurance Canadienne Ecossaise, or both of such names, as and when it so elects. It may sue or be sued in either or both of such names, and any transaction, contract or obligation heretofore or hereafter entered into or incurred by the Company in either or both of the said names shall be valid and binding on the Company.

Existing rights saved.

2. Nothing contained in section 1 of this Act shall in any way impair, alter or affect the rights or liabilities of the Company, except as therein expressly provided, or in any way affect any suit or proceeding now pending or judgment existing, either by or in favour of or against the Company, which, notwithstanding the provisions of section 1 of this Act, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Explanatory Note.

The sole purpose of this bill is to add a French version to the name of Scottish Canadian Assurance Corporation.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-10.

An Act to provide for the
Establishment of Harbour Commissions.

AS PASSED BY THE SENATE, 7th MAY, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20469

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-10.

An Act to provide for the Establishment of Harbour Commissions.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

Short title.

1. This Act may be cited as the *Harbour Commissions Act.*

INTERPRETATION.

Definitions.

2. In this Act

"Commission."

(*a*) "Commission" means a harbour Commission established pursuant to this Act;

"Harbour."

(*b*) "harbour" in relation to a Commission means the harbour for which that Commission is established;

"Member."

(*c*) "member" means a member of a Commission;

"Minister."

(*d*) "Minister" means the Minister of Transport; and

"Vessel."

(*e*) "vessel" includes any ship, boat, barge, raft, dredge, floating elevator, scow, seaplane or other floating craft.

ESTABLISHMENT OF HARBOUR COMMISSIONS.

Establishment of Commissions.

3. (1) The Governor in Council may by proclamation establish a harbour Commission for any harbour in Canada that is not named in the *National Harbours Board Act,* or for any harbour for which a harbour Commission has not otherwise been established by Parliament.

Commissions to be bodies corporate.

(2) Every Commission established pursuant to this Act is a body corporate.

Contents of proclamation establishing Commission.

4. (1) The proclamation establishing a harbour Commission shall

(*a*) define the limits of the harbour for which the Commission is established;

(*b*) state the corporate name of the Commission; and

(*c*) fix the number of members of the Commission which shall be not less than three and not more than five.

Alteration of harbour limits, etc.

(2) The Governor in Council may, by proclamation, alter from time to time the limits of a harbour for which a Commission has been established pursuant to this Act, change the name of a Commission and increase or decrease the number of members thereof, but not so as to decrease the number below three or increase it above five.

Members and Staff.

Appointment of members of Commission.

5. (1) Subject to this section, a majority of the members of a Commission shall be appointed by the Governor in Council and the remainder shall be appointed as follows:

(*a*) where one municipality only adjoins the harbour for which the Commission is established, by the council of that municipality;

(*b*) where two municipalities only adjoin the harbour for which the Commission is established and the remainder consists of two members, one member by the council of each municipality; or

(*c*) where the number of municipalities adjoining the harbour for which the Commission is established exceeds the number of members in the remainder, by agreement among the councils of all of the adjoining municipalities.

Exceptional cases.

(2) Where the Governor in Council determines that a municipality adjoining the harbour for which a Commission is established does not provide normal municipal services, the member or members of the Commission to be appointed as provided in subsection (1) by or by agreement with the council of that municipality shall instead be appointed by or by agreement with such of the following bodies as the Governor in Council may designate:

(*a*) the council of that municipality;

(*b*) any organization or group of organizations representative of local interests in the vicinity of the harbour for which the Commission is established; or

(*c*) the Lieutenant Governor in Council of the province in which the harbour is located.

Idem.

(3) Where there is no municipality adjoining the harbour for which a Commission is established, the remainder of the members of the Commission shall be appointed by such of the bodies described in paragraph (*b*) or (*c*) of subsection (2) as the Governor in Council may designate.

Time limit for appointment.

(4) Where a member of a Commission to be appointed in the manner prescribed in subsection (1), (2) or (3) is not appointed within sixty days from the day on which the Commission is established under this Act or from the day on which the office becomes vacant, such member may be appointed by the Governor in Council.

Tenure of office.

(5) Each member of a Commission shall hold office during pleasure for a term not exceeding three years and at the expiration of his term of office may be reappointed.

Persons ineligible to be members.

(6) No member of the council of a municipality adjoining a harbour for which a Commission is established and no member of the legislature of the province in which is located any harbour for which a Commission is established is eligible to be a member of that Commission.

Oath of office.

6. (1) Each member of a Commission shall, before entering upon the duties of his office, take and subscribe an oath in the following form:

"I, A. B., solemnly swear that I will truly and impartially and to the best of my skill and understanding execute and perform the duties of member of the.....Harbour Commission. So help me God."

Who may administer oaths.

(2) The oath described in subsection (1) may be administered by a member of the Commission previously sworn, the Chief Executive Officer of the Commission or a justice of the peace.

Chairman.

7. (1) The members of a Commission shall elect one of their number as Chairman.

Quorum.

(2) A majority of the members constitutes a quorum of the Commission and a vacancy in the membership of the Commission does not impair the right of the remaining members to act.

Remuneration of members.

(3) There may be paid to each member of a Commission out of the revenues of the Commission such remuneration as may be fixed by the Governor in Council.

Appointment of officers and employees of Commission.

8. (1) The Commission may appoint a Chief Executive Officer and employ such other officers and employees as it deems necessary to carry out the purposes and functions of the Commission under this Act.

Salary of Chief Executive Officer.

(2) The Chief Executive Officer shall be paid out of the revenues of the Commission such salary as may be fixed by the Commission with the approval of the Minister.

General Powers.

Jurisdiction within harbour.

9. Subject to this Act, a Commission shall regulate and control the use and development of all land, buildings and other property within the limits of the harbour, and all docks, wharves and equipment erected or used in connection therewith.

Powers of Commission to purchase, construct, sell, etc., real and personal property.

10. A Commission may

(a) with the approval of the Minister, where the amount involved exceeds such amount as the Minister may fix, and

(b) without the approval of the Minister, in any other case,

purchase or otherwise acquire land within the limits of the harbour or in the immediate vicinity thereof, and purchase or construct, and operate and maintain, docks, wharves, buildings or other structures and machinery or other equipment for use in the operation and development of the harbour and may sell or lease such land, structures or equipment.

Administration of Crown and municipal property.

11. (1) A Commission may administer and develop on behalf of Her Majesty in right of Canada or in right of any province, or on behalf of any municipality adjoining the harbour, any property owned by Her Majesty in right of Canada or in right of that province or owned by that municipality, as the case may be, within the limits of the harbour or in the immediate vicinity thereof.

Leasing of land administered for Crown.

(2) Notwithstanding anything in this Act, a Commission shall not lease any land administered by it on behalf of Her Majesty in right of Canada

(a) for any period of twenty years or less without the approval of the Minister, and

(b) for any period of more than twenty years without the approval of the Governor in Council.

Construction of rail facilities.

12. (1) Subject to any other Act of the Parliament of Canada and any regulations made thereunder, a Commission may

(a) construct, purchase or lease and operate or maintain railways within the boundaries of the harbour on lands owned by or within the jurisdiction of the Commission;

(b) enter into agreements with any company for the maintenance of the railways referred to in paragraph (*a*) and for the operation thereof, in a manner that will afford all railway companies whose lines reach the harbour the same facilities for traffic as those enjoyed by that company; and

(*c*) enter into arrangements with railway, navigation, air or road transport companies for the facilitating of traffic to, from or within the limits of the harbour.

Commission not railway company.

(2) Nothing in this section shall be deemed to constitute a Commission a railway company.

BY-LAWS.

By-laws.

13. (1) A Commission may, with the approval of the Governor in Council, make by-laws respecting the management of its internal affairs and the duties of its officers and employees, and for the management and control of the harbour and the works and property therein under its jurisdiction, including by-laws respecting

(*a*) the regulation of the navigation and use of the harbour by vessels, including the mooring and berthing thereof and the discharging and loading of cargo;

(*b*) the regulation of all works and operations within the harbour;

(*c*) the regulation or prohibition of the construction of channels, docks, wharves, piers, buildings or other structures within the limits of the harbour and the maintenance thereof, and the excavation, removal or deposit of material or any other action that is likely to affect in any way the docks, piers, wharves or channels of the harbour or the lands adjacent thereto;

(*d*) the construction, operation and maintenance of

(i) elevators, pipes, conduits and other works or appliances upon docks, piers or wharves within the limits of the harbour, and

(ii) pipes or lines of wire or cable across or under the bed of the harbour;

(*e*) the regulation or prohibition of the erection of towers or poles, and the stringing or laying of wires or cables within the harbour;

(*f*) the transportation, handling or storing within the harbour of explosives or other substances that, in the opinion of the Commission, constitute or are likely to constitute a danger or hazard to life or property;

(*g*) the maintenance of order and the protection of property within the harbour;

(*h*) the punishment that may be imposed on summary conviction for the breach of any by-law, which punishment shall not exceed a fine of five hundred dollars or imprisonment for a term of six months or both such fine and imprisonment; and

(*i*) the regulation of all persons and vessels coming into or using the harbour, including the imposition and collection of rates to be paid upon such vessels and upon goods landed from or shipped on board such vessels, or transshipped by water within the harbour.

Idem. (2) Every by-law shall, at least ten days before its submission to the Governor in Council for approval, be served upon the clerk of each municipality adjoining the harbour for which the Commisson is established.

Borrowing Powers.

Commission may borrow and issue debentures therefor.

14. For the purpose of defraying the expenses of constructing or improving wharves, structures and other works within the limits of the harbour, a Commission may on such terms and conditions as the Governor in Council may approve,

(*a*) borrow money in Canada or elsewhere, and

(*b*) issue debentures for sums of not less than one hundred dollars, payable in not more than forty years.

Finances.

Charges against revenues.

15. (1) The revenues of a Commission shall be charged with

(*a*) the costs of collecting such revenues;

(*b*) the expenses, including depreciation, incurred by the Commission in operating and maintaining the harbour and works and property owned, controlled, administered or managed by the Commission under this Act;

(*c*) the interest and other charges incurred in connection with debentures issued or money borrowed by the Commission under this Act; and

(*d*) any other expenses lawfully incurred by the Commission in carrying out its duties and functions under this Act.

Amounts payable to Receiver General.

(2) After providing for

(*a*) the charges specified in subsection (1), other than depreciation, and

(*b*) the appropriation to the funded reserves of the Commission of such amounts as may be approved by the Minister,

the revenues of a Commission remaining at the end of each fiscal year of that Commission shall be paid by the Commission to the Receiver General.

Powers to invest.

16. A Commission may, with the approval of the Minister of Finance, invest in bonds or other obligations of Her Majesty in right of Canada or any province or of any municipality in Canada any moneys in its reserves or any moneys not immediately required for the purpose of the Commission.

Accounts.

17. (1) A Commission shall

(*a*) keep accounts of all moneys borrowed, received and expended by it under this Act, and

(*b*) account therefor to the Minister within three months after the end of each fiscal year of the Commission,

in such form and manner as the Minister may direct.

Inspection of accounts.

(2) All books, accounts, records and documents of the Commission shall be at all reasonable times open for inspection by the Minister or by a person authorized by the Minister for such purpose, or, in the case of a municipality having a substantial interest in the harbour, as determined by the Minister, by the auditors of such municipality.

Moneys obtained from use of Crown property to form part of Commission's revenues.

18. Where a Commission is authorized by the Governor in Council to develop, administer or lease any property owned by Her Majesty in right of Canada within the limits of or in the vicinity of a harbour, all moneys paid to the Commission in respect of that property shall, notwithstanding the *Financial Administration Act*, form part of the revenues of the Commission.

EXPROPRIATION.

Expropriation.

19. A Commission may, with the approval of the Governor in Council, take or acquire lands for the purposes of this Act without the consent of the owner where it is unable to agree with the owner as to the price to be paid therefor, and the provisions of the *Railway Act* relating to the taking of lands by railway companies are, *mutatis mutandis*, applicable to the acquisition of such lands by the Commission.

PAYMENTS OF RATES.

Payment of rates imposed on cargoes of vessels.

20. The rates imposed by by-law upon the cargo of a vessel shall be paid by the master or person in charge of the vessel, without prejudice to any recourse he may have by law against any other person for the recovery of the amounts so paid, but the Commission may demand and recover the rates from the owners, consignees, agents or shippers of such cargo.

Seizures.

Seizure of vessels or goods.

21. Where

(*a*) any amount is due to a Commission for rates in respect of a vessel or goods; or

(*b*) the owner or person in charge of a vessel or goods has in respect of that vessel or those goods violated the provisions of any by-law,

a Commission may on the order of any county or district court or any magistrate having jurisdiction in the area in which the goods or vessel are located seize that vessel or those goods.

Detention of vessels or goods.

22. Any vessel or goods seized pursuant to section 21 may be detained until there have been paid in full

(*a*) all amounts due and all penalties incurred in respect thereof;

(*b*) all proper and reasonable costs and charges incurred in the seizure and detention; and

(*c*) all court costs in respect thereof.

Sale of detained goods.

23. Where, in the opinion of the Chief Executive Officer of a Commission, goods seized by the Commission pursuant to section 21 will rot, spoil or otherwise perish, he may order the sale of those goods in such manner and for such price as he may determine and the proceeds of that sale shall be credited towards payment of the amounts described in section 22.

Evidence.

Evidence of by-laws.

24. (1) A copy of a by-law of a Commission under its seal and purporting to be signed by a member or the Chief Executive Officer of the Commission is evidence of that by-law in all courts.

Evidence of harbour limits.

(2) A Commission may erect marks or signs to indicate the limits of its harbour and every mark or sign so erected is evidence of the limits of that harbour in all courts.

General.

Pecuniary dealings with members prohibited.

25. A Commission shall not enter into any transaction of a pecuniary nature directly or indirectly with any member of the Commission.

Limitation of actions.

26. Proceedings in respect of any violation of a provision in any by-law made under this Act may be initiated at any time within one year after the time when the subject matter of the proceedings arose.

Winding up of a Commission.

27. The Governor in Council may order any Commission established pursuant to this Act to wind up its affairs and may by proclamation dissolve any Commission in respect of which such an order has been made: Provided that such order or proclamation shall become effective only upon the expiration of ninety days from the date of the publication thereof in the *Canada Gazette*.

Proviso.

Governor in Council may authorize development, etc., of Crown lands.

28. The Governor in Council may authorize a Commission to administer and develop on behalf of Her Majesty in right of Canada any property owned by Her Majesty in right of Canada within the limits of or in the vicinity of the harbour on such terms and conditions as the Governor in Council may determine.

Works of Commission subject to *Navigable Waters Protection Act*.

29. Any work undertaken by or on behalf of the Commission affecting the use of any navigable waters is subject to the *Navigable Waters Protection Act*.

TRANSITIONAL.

Procedure for bringing existing Commission under Act.

30. (1) Subject to subsection (2), the Governor in Council may by proclamation declare a Commission set out in the Schedule hereto to be established pursuant to this Act as of the day fixed in the proclamation, define the limits of the harbour for which that Commission is so declared to be established, and declare the Act set out in the Schedule establishing that Commission to be repealed as of that day.

Issue of proclamation.

(2) No proclamation shall be issued pursuant to subsection (1) unless the Governor in Council has received

(*a*) a by-law passed by the Commission requesting the Governor in Council to declare the Commission to be established pursuant to this Act; and

(*b*) a resolution or resolutions approving such by-law, passed by the council of any municipality having power to appoint or to participate in the appointment of a member of the Commission, or where there is more than one such municipality, by the councils of a majority of such municipalities.

Members of Commissions continued.

(3) The persons who, on the day fixed in a proclamation issued pursuant to subsection (1), hold office as chairman or member of a Commission established by the Act set out in that proclamation shall be deemed to have been appointed chairman or member of that Commission respectively under this Act for the then unexpired portion of their terms.

Commissions to be one and same corporation.

(4) A Commission established by an Act set out in the Schedule hereto that is declared by proclamation of the Governor in Council to be a Commission established pursuant to this Act shall be deemed for all purposes to be one and the same Commission, and from the day fixed in that proclamation the provisions of this Act shall apply to and in respect of that Commission in all respects.

Interim application of certain enactments.

31. Notwithstanding anything in the *Government Harbours and Piers Act* or Part X of the *Canada Shipping Act*, where that Act or Part would apply to any harbour but for the establishment pursuant to this Act of a Commission for that harbour, that Act or Part shall continue to apply to that harbour until the day on which any by-laws made by the Commission under section 13 of this Act become effective.

SCHEDULE.

The New Westminster Harbour Commissioners Act, chapter 158 of the Statutes of Canada, 1913.

The North Fraser Harbour Commissioners Act, chapter 162 of the Statutes of Canada, 1913.

The Port Alberni Harbour Commissioners Act, chapter 42 of the Statutes of Canada, 1947.

The Belleville Harbour Commissioners Act, chapter 34 of the Statutes of Canada, 1952.

Windsor Harbour Commissioners Act, chapter 38 of the Statutes of Canada, 1957.

Lakehead Harbour Commissioners Act, chapter 34 of the Statutes of Canada, 1958.

Nanaimo Harbour Commissioners Act, chapter 19 of the Statutes of Canada, 1960.

Oshawa Harbour Commissioners Act, chapter 21 of the Statutes of Canada, 1960.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-11.

An Act to incorporate Canadian Conference of the Brethren in Christ Church.

Read a first time, Tuesday, 17th March, 1964.

Honourable Senator LAMBERT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20494-1

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-11.

An Act to incorporate Canadian Conference of the Brethren in Christ Church.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Ernest John Swalm, clergyman, of the township of Nottawasaga, Basil Lawrence Long, clergyman, of the township of North Walsingham, Walter Orval Winger, clergyman, of the township of Gainsborough, William Charlton, clergyman, of the township of Bertie, Edward Gilmore, clergyman, of the township of Moulton, John Allan Heise, clergyman, of the township of Barton and James Peter Sider, clergyman, of the township of Wilmot, all in the province of Ontario, together with such other persons and congregations as become members of the religious body hereby incorporated, are incorporated under the name of Canadian Conference of the Brethren in Christ Church, hereinafter called "the Corporation", for the purposes set out in this Act and, in particular, for the purpose of administering the property, business and other temporal affairs of the Corporation.

Directors.

2. The persons named in section 1 of this Act shall be the first directors of the Corporation.

Head office.

3. (1) The head office of the Corporation shall be at the city of Hamilton, in the province of Ontario, or at such other place as may be decided upon by the Corporation.

(2) Notice in writing shall be given to the Secretary of State by the Corporation of any change of the head office and such notice shall be published forthwith in the *Canada Gazette*.

Objects.

4. The objects of the Corporation shall be

(*a*) to promote, maintain, superintend and carry on in accordance with the faith, doctrine, constitution, acts, by-laws and rulings of the Corporation any or all of the work of that body;

(*b*) to advance and increase the diffusion of the faith of the Corporation in all lawful ways; and

(*c*) to organize, establish, maintain and carry on residences, missions, churches, places of worship, parsonages, orphanages, homes for the aged, rest homes and institutions and agencies for promoting, teaching, propagating and disseminating the faith and doctrine of the Corporation and for training persons for the said purposes.

Power to make by-laws.

5. The Corporation may from time to time make by-laws, not contrary to law, for

(*a*) the administration, management and control of the property, business and other temporal affairs of the Corporation;

(*b*) the appointment, functions, duties and remuneration of all officers, agents and servants of the Corporation;

(*c*) the appointment or deposition of a conference board or any special committees or boards from time to time created for the purposes of the Corporation, and defining the powers of such committees or boards;

(*d*) the calling of regular or special meetings of the Corporation or of the conference board or the board of directors;

(*e*) fixing the necessary quorum and the procedure to be followed at all meetings referred to in the preceding paragraph;

(*f*) determining the qualifications of members;

(*g*) defining and applying the principles, doctrine and religious standards of the Corporation; and

(*h*) generally carrying out the objects and purposes of the Corporation.

Management.

6. Subject to and in accordance with the by-laws enacted by the Corporation under section 5 of this Act, a conference board consisting of such persons as the Corporation may from time to time elect or appoint thereto shall manage all the temporal affairs of the Corporation.

Incidental powers.

7. The Corporation may do all such lawful acts and things as are incidental or as may be conducive to the attainment of its objects.

Committees.

8. The Corporation may exercise all its powers by and through the conference board or through such boards or committees as may from time to time be elected or appointed by the Corporation for the management of its affairs.

Power to acquire and hold property.

9. (1) The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy property, real and personal, corporeal and incorporeal, and any or every estate or interest whatsoever, given, granted, devised or bequeathed to it or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of any religious, educational, eleemosynary or other institution established or intended to be established by, under the management of, or in connection with the uses or purposes of the Corporation.

(2) The Corporation may also hold such real property or estate therein as is bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered.

Investment in and disposal of property.

10. Subject always to the terms of any trust relating thereto, the Corporation may also sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Corporation, whether by way of investment for the uses and purposes of the Corporation or not; and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments either in whole or in part.

Application of mortmain laws.

11. In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Corporation.

Transfer of property held in trust.

12. In so far as authorization by the Parliament of Canada is necessary, any person or corporation, in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes of the Corporation, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Corporation.

Execution of documents.

13. Any deed or other instrument relating to real estate vested in the Corporation or to any interest in such real estate shall, if executed within the jurisdiction of the Parliament of Canada, be deemed to be duly executed if there is affixed thereto the seal of the Corporation and there is thereupon the signature of any officer of the Corporation duly authorized for such purpose.

Disposition of property by gift or loan.

14. The Corporation may make a gift of or lend any of its property, whether real or personal, for or to assist in the erection or maintenance of any building or buildings deemed necessary for any church, college, manse, school or hospital or for any other religious, charitable, educational, congregational or social purpose upon such terms and conditions as it may deem expedient.

Borrowing powers.

15. (1) The Corporation may, from time to time, for the purposes of the Corporation

(*a*) borrow money upon the credit of the Corporation;

(*b*) limit or increase the amount to be borrowed;

(*c*) make, draw, accept, endorse or become party to, promissory notes and bills of exchange and every such note or bill made, drawn, accepted or endorsed by the party thereto, authorized by the by-laws of the Corporation, and countersigned by the proper party thereto, authorized by the by-laws of the Corporation, shall be binding upon the Corporation and shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown, and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill;

(*d*) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation, or which it is obligated to pay or the payment of which is guaranteed by it;

(*e*) issue bonds, debentures or other securities of the Corporation; and

(*f*) pledge or sell such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient.

(2) Nothing in the preceding subsection shall be construed to authorize the Corporation to issue any note or bill payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance.

Powers of guarantee.

16. The Corporation may guarantee, with or without security, upon such terms as it may determine, any debts of, the performance of any obligations of and the repayment of any advances made to or for the purposes of any corporation, organization, association or society associated or affiliated with the Corporation.

Investment of funds.

17. The Corporation may invest its funds, or any portion thereof, either directly in the name of the Corporation or indirectly in the name of trustees, in the purchase of such securities as it may deem advisable, and may lend its funds or any portion thereof on any such securities.

Territorial powers.

18. The Corporation may exercise the rights and powers conferred upon it by this Act throughout Canada.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-12.

An Act respecting Allstate Insurance Company of Canada.

AS PASSED BY THE SENATE, 7th MAY, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20535

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-12.

An Act respecting Allstate Insurance Company of Canada.

Preamble. 1960, c. 50.

WHEREAS Allstate Insurance Company of Canada, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name in French.

1. The Company may use, in the transaction of its business, either the name Allstate Insurance Company of Canada or the name Allstate du Canada, Compagnie d'Assurance, in either of which names it may sue or be sued, and any transaction, contract or obligation entered into or incurred by the Company in either of the said names shall be valid and binding on the Company.

Existing rights saved.

2. Nothing contained in section 1 of this Act shall in any way impair, alter or affect the rights or liabilities of the Company, except as therein expressly provided, nor in any way affect any suit or proceeding now pending or judgment existing, either by or in favour of or against the Company, which, notwithstanding the provisions of section 1 of this Act, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Explanatory Note.

The sole purpose of this bill is to add a French version to the name of Allstate Insurance Company of Canada.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-13.

An Act to incorporate Laurentide Bank of Canada.

AS PASSED BY THE SENATE, 28th JULY, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20522

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-13.

An Act to incorporate Laurentide Bank of Canada.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Peter Paul Saunders, executive, Andrew Elliott Saxton, executive, William Crossley Mainwaring, O.B.E., executive, Paul Britton Paine, one of Her Majesty's Counsel, Howard Theodore Mitchell, publisher, and Edgar John Saba, merchant, all of the city of Vancouver, in the province of British Columbia, and Lionel Leroux, notary, and Bernard de Lorimier Bourgeois, one of Her Majesty's Counsel, both of the city of Montreal, in the province of Quebec, together with such persons as become shareholders in the corporation by this Act created, are incorporated under the name of Laurentide Bank of Canada, hereinafter called "the Bank".

Corporate name.

2. The persons named in section 1 shall be the provisional directors of the Bank.

Capital stock.

3. The capital stock of the Bank shall be thirty million dollars.

Head office.

4. The head office of the Bank shall be at the city of Vancouver, in the province of British Columbia.

Qualifications of directors.

5. (1) All directors of the Bank shall be subjects of Her Majesty ordinarily resident in Canada.

Restrictions on transfers of shares to non-residents.

(2) Neither the directors nor the shareholders of the Bank may make any by-law which shall have the effect of making it unnecessary that transfers of shares of capital stock of the Bank to a non-resident of Canada or to a person acting as nominee, agent, trustee or otherwise on behalf of a non-resident, be made in the books of the Bank.

(3) No transfer of shares to a non-resident or to a person acting as nominee, agent, trustee or otherwise on behalf of a non-resident shall be valid unless and until it has been registered at the head office of the Bank, and no such transfer shall be registered if, after such registration, the aggregate number of shares registered in the names of non-residents and of persons acting as nominees, agents, trustees or otherwise on behalf of non-residents would exceed ten per cent of the total number of shares then issued and outstanding.

(4) The directors or any person thereunto authorized by the directors may refuse to register any transfer of shares which is not accompanied by a statement in writing signed by the transferee stating (*a*) whether he is a resident or non-resident of Canada and (*b*) if he is a resident, whether any arrangement exists under which, in respect of any shares to be registered in his name, he will be acting as nominee, agent, trustee or otherwise on behalf of a non-resident; and the directors or such person may require that any such statement in writing be made by affidavit or statutory declaration.

(5) The directors or any person thereunto authorized by the directors may refuse to register any transfer of shares unless they are or such person is satisfied that registration of such transfer is not prohibited under the provisions of subsection (3) of this section.

(6) To assist them in carrying out the provisions of this section, the directors may at any time request any registered shareholder to provide a sworn statement or other evidence to show whether he is or is not a resident of Canada or whether he is or is not acting as nominee, agent, trustee or otherwise on behalf of any non-resident.

(7) In carrying out the provisions of this section, the directors or any person thereunto authorized by the directors may in good faith act upon any information which they believe or such person believes to be reliable.

Definitions.

(8) In this section,

(*a*) the expression "non-resident" includes any natural person not ordinarily resident in Canada, any firm, association or other aggregation of persons any of whom is not ordinarily resident in Canada, and any corporation other than a corporation which (i) is incorporated

under the laws of Canada or of any province or territory thereof, (ii) has its principal place of business in Canada and (iii) is not by any means whatsoever under the control of non-residents of Canada, and

(*b*) the expression "acting as nominee, agent, trustee or otherwise on behalf of a non-resident" includes acting as nominee, agent, trustee or otherwise on behalf of any person who is acting as nominee, agent, trustee or otherwise on behalf of a non-resident.

When section in force. 1953-54, c. 48.

(9) This section shall have effect notwithstanding anything in the *Bank Act*, but shall cease to have effect on and after July 1st, 1965, unless otherwise provided by Parliament.

Amendment to Schedule A of *Bank Act*.

6. Schedule A of the *Bank Act* is amended by adding thereto the following:

Name of Bank	Additional name under which Bank is authorized to carry on business	Authorized Capital Stock	Head Office of the Bank
Laurentide Bank of Canada	Banque Laurentide du Canada	$30,000,000	Vancouver

Powers and liabilities.

7. Except as provided in the *Bank Act* and in this Act, the Bank shall have all the powers, privileges and immunities and be subject to all the liabilities and provisions set forth in the *Bank Act*.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-14.

An Act respecting The Dominion Life Assurance Company.

AS PASSED BY THE SENATE, 30th APRIL, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20560

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-14.

An Act respecting The Dominion Life Assurance Company.

Preamble. 1889, c. 95.

WHEREAS The Dominion Life Assurance Company, and, in French, Compagnie d'Assurance sur la vie dite Dominion, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Change of name in French.

1. The name of the Company, in French, is hereby changed to La Dominion, compagnie d'assurance sur la vie.

Name in French.

2. The Company may use, in the transaction of its business, either the name The Dominion Life Assurance Company or the name La Dominion, compagnie d'assurance sur la vie, or both names, as and when it so elects. It may sue or be sued in either or both of such names, and any transaction, contract or obligation entered into or incurred by the Company in either or both of the said names shall be valid and binding on the Company.

Existing rights saved.

3. Nothing contained in sections 1 and 2 of this Act shall in any way impair, alter or affect the rights or liabilities of the Company, except as therein expressly provided, nor in any way affect any suit or proceeding now pending or judgment existing, either by or in favour of or against the Company, which, notwithstanding the provisions of sections 1 and 2 of this Act, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Explanatory Note.

The sole purpose of this bill is to change the French version of the name of The Dominion Life Assurance Company.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-15.

An Act to incorporate New Scotland Savings and Mortgage Company.

Read a first time, Tuesday, 28th April, 1964.

Honourable Senator ISNOR.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20554

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-15.

An Act to incorporate New Scotland Savings and Mortgage Company.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

1. Gordon Frederick Hughes, merchant, and Barbara Dorothy Hughes, barrister-at-law, both of the town of Windsor, Phillip Andrew Cole, physician, of the village of Hubbards, Frederick Reginald Hart, merchant, and Gordon Stewart Cowan, barrister-at-law, both of the city of Halifax, all in the province of Nova Scotia, together with such persons as become shareholders in the company, are incorporated under the name of New Scotland Savings and Mortgage Company, hereinafter called "the Company".

Provisional directors.

2. The persons named in section 1 shall be the provisional directors of the Company.

Capital stock. Increase.

3. The capital stock of the Company shall be one million dollars, which may be increased to two million dollars.

Amount to be subscribed before general meeting.

4. The amount to be subscribed before the provisional directors may call a general meeting of the shareholders shall be five hundred thousand dollars.

Amount to be subscribed and paid before commencement.

5. The Company shall not commence business until five hundred thousand dollars of the capital stock have been subscribed and two hundred and fifty thousand dollars paid thereon.

Head office.

6. The head office of the Company shall be in the town of Windsor, in the province of Nova Scotia.

Powers and limitations. R.S., c. 170; 1952–53, c. 5; 1958, c. 35; 1960–61, c. 51.

7. The Company has all the powers, privileges and immunities conferred by, and is subject to all the limitations, liabilities and provisions of the *Loan Companies Act*.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-16.

An Act to amend the Marriage and Divorce Act.

Read a first time, Tuesday, 28th April, 1964.

Honourable Senator POULIOT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20684

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-16.

An Act to amend the Marriage and Divorce Act.

R.S., c. 176.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The *Marriage and Divorce Act* is amended by adding, immediately after section 3 thereof, the following sections:—

"MARRIED WOMEN'S RIGHTS.

"**3A.** All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceeds or profits from any occupation or trade which she carries on separately from her husband, or derived from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys or property, shall be free from the debts or dispositions of the husband, and shall be held and enjoyed by such married woman, and disposed of without her husband's consent, as fully as if she were a "feme sole", and no order for protection shall be necessary in respect of any such earnings or acquisitions; and the possession, whether actual or constructive, of the husband, of any personal property of any married woman, shall not render the same liable for his debts.

"**3B.** A married woman may make deposits of money in her own name in any savings or other bank, and withdraw the same by her own cheque; and any receipt or acquittance of such depositor shall be a sufficient discharge to any such bank.

Explanatory Note.

The legislation concerning the Northwest Territories was amended and consolidated in 1875 by 38 Vict., c. 49; sections 48 to 54 of that Act related the rights of married women.

That Act was amended in 1877 by 40 Vict., c. 7, but the above mentioned sections of the 1875 Act concerning married women's rights were not amended. Those two statutes 38 Vict. c. 49, and 40 Vict. c. 7, were consolidated by 43 Vict. (1880) c. 25.

Sections 48 to 54 of 38 Vict., c. 49 concerning married women's rights have been reprinted in sections 57 to 62 of the said 1880 Consolidation of the *Northwest Territories Act*, and in the Revised Statutes of Canada of 1886, c. 50, sections 36 to 40. Those statutory provisions concerning married women's rights were subsequently integrated in the Revised Statutes of Canada 1906, c. 62; 1927, c. 142; and 1952, c. 195, until the *Northwest Territories Act*, c. 195 of the Revised Statutes of Canada, 1952, was repealed by c. 331 of the said Statutes, which means that the legislation of the Parliament of Canada concerning the rights of married women in the Northwest Territories has been in force from 1875 until 1952, a period of 77 years.

The purpose of this Bill is the revival of the federal legislation concerning the rights of married women of the Northwest Territories and its application for the benefit of all married women.

This Bill is a public bill, in accordance with Rule 61 of the Senate, and the *British North America Act, 1867*, section 91 (26), which confers an exclusive jurisdiction to the Parliament of Canada with regard to marriage and divorce, as it was interpreted by the Supreme Court of Canada in 1886 and 1912, and by the Privy Council in 1912.

"**3C.** Nothing hereinbefore contained in reference to moneys deposited or investments by any married woman, shall, as against any creditor of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditors; and any money so deposited or invested may be followed as if this Act had not been passed.

"**3D.** A husband shall not, by reason of any marriage, be liable for the debts of his wife contracted before marriage, but the wife shall be liable to be sued therefor, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried; and a husband shall not be liable for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts.

"**3E.** A married woman may maintain an action in her own name for the recovery of any wages, earnings, money and property, declared by this Act or which is hereafter declared to be her separate property, and shall have, in her own name, the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money or property, and of any chattels or other her separate property, for her own use, as if such wages, earnings, money, chattels and property, belonged to her as an unmarried woman; and any married woman may be sued or proceeded against separately from her husband in respect of any of her separate debts, engagements, contracts or torts, as if she were unmarried."

"The provisions of Ordinance No. 16 of 1889, respecting the personal property of married women, are *intra vires* of the legislature of the Northwest Territories of Canada, as being legislation within the definition of property and civil rights, a subject upon which the Lieutenant-Governor in Council was authorized to legislate by the order of the Governor General in Council passed under the provisions of the *Northwest Territories Act*." (*See* Conger vs Kennedy, 26 S.C.R. (1896), p. 397.)

Judgment of the Privy Council, in the matter of a reference to the Supreme Court of Canada of certain questions concerning marriage.

On appeal from the Supreme Court of Canada:

"Under sections 91 and 92 of the *British North America Act, 1867*, the exclusive power conferred on the provincial Legislature to make laws relating to the solemnization of marriage in the province operates by way of exception to the exclusive jurisdiction as to its validity conferred upon the Dominion, and enables the provincial Legislature to enact conditions as to solemnization, and in particular as to the right to perform the ceremony, which may affect the validity of the contract." (*See* 1912 A.C., p. 880, Olmsted Vol. I, p. 650.)

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-17.

An Act respecting the Territorial Sea and Fishing Zones of Canada.

AS PASSED BY THE SENATE, 14th MAY, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20637—1

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-17.

An Act respecting the Territorial Sea and Fishing Zones of Canada.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

Short title.

1. This Act may be cited as the *Territorial Sea and Fishing Zones Act.*

PART I.

GENERAL.

Applies to Acts of Parliament, regulations, etc.

2. Every provision of this Act extends and applies to every Act of the Parliament of Canada, now or hereafter passed, and to every order, rule or regulation thereunder, except in so far as any such provision is inconsistent with the intent or object of such Act, order, rule or regulation, or would give to any word, expression or clause thereof an interpretation repugnant to the subject matter or the context, or is, in any such Act, order, rule or regulation, declared not applicable thereto.

Territorial sea.

3. (1) Subject to any exceptions under section 5, the territorial sea of Canada comprises those areas of the sea having, as their inner limits, the baselines described in section 5 and, as their outer limits, lines measured seaward and equidistant from such baselines so that each point of the outer limit line of the territorial sea is distant three nautical miles from the nearest point of the baseline.

Internal waters include certain sea areas.

(2) The internal waters of Canada include any areas of the sea that are on the landward side of the baselines of the territorial sea of Canada.

Fishing zones.

4. (1) Subject to any exceptions under section 5, the fishing zones of Canada comprise those areas of the sea contiguous to the territorial sea of Canada and having, as their inner limits, the outer limits of the territorial sea and, as their outer limits, lines measured seaward and equidistant from such inner limits so that each point of the outer limit line of a fishing zone is distant nine nautical miles from the nearest point of the inner limit line.

Fisheries laws of Canada apply to fishing zones.

(2) Unless otherwise specified therein, the laws of Canada respecting fishing and the exploitation of the living resources of the sea apply to the fishing zones of Canada in the same way and to the same extent as they apply to the territorial sea of Canada.

Lists of geographical co-ordinates.

5. (1) The Governor in Council may, by order in council, issue one or more lists of geographical co-ordinates of points from which baselines may be determined and may, as he deems necessary, amend such lists.

Baselines where co-ordinates listed.

(2) In respect of any area for which geographical co-ordinates of points have been listed in a list issued pursuant to subsection (1) and subject to any exceptions in the list for the use of the low water line along the coast as the baseline between given points, baselines are straight lines joining the consecutive geographical co-ordinates of points so listed.

Baselines in other area.

(3) In respect of any other area and until such time as geographical co-ordinates of points have, for such other area, been listed in a list issued pursuant to subsection (1), baselines remain those applicable immediately before the coming into force of this section.

Substitution of outer limit lines in certain cases.

(4) Where, in his opinion, a portion of the territorial sea of Canada or a portion of the fishing zones of Canada, determined, respectively, in accordance with subsection (1) of section 3 or subsection (1) of section 4, would conflict with the territorial sea of a country other than Canada or would be unreasonably close to the coast of a country other than Canada, the Governor in Council may, by order in council, issue a list of geographical co-ordinates of points from which,

(*a*) in respect of the portion of the territorial sea of Canada designated in the list, an outer limit line may be determined in substitution for the territorial sea outer limit line described in subsection (1) of section 3, and

(*b*) in respect of the portion of the fishing zones of Canada designated in the list, an outer limit line may be determined in substitution for the fishing zone outer limit line described in subsection (1) of section 4,

and the outer limit lines referred to in paragraphs (*a*) and (*b*) shall, thereupon, be substituted.

No fishing zone in certain cases.

(5) Where an outer limit line of a portion of the territorial sea of Canada has been substituted pursuant to subsection (4) of this section, section 4 shall not apply to create a contiguous fishing zone in respect of such portion.

Issue of charts.

6. The Minister of Mines and Technical Surveys may cause charts to be issued delineating the territorial sea of Canada and the fishing zones of Canada or of any portions thereof as may be delineated consistent with the nature and scale of the chart.

PART II.

Consequential Amendments.

Aeronautics Act.

R.S., cc. 2, 302.

7. (1) Paragraphs (*k*) and (*l*) of section 3 of the *Aeronautics Act* are repealed and the following substituted therefor:

"(*k*) to investigate, examine and report on the operation and development of commercial air services within or partly within Canada, including the territorial sea of Canada and all waters on the landward side thereof;

(*l*) to consider, draft and prepare for approval by the Governor in Council such regulations as may be considered necessary for the control or operation of aeronautics in Canada, including the territorial sea of Canada and all waters on the landward side thereof, and for the control or operation of aircraft registered in Canada wherever such aircraft may be; and"

(2) All that portion of subsection (1) of section 4 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Powers of Minister to make regulations with approval of Governor in Council.

"**4.** (1) Subject to the approval of the Governor in Council, the Minister may make regulations to control and regulate air navigation over Canada,

Explanatory Notes.

Clause 7: (1) Paragraphs (*k*) and (*l*) of section 3 at present read as follows:

"(*k*) to investigate, examine and report on the operation and development of commercial air services within or partly within Canada *or the limits of the territorial waters of Canada;*

(*l*) to consider, draft and prepare for approval by the Governor in Council such regulations as may be considered necessary for the control or operation of aeronautics in Canada *or within the limits of the territorial waters of Canada* and for the control or operation of aircraft registered in Canada wherever such aircraft may be; and"

(2) The relevant portion of subsection (1) at present reads as follows:

"**4.** (1) Subject to the approval of the Governor in Council, the Minister may make regulations to control and regulate air navigation over Canada *and the territorial waters of Canada* and the conditions under which aircraft registered in Canada may be operated over the high seas or any territory not within Canada, and, without restricting the generality of the foregoing, may make regulations with respect to"

including the territorial sea of Canada and all waters on the landward side thereof, and the conditions under which aircraft registered in Canada may be operated over the high seas or any territory not within Canada, and, without restricting the generality of the foregoing, may make regulations with respect to"

(3) Paragraph (*i*) of subsection (1) of section 4 of the said Act is repealed and the following substituted therefor:

"(*i*) the institution and enforcement of such laws, rules and regulations as may be deemed necessary for the safe and proper navigation of aircraft in Canada, including the territorial sea of Canada and all waters on the landward side thereof, and of aircraft registered in Canada wherever such aircraft may be;"

R.S., c. 29; 1952-1953, c. 20; 1956, c. 34; 1957, c. 4; 1960, c. 40; 1960-61, c. 32.

Canada Shipping Act.

8. (1) Section 2 of the *Canada Shipping Act* is amended by adding thereto, immediately after paragraph (7) thereof, the following paragraph:

"Canadian waters."

"(7a) "Canadian waters" means the territorial sea of Canada and all internal waters of Canada;"

(2) Subsection (6) of section 115 of the said Act is repealed and the following substituted therefor:

Application of Part.

"(6) The Governor in Council may direct that the provisions of this section shall apply to any steamship or class of steamship registered elsewhere than in Canada whilst within Canadian Waters."

(3) Subsection (1) of section 494 of the said Act is repealed and the following substituted therefor:

Application of Part.

"**494.** (1) The Governor in Council may direct that this Part or any of the provisions thereof shall apply to any ship or class of ship registered elsewhere than in Canada whilst within Canadian waters."

(4) Subsection (1) of section 500 of the said Act is repealed and the following substituted therefor:

Powers as to vessels wrecked, etc.

"**500.** (1) When any British or foreign vessel is wrecked, stranded or in distress at any place within Canadian waters or on or near the coasts thereof, the

(3) Paragraph (*i*) at present reads as follows:

"(*i*) the institution and enforcement of such laws, rules and regulations as may be deemed necesary for the safe and proper navigation of aircraft in Canada *or within the limits of the territorial waters of Canada* and of aircraft registered in Canada wherever such aircraft may be;"

Clause 8: (1) New.

(2) Subsection (6) at present reads as follows:

"(6) The Governor in Council may direct that the provisions of this section shall apply to any steamship or class of steamship registered elsewhere than in Canada whilst within *the territorial waters of Canada.*"

(3) Subsection (1) at present reads as follows:

"**494.** (1) The Governor in Council may direct that this Part or any of the provisions thereof shall apply to any ship or class of ship registered elsewhere than in Canada whilst within *the territorial waters of Canada.*"

(4) Subsection (1) at present reads as follows:

"**500.** (1) When any British or foreign vessel is wrecked, stranded or in distress at any place *within Canada or on or near the coasts of Canada*, the receiver shall, upon being made acquainted with such stranding or distress, forthwith proceed to such place; and, upon his arrival there, he shall take the command of all persons present and assign such duties and issue such directions to each person as he thinks fit for the preservation of such vessel and of the wreck and of the lives of shipwrecked persons."

receiver shall, upon being made acquainted with such stranding or distress, forthwith proceed to such place; and, upon his arrival there, he shall take command of all persons present and assign such duties and issue such directions to each person as he thinks fit for the preservation of such vessel and of the wreck and of the lives of shipwrecked persons."

(5) Section 503 of the said Act is repealed and the following substituted therefor:

Power of receiver to suppress plunder and disorder by force.

"**503.** The receiver may cause to be apprehended and kept in custody, until he can be conveniently taken before a justice of the peace to be dealt with according to law, any person who plunders, creates disorder or obstructs the preservation of a vessel wrecked, stranded or in distress within Canadian waters or on or near the coasts thereof, and may use force for the suppression of any such plundering, disorder or obstruction and may command all Her Majesty's subjects to assist him in the use of such force."

(6) Subsection (1) of section 505 of the said Act is repealed and the following substituted therefor:

Passage over adjoining lands.

"**505.** (1) Whenever any vessel is wrecked, stranded or in distress within Canadian waters or on or near the coasts thereof, all persons for the purpose of rendering assistance to such vessel, or of saving any wreck or the lives of any shipwrecked persons, may, unless there is some public road equally convenient, pass and repass, either with or without conveyances or horses, over any adjoining lands, without being subject to interruption by the owner or occupier, if they do so with as little damage as possible; and may also, on the like condition, deposit on such lands any wreck saved."

(7) Section 507 of the said Act is repealed and the following substituted therefor:

Unauthorized person may be repelled by force.

"**507.** Every person, not being a receiver or a person acting for or under the orders of a receiver, who endeavours to board any vessel or aircraft wrecked, stranded or in distress within Canadian waters or on or near the coasts thereof, without the leave of the person in charge of such vessel or aircraft, may be repelled

(5) Section 503 at present reads as follows:

"**503.** The receiver may cause to be apprehended and kept in custody, until he can be conveniently taken before a justice of the peace to be dealt with according to law, any person who plunders, creates disorder or obstructs the preservation of a vessel wrecked, stranded or in distress *within the limits of, or on or near the coasts of Canada*, and may use force for the suppression of any such plundering, disorder or obstruction and may command all Her Majesty's subjects to assist him in the use of such force."

(6) Subsection (1) at present reads as follows:

"**505.** (1) Whenever any vessel is wrecked, stranded or in distress within *the territorial waters of or on or near the coasts of Canada*, all persons for the purpose of rendering assistance to such vessel, or of saving any wreck or the lives of any ship-wrecked persons, may, unless there is some public road equally convenient, pass and repass, either with or without conveyances or horses, over any adjoining lands, without being subject to interruption by the owner or occupier, if they do so with as little damage as possible; and may also, on the like condition, deposit on such lands any wreck saved."

(7) Section 507 at present reads as follows:

"**507.** Every person, not being a receiver or a person acting for or under the orders of receiver, who endeavours to board any vessel or aircraft wrecked, stranded or in distress within *the territorial waters of or on or near the coasts of Canada*, without the leave of the person in charge of such vessel or aircraft, may be repelled by force; and the person in charge of such vessel or aircraft and every person under his orders so repelling such person by force are hereby indemnified for so doing."

by force; and the person in charge of such vessel or aircraft and every person under his orders so repelling such person by force are hereby indemnified for so doing."

(8) Subsections (1) and (2) of section 510 of the said Act are repealed and the following substituted therefor:

Duty of persons finding wreck in Canada.

"**510.** (1) Whenever any person takes possession of a wreck within the limits of Canada, including Canadian waters, he shall, as soon as possible, deliver the same to the receiver, but the Minister may dispense with any such delivery in the case of any wreck, upon such conditions as he thinks fit.

Exception.

Aircraft.

(2) This section applies to any aircraft or any part thereof or cargo thereof found derelict at sea outside Canadian waters and brought within the territorial limits of Canada."

(9) Section 527 of the said Act is repealed and the following substituted therefor:

Salvage of cargo or wreck.

"**527.** When, within Canadian waters or on or near the coasts thereof, any vessel is wrecked, abandoned, stranded or in distress, and services are rendered by any person in assisting such vessel or in saving any wreck, there shall be payable to the salvor by the owner of such vessel or wreck, as the case may be, a reasonable amount of salvage including expenses properly incurred."

(10) Section 533 of the said Act is repealed and the following substituted therefor:

Proceedings as to salvage, how to be conducted.

"**533.** Every dispute as to salvage that arises in Canada, when the services have been rendered in Canadian waters or on or near the coasts thereof, may be heard and determined, on the application either of the salvor or of the owner of the property liable to the claim for salvage, or when the property is in the custody of the receiver, on his application, and, if no proceedings to determine any dispute as to salvage have been taken by the salvor, the owner may make application as aforesaid to the receiver or the Admiralty Court, according to the value of the property liable."

(8) Subsections (1) and (2) at present read as follows:

"**510.** (1) Whenever any person takes possession of wreck within the limits of Canada, he shall, as soon as possible, deliver the same to the receiver, but the Minister may dispense with any such delivery in the case of any wreck, upon such conditions as he thinks fit.

(2) This section applies to any aircraft or any part thereof or cargo thereof found derelict at sea outside *the territorial limits of Canada* and brought within the territorial limits of Canada."

(9) Section 527 at present reads as follows:

"**527.** When, within *the territorial waters of or on or near the coasts of Canada*, any vessel is wrecked, abandoned, stranded or in distress, and services are rendered by any person in assisting such vessel or in saving any wreck, there shall be payable to the salvor by the owner of such vessel or wreck, as the case may be, a reasonable amount of salvage including expenses properly incurred."

(10) Section 533 at present reads as follows:

"**533.** Every dispute as to salvage that arises in Canada, when the services have been rendered *therein, or on or near the coasts thereof*, may be heard and determined, on the application either of the salvor or of the owner of the property liable to the claim for salvage, or when the property is in the custody of the receiver, on his application, and, if no proceedings to determine any dispute as to salvage have been taken by the salvor, the owner may make application as aforesaid to the receiver or the Admiralty Court, according to the value of the property liable."

(11) Subsection (1) of section 542 of the said Act is repealed and the following substituted therefor:

Salvage by Her Majesty's ships abroad.

"**542.** (1) Where services are rendered at any place outside Canada or Canadian waters by the commander or any of the crew of a ship belonging to Her Majesty in saving any vessel, or cargo, or property belonging to a vessel, the vessel, cargo or property alleged to be saved shall, if the salvor is justified by the circumstances of the case in detaining it, be taken to some port in Canada or in some other part of Her Majesty's dominions where there is a court having Admiralty jurisdiction or a consular officer."

(12) Paragraphs (*a*) to (*c*) of section 551 of the said Act are repealed and the following substituted therefor:

"(*a*) when any ship is lost, abandoned, stranded or damaged in Canadian waters, or on a voyage to or from a port in Canada;

(*b*) when any ship causes loss or damage to any other ship in Canadian waters;

(*c*) when, by reason of any casualty happening to or on board any ship in Canadian waters, loss of life ensues;"

(13) All that portion of subsection (1) of section 553 of the said Act preceding paragraph (*b*) thereof is repealed and the following substituted therefor:

Statement where casualty has happened.

"**553.** (1) Whenever a shipping casualty happens, anywhere in the case of a Canadian ship, or in Canadian waters in the case of any other British ship, the master, or, if the master is dead, the chief surviving officer, and also every other such person belonging to the ship as the Minister, from time to time, directs, shall within twenty-four hours of his first landing in Canada, after the happening of such casualty, attend and submit himself for examination

(*a*) at the office of the chief officer of Customs residing at or near the place where such casualty occurred, if the same occurred in Canadian waters, or"

(11) Subsection (1) at present reads as follows:

"**542.** (1) Where services are rendered at any place *out of the limits of Canada or the territorial waters thereof* by the commander or any of the crew of a ship belonging to Her Majesty in saving any vessel, or cargo, or property belonging to a vessel, the vessel, cargo or property alleged to be saved shall, if the salvor is justified by the circumstances of the case in detaining it, be taken to some port in Canada or in some other part of Her Majesty's dominions where there is a court having Admiralty jurisdiction or a consular officer."

(12) Paragraphs (*a*) to (*c*) at present read as follows:

"(*a*) when any ship is lost, abandoned, stranded or damaged in *any of the inland waters of Canada or on or near the coasts of Canada*, or on a voyage to or from a port in Canada;

(*b*) when any ship causes loss or damage to any other ship in, *on or near such inland waters or coasts*;

(*c*) when, by reason of any casualty happening to or on board any ship in, *on or near such inland waters or coast*, loss of life ensues;"

(13) The relevant portion of subsection (1) at present reads as follows:

"**553.** (1) Whenever a shipping casualty happens, anywhere in the case of a Canadian ship, or *within the limits of or on or near the coasts of Canada* in the case of any other British ship, the master, or, if the master is dead, the chief surviving officer, and also every such other person belonging to the ship as the Minister, from time to time, directs, shall within twenty-four hours of his first landing in Canada, after the happening of such casualty, attend and submit himself for examination

(*a*) at the office of the chief officer of Customs residing at or near the place where such casualty occurred, if the same occurred *on or near the coasts of Canada, or any island or place adjacent thereto*, or"

(14) All that portion of subsection (1) of section 554 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Examination on oath of persons belonging to ship or other witnesses, in case of British or foreign ship.

"**554.** (1) Where any ship, British or foreign, is or has been in distress in Canadian waters a receiver of wreck, or at the request of the Minister, a wreck commissioner or deputy approved by the Minister, or, in the absence of the persons aforesaid, a justice of the peace, shall, as soon as conveniently may be, examine on oath (and they are hereby respectively empowered to administer the oath) any person belonging to the ship, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters:"

(15) Paragraph (*b*) of section 560 of the said Act is repealed and the following substituted therefor:

"(*b*) where a master, mate, pilot or engineer has been charged with incompetency, misconduct or default whilst serving on board any British ship in Canadian waters or in the course of a voyage to a port in Canada;"

(16) Subsections (1) and (2) of section 693 of the said Act are repealed and the following substituted therefor:

Power to detain foreign ship that has occasioned damage.

"**693.** (1) Whenever any injury has in any part of the world been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, and at any time thereafter that ship is found in Canadian waters, a judge or district judge of the Admiralty Court may, upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an order directed to any officer of Customs or other officer named by the judge or court, requiring him to detain the ship until such time as the owner, master or consignee thereof has made satisfaction in respect of the injury, or has given security to be approved by the judge or court, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; any officer of Customs or other officer to whom the order is directed shall detain the ship accordingly.

(14) The relevant portion of subsection (1) at present reads as follows:

"**554.** (1) Where any ship, British or foreign, is or has been in distress *on the coasts of Canada* a receiver of wreck, or at the request of the Minister, a wreck commissioner or deputy approved by the Minister, or, in the absence of the persons aforesaid, a justice of the peace, shall, as soon as conveniently may be, examine on oath (and they are hereby respectively empowered to administer the oath) any person belonging to the ship, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters:"

(15) Paragraph (*b*) at present reads as follows:

"(*b*) where a master, mate, pilot or engineer has been charged with incompetency, misconduct or default whilst serving on board any British ship *on or near the coast of Canada* or in the course of a voyage to a port in Canada;"

(16) Subsections (1) and (2) at present read as follows:

"**693.** (1) Whenever any injury has in any part of the world been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, and at any time thereafter that ship is found *in any port or place in Canada or within three miles of the coast thereof*, a judge or district judge of the Admiralty Court may, upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an order directed to any officer of Customs or other officer named by the judge or court, requiring him to detain the ship until such time as the owner, master or consignee thereof has made satisfaction in respect of the injury, or has given security to be approved by the judge or court, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; any officer of Customs or other officer to whom the order is directed shall detain the ship accordingly.

(2) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from *the limits of Canada or three miles from the coast thereof*, the ship may be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer is not liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds."

Detention of ship.

(2) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from Canadian waters, the ship may be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer is not liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds."

(17) Subsection (1) of section 710 of the said Act is repealed and the following substituted therefor:

Power to arrest ship or claim for work done in stowing cargo, etc.

"**710.** (1) Where it is claimed that any sum is due to any person from the owners of a ship for work done at any place in any province of Canada by that person in connection with the stowing or discharging of cargoes on board or from that ship, or the trimming of coal on board that ship, and that ship is at any time found in Canadian waters, a judge or district judge of the Admiralty Court may, upon its being shown to him by any person applying in accordance with rules of court that *prima facie* the claim against the owners is a good claim and that none of the owners reside in the province in which the application is made, issue an order for the arrest of the ship."

(18) Subsection (4) of section 710 of the said Act is repealed and the following substituted therefor:

Where complaint made that ship will have departed, etc.

"(4) Where a complaint is made to the Minister that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from Canadian waters, the ship shall, if the Minister so directs, be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer is not liable for any costs or damages in respect of the detention if made in accordance with the directions of the Minister."

1952-53, c. 15; 1960-61, c. 14.

Coastal Fisheries Protection Act.

9. (1) Paragraph (*b*) of section 2 of the *Coastal Fisheries Protection Act* is repealed and the following substituted therefor:

(17) Subsection (1) at present reads as follows:

"**710.** (1) Where it is claimed that any sum is due to any person from the owners of a ship for work done at any place in any province of Canada by that person in connection with the stowing or discharging of cargoes on board or from that ship, or the trimming of coal on board that ship, and that ship is at any time found in *any place in Canada or within three miles of the coast thereof*, a judge or district judge of the Admiralty Court may, upon its being shown to him by any person applying in accordance with rules of court that *prima facie* the claim against the owners is a good claim and that none of the owners reside in the province in which the application is made, issue an order for the arrest of the ship."

(18) Subsection (4) at present reads as follows:

"(4) Where a complaint is made to the Minister that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from *the limits of Canada or three miles from the coast thereof*, the ship shall, if the Minister so directs, be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer is not liable for any costs or damages in respect of the detention if made in accordance with the directions of the Minister."

Clause 9: (1) Paragraph (*b*) at present reads as follows:

"Canadian fisheries waters."

"(*b*) "Canadian fisheries waters" means all waters in the fishing zones of Canada, all waters in the territorial sea of Canada and all internal waters of Canada;"

(2) Paragraph (*d*) of section 4 of the said Act is repealed.

Substitution of "Canadian fisheries waters" for "Canadian territorial waters."

(3) Wherever in the said Act the phrase "Canadian territorial waters" occurs there shall be substituted therefor, in each and every case, the phrase "Canadian fisheries waters".

Criminal Code.

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, cc. 37, 45; 1960-61, cc. 21, 42, 43, 44; 1963, c. 8.

10. Subsection (1) of section 420 of the *Criminal Code* is repealed and the following substituted therefor:

Offences on territorial sea and waters off the coast.

"**420.** (1) Where an offence is committed by a person, whether or not he is a Canadian citizen, on the territorial sea of Canada or on internal waters between the territorial sea and the coast of Canada, whether or not it was committed on board or by means of a Canadian ship, the offence is within the competence of and shall be tried by the court having jurisdiction in respect of similar offences in the territorial division nearest to the place where the offence was committed, and shall be tried in the same manner as if the offence had been committed within that territorial division."

Customs Act.

R.S., c. 58; 1953-54, c. 3; 1955, c. 32; 1958, c. 26; 1962, c. 27.

11. Paragraph (*b*) of subsection (1) of section 2 of the *Customs Act* is repealed and the following substituted therefor:

"Canadian waters."

"(*b*) "Canadian waters" means all waters in the territorial sea of Canada and all internal waters of Canada, subject, however, to the specific provision that the Governor in Council may from time to time by proclamation temporarily restrict, for Customs purposes, the extent of Canadian waters and such proclamation shall not be construed as foregoing any Canadian rights in respect of waters thus restricted;"

"(*b*) "Canadian territorial waters" means any waters designated by any Act of the Parliament of Canada or by the Governor in Council as the territorial waters of Canada, or any waters not so designated being within three marine miles of any of the coasts, bays, creeks, or harbours of Canada, and includes the inland waters of Canada;"

(2) The paragraph being repealed at present reads as follows:

"(*d*) designating territorial waters of Canada for the purposes of this Act;"

Clause 10: Subsection (1) at present reads as follows:

"**420.** (1) Where an offence is committed by a person, whether or not he is a Canadian citizen, *on a part of the sea adjacent to the coast of Canada, and within three nautical miles of ordinary low water mark*, whether or not it was committed on board or by means of a Canadian ship, the offence is within the competence of and shall be tried by the court having jurisdiction in respect of similar offences in the territorial division nearest to the place where the offence was committed, and shall be tried in the same manner as if the offence had been committed within that territorial division."

Clause 11: Paragraph (*b*) at present reads as follows:

"(*b*) "Canadian waters" means all *territorial waters of Canada and all waters forming part of the territory of Canada, including the marginal sea within three marine miles of the base lines on the coast of Canada, determined in accordance with international law and practice*; subject, however, to the following specific provisions:

(i) *Canadian waters shall not extend beyond the limits of exclusion recommended in the North Atlantic Fisheries Award, answer to question V, as set forth in the Schedule;*

(ii) *the extent of Canadian waters shall conform with the provisions of any other Act of the Parliament of Canada*;

(iii) the Governor in Council may from time to time by proclamation temporarily restrict, for Customs purposes, the extent of Canadian waters and such proclamation shall not be construed as foregoing any Canadian rights in respect of waters thus restricted; and

(iv) *the plotting of base lines and of the limits of Canadian waters on a map or chart issued under the authority of and approved by the Governor in Council shall be conclusive evidence of the due determination of such base lines and of the extent of Canadian waters or of Canadian waters temporarily restricted, pursuant to the provisions of subparagraph* (iii);"

R.S., c. 119; 1960-61, c. 23.

Fisheries Act.

12. (1) Section 2 of the *Fisheries Act* is amended by adding thereto, immediately after paragraph (*a*) thereof, the following paragraph:

"Canadian fisheries waters."

"(*ab*) "Canadian fisheries waters" means all waters in the fishing zones of Canada, all waters in the territorial sea of Canada and all internal waters of Canada;"

(2) Section 12 of the said Act is repealed and the following substituted therefor:

Use of nets regulated.

"**12.** The use of nets, weirs or other apparatus of a like nature for the capture of salmon shall be confined to tidal waters except where otherwise provided by regulation and, where not otherwise specified by law, any fishery officer may determine the length and place of each net or other apparatus used in any Canadian fisheries waters."

(3) Section 31 of the said Act is repealed and the following substituted therefor:

Fish not to be caught outside Canadian fisheries waters when catching is forbidden in such waters.

"**31.** No one shall leave any port or place in Canada to fish outside Canadian fisheries waters for fish the catching of which is at such time prohibited in the Canadian fisheries waters opposite to or nearest the place where such person proposes to fish, and no one shall bring into Canada any fish caught outside Canadian fisheries waters when fishing for such fish is prohibited inside the Canadian fisheries waters opposite or nearest to the place where such fish was caught, or shall bring into Canada any vessels, boats, nets, fishing gear, implements or appliances used in such fishing."

(4) Section 32 of the said Act is repealed and the following substituted therefor:

Purse seine not to be used except under licence.

"**32.** No one shall use a purse seine in any Canadian fisheries waters, except under licence from the Minister for the taking of salmon, pilchard, herring, smelts, mackerel and pollock."

(5) Paragraph (*b*) of subsection (1) of section 55 of the said Act is repealed and the following substituted therefor:

Clause 12: (1) New.

(2) Section 12 at present reads as follows:

"**12.** The use of nets, weirs or other apparatus of a like nature for the capture of salmon shall be confined to tidal waters except where otherwise provided by regulation and, where not otherwise specified by law, any fishery officer may determine the length and place of each net or other apparatus used in any *of the waters of Canada.*"

(3) Section 31 at present reads as follows:

"**31.** No one shall leave any port or place in Canada to fish outside *the territorial waters of Canada* for fish the catching of which is at such time prohibited in *the territorial waters of Canada* opposite to or nearest the place where such person proposes to fish, and no one shall bring into Canada any fish caught outside the *territorial waters of Canada* when fishing for such fish is prohibited inside *the territorial waters of Canada* opposite or nearest to the place where such fish was caught, or shall bring into Canada any vessels, boats, nets, fishing gear, implements or appliances used in such fishing."

(4) Section 32 at present reads as follows:

"**32.** No one shall use a purse seine in any *of the waters of Canada*, except under licence from the Minister for the taking of salmon, pilchard, herring, smelts, mackerel and pollock."

(5) Paragraph (*b*) at present reads as follows:

Bringing in fish caught beyond Canadian fisheries waters.

"(*b*) knowingly brings into Canada any fish taken or caught in the sea beyond Canadian fisheries waters with any vessel that uses an "otter" or other trawl of a similar nature, or any vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea beyond Canadian fisheries waters, if the leaving or departure from Canada of such vessel constituted an offence under this section, and the fish or vessel so brought in shall be confiscated to Her Majesty for violation of this Act, in the manner provided by section 64."

1960-61, c. 23.

(6) Section 76 of the said Act is repealed and the following substituted therefor:

Application to High Seas.

"**76.** The provisions of this Act and the regulations that apply to any or all of Canadian fisheries waters, without anything in the context of such provisions indicating that they apply to any specified area of Canadian fisheries waters, shall, in relation to any fishing vessel on the High Seas that is subject to the jurisdiction of Canada, or any act or thing done or omitted to be done on, from or by means of any such fishing vessel, be deemed to extend and apply to the High Seas."

PART III.

Coming into Force.

Coming into force.

13. This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

"(*b*) knowingly brings into Canada any fish taken or caught in the sea beyond *the territorial waters of Canada* with any vessel that uses an "otter" or other trawl of a similar nature, or any vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea beyond *the territorial waters of Canada*, if the leaving or departure from Canada of such vessel constituted an offence under this section, and the fish or vessel so brought in shall be confiscated to Her Majesty for violation of this Act, in the manner provided by section 64."

(6) Section 76 at present reads as follows:

"**76.** The provisions of this Act and the regulations that apply to any or all *of the waters or territorial waters of Canada*, without anything in the context of such provisions indicating that they apply to any specified area of *the waters or territorial waters of Canada*, shall, in relation to any fishing vessel on the High Seas that is subject to the jurisdiction of Canada, or any act or thing done or omitted to be done on, from or by means of any such fishing vessel, be deemed to extend and apply to the High Seas."

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-18.

An Act respecting The Montreal Board of Trade.

Read a first time, Thursday, 30th April, 1964.

Honourable Senator MOLSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20541

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-18.

An Act respecting The Montreal Board of Trade.

Preamble. 1842 (Prov. of Canada), c. 90; 1845 (Prov. of Canada), c. 67; 1875, c. 57; 1886, c. 55; 1892, c. 70.

WHEREAS The Montreal Board of Trade has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Repeal.

1. Section 1 of chapter 70 of the statutes of 1892 is repealed and the following substituted therefor:

Acquisition and disposal of property.

"**1.** The Montreal Board of Trade, notwithstanding anything contained in the Acts relating thereto, may acquire and hold real and personal estate as it may deem necessary for attaining the objects for which The Montreal Board of Trade is constituted; and may alienate, sell, convey, lease or hypothecate in favour of trustees, or otherwise dispose of the same or any part thereof, from time to time, as occasion requires, and may acquire other estate real or personal instead thereof."

Raising of capital.

2. Section 13 of chapter 55 of the statutes of 1886, as amended by section 2 of chapter 70 of the statutes of 1892, is further amended by deleting therefrom, in lines 4, 5 and 6 thereof, the words, "not exceeding in amount the aforesaid sum of one million dollars,".

Explanatory Notes.

The purpose of clause 1 is to remove the limitation on the powers of The Montreal Board of Trade with respect to the holding of property as contained in section 1 of chapter 70 of the statutes of 1892, which reads as follows:—

"**1.** The Montreal Board of Trade, notwithstanding anything contained in the Acts relating thereto, may acquire and hold real and personal estate not exceeding together in clear value the sum of one million dollars; and may alienate, sell, convey, lease or hypothecate in favour of trustees, or otherwise dispose of the same or any part thereof, from time to time, as occasion requires, and may acquire other estate real or personal instead thereof."

The purpose of clause 2 is to remove a similar limitation contained in section 13 of chapter 55 of the statutes of 1886, as amended by section 2 of chapter 70 of the statutes of 1892, which reads as follows:

"**13.** The corporation is hereby empowered, by vote of the majority at any annual, quarterly or special meeting of the corporation, to make all proper and needful by-laws for its government,—for the raising of capital, not exceeding in amount the aforesaid sum of one million dollars, by the issue of transferable shares, bonds or otherwise, to regulate the rate and payment of interest thereon, for the appointing of the conditions under which shares or bonds may be transferred or forfeited,—for the employment of a secretary, assistant-secretary and such clerks and other officers and servants as may be necessary, for regulating the mode of voting at any ordinary or general meeting, and to determine whether the presiding officer shall or shall not vote, or shall or shall not have a double or casting vote in case of a tie,—for the formation and maintenance of the guarantee or pension fund, and for the management and distribution thereof generally, for regulating and defining the rights of participants therein, and the imposition and enforcement of any penalties and forfeitures in connection with such fund,—and generally to make by-laws for all or any of the purposes within the powers conferred by this Act, and for the administration of its affairs generally, provided such by-laws are not contrary to law, and further to amend and repeal such by-laws from time to time in the manner provided by such by-laws; and generally the corporation shall have all needful corporate powers for the purposes of this Act."

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-19.

An Act to incorporate Les Scouts Catholiques du Canada.

Read a first time, Tuesday, 5th May 1964.

Honourable Senator POULIOT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20668

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-19.

An Act to incorporate Les Scouts Catholiques du Canada.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Michel Deschamps, administrator, of the city of Ottawa, in the province of Ontario, Robert Hermann Belanger, civil servant, of the city of Ottawa, in the province of Ontario, and Paul Joseph McNicoll, administrator, of the city of Eastview, in the province of Ontario, being officers of an unincorporated association known as Les Scouts Catholiques du Canada, hereinafter called "the Association", and all other members of the said unincorporated association, and such persons as become members of the corporation hereby created, are incorporated under the name of Les Scouts Catholiques du Canada, hereinafter called "the Corporation".

Head office.

2. (1) The head office of the Corporation shall be at the city of Ottawa, in the province of Ontario, or at such other place within Canada as the Corporation may determine by by-law from time to time.

(2) Notice in writing shall be given to the Secretary of State by the Corporation of any change of the head office and such notice shall be published forthwith in the Canada Gazette.

Objects.

3. The principal object of the Corporation is to educate boys and young men by the establishment, organization, administration, promotion and development of scouting as established by the late Lord Baden-Powell of

Gilwell in accordance with the teachings and principles of the Roman Catholic Church, and, without limiting the generality of the foregoing, shall include the following objects:

(*a*) to print, publish, sell and distribute literature in promotion of the objects of the Corporation, and to establish and operate printing plants and centres of distribution;

(*b*) to acquire, establish, possess, organize and operate installations and stores needed to promote the objects of the Corporation;

(*c*) to manufacture, distribute and sell emblems, badges and decorations, descriptive or designating marks and titles, and apparatus, equipment and uniforms, needed to promote the objects of the Corporation; and

(*d*) to co-operate with any organization, whether incorporated or not, whose objects are in whole or in part similar to the objects of the Corporation.

By-laws.

4. (1) The by-laws and regulations of the Association shall constitute the by-laws and regulations of the Corporation until amended, repealed or adopted in accordance with this Act.

(2) The Corporation may, from time to time, make by-laws and regulations, not contrary to law, for

(*a*) the administration, management and control of the property, undertakings and business of the Corporation;

(*b*) the composition and functions of the executive council or of any council, board or committee authorized to manage the affairs of the Corporation and to exercise its powers;

(*c*) the appointment, terms of office, functions, duties and remuneration of all members, officers, agents and servants of the Corporation and their successors;

(*d*) the admission of members to and their dismissal from the Corporation;

(*e*) the calling of meetings, regular or special, of the Corporation or of its executive council, boards or committees;

(*f*) the fixing of the necessary quorum and the procedure to be followed at all meetings referred to in the preceding paragraph; and

(*g*) generally carrying out the objects and purposes of the Corporation.

Management.

5. (1) The Corporation may exercise all its powers by and through an executive council, or by and through boards or committees, to be elected or appointed by the Corporation from time to time for the management of its affairs.

(2) The members of the executive council of the Association shall continue as members of the executive council of the Corporation and shall manage the affairs of the Corporation until successors are appointed or elected pursuant to this Act.

(3) The present officers or members of the Association and of any councils, committees or commissions thereof, appointed or elected under the by-laws or regulations of the Association, shall continue as officers or members of the Corporation, and of any councils, committees or commissions thereof, until successors have been appointed or elected pursuant to this Act.

Local branches

6. (1) The Corporation may, by resolution, establish branches, boards, committees or other bodies of its members to hold, manage, deal with, dispose of or otherwise administer any of its property, funds, trusts, interest, institution or undertakings, and any cultural, social, charitable projects now or hereafter owned, founded or established by the Association, and may define and prescribe the constitution, powers, duties, officers and quorum of any such branches, boards, committees or other bodies and may delegate to any of them such of its powers as it may deem expedient.

(2) Whenever it is deemed expedient to establish as a body corporate any branch, board, committee or other body for any of the purposes of the Corporation, the Corporation may so declare in the resolution establishing such branch, board, committee or other body in accordance with the by-laws, rules and regulations of the Corporation in that behalf. Upon the filing of any such resolution as hereinafter prescribed the same shall be and become a body corporate with such name, head office, seal, membership, organization, powers, rights and duties not contrary to law or inconsistent with this Act, as may be determined or defined from time to time by the executive council, including the acquiring, holding or administering and disposing of all property, real or personal, which may be devised, bequeathed, granted or conveyed to any such branch, board, committee or governing body for the purposes of the Corporation and the borrowing of any money necessary in the opinion of such branch, board, committee or body for the purposes thereof, and the mortgaging, hypothecating or pledging of so much of the real or personal property held by any such branch, board, committee or body as may be necessary to secure any amount so borrowed.

(3) In each case, whenever such branch, board, committee or body is to be established as a body corporate or its name, or head office is changed by resolution of the Corporation, the Corporation shall file a certified copy of such resolution under the hand of the president of the Corporation and seal thereof, with the Secretary of State for Canada, and a notice thereof shall be published forthwith in the *Canada Gazette*.

(4) A certificate under the official seal of the Corporation signed by its secretary shall be sufficient evidence in all courts of the establishment as a body corporate of such branch, board, committee or body, of any change in its name or head office and of its constitution and powers.

(5) Nothing in this section shall authorize the establishment as a body corporate of any branch, board, committee or body having purely provincial objects.

Powers to acquire and hold property.

7. (1) The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy property, real and personal, corporeal and incorporeal, and any or every estate or interest whatsoever, given, granted, devised or bequeathed to it or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of any religious, educational, eleemosynary or other institution established or intended to be established by, under the management of, or in connection with the uses or purposes of the Corporation.

(2) The Corporation may also hold such real property or estate therein as is bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered.

Investment in and disposal of property.

8. Subject always to the terms of any trust relating thereto, the Corporation may also sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Corporation, whether by way of investment for the uses and purposes of the Corporation or not; and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments either in whole or in part.

Application of mortmain laws.

9. In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a licence in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Corporation.

Transfer of property held in trust.

10. In so far as authorization by the Parliament of Canada is necessary, any person or corporation, in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes of the Corporation, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Corporation.

Execution of documents.

11. Any deed or other instrument relating to real estate vested in the Corporation or to any interest in such real estate shall, if executed within the jurisdiction of the Parliament of Canada, be deemed to be duly executed if there is affixed thereto the seal of the Corporation and there is thereupon the signature of any officer of the Corporation duly authorized for such purpose.

Disposition of property by gift or loan.

12. The Corporation may make a gift of or lend any of its property, whether real or personal, for or to assist in the erection or maintenance of any building or buildings deemed necessary for any church, college, manse, school or hospital or for any other religious, charitable, educational, congregational or social purpose upon such terms and conditions as it may deem expedient.

Borrowing powers.

13. (1) The Corporation may, from time to time, for the purposes of the Corporation

(*a*) borrow money upon the credit of the Corporation;

(*b*) limit or increase the amount to be borrowed;

(*c*) make, draw, accept, endorse or become party to, promissory notes and bills of exchange and every such note or bill made, drawn, accepted or endorsed by the party thereto, authorized by the by-laws of the Corporation, and countersigned by the proper party thereto, authorized by the by-laws of the Corporation, shall be binding upon the Corporation and shall be presumed to have been made, drawn, accepted or endorsed with proper authority

until the contrary is shown, and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill;

(*d*) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation, or which it is obligated to pay or the payment of which is guaranteed by it;

(*e*) issue bonds, debentures or other securities of the Corporation; and

(*f*) pledge or sell such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient.

(2) Nothing in the preceding subsection shall be construed to authorize the Corporation to issue any note or bill payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance.

Powers of guarantee.

14. The Corporation may guarantee, with or without security, upon such terms as it may determine, any debts of, the performance of any obligation of and the repayment of any advances made to or for the purposes of any corporation, organization, association or society associated or affiliated with the Corporation.

Investment of funds.

15. The Corporation may invest its funds, or any portion thereof, either directly in the name of the Corporation or indirectly in the name of trustees, in the purchase of such securities as it may deem advisable, and may lend its funds or any portion thereof on any such securities.

Rights and obligations.

16. The Corporation is vested with all the rights and assumes all the obligations of the Association.

Territorial powers.

17. The Corporation may exercise the rights and powers conferred upon it by this Act throughout Canada.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-20.

An Act to incorporate Bank of British Columbia.

Read a first time, Wednesday, 6th May, 1964.

Honourable Senator FARRIS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20710

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-20.

An Act to incorporate Bank of British Columbia.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Harold Barrington Elworthy, executive, William Clark Mearns, executive, and John Alfred Griffith Wallace, executive, all of the city of Victoria, in the province of British Columbia, and Frederick Hawthorne Dietrich, executive, and Einer Maynard Gunderson, executive, both of the city of Vancouver, in the province of British Columbia, together with such persons as become shareholders in the corporation by this Act created, are incorporated under the name Bank of British Columbia, hereinafter called "the Bank".

Corporate name.

2. The persons named in section 1 shall be the provisional directors of the Bank.

Capital stock.

3. The capital stock of the Bank shall be one hundred million dollars.

Head office.

4. The head office of the Bank shall be at the city of Vancouver, in the province of British Columbia.

Qualifications of directors.

5. (1) All directors of the Bank shall be subjects of Her Majesty ordinarily resident in Canada.

(2) No issue and allotment of shares and no transfer of shares to a non-resident or to a person acting as nominee, agent, trustee or otherwise on behalf of a non-resident is valid and no shares so issued and allotted or transferred shall be registered.

(3) The directors or any person thereunto authorized by the directors shall refuse to issue and allot shares or to transfer shares unless the subscription therefor or the transfer is accompanied by a statement in writing signed by the subscriber or transferee stating

(*a*) that he is a resident of Canada, and

(*b*) whether any arrangement exists under which, in respect of any shares to be registered in his name, he will be acting as nominee, agent, trustee or otherwise on behalf of a non-resident; and the directors or such person may require that any such statement be made by affidavit or statutory declaration.

(4) The directors or any person thereunto authorized by the directors shall refuse to issue and allot shares or to transfer shares unless they are or such person is satisfied that such issue and allotment or registration of such transfer is not prohibited under the provisions of subsection (2) of this section.

(5) To assist them in carrying out the provisions of this section, the directors may at any time request any registered shareholder to provide a sworn statement or other evidence to show whether he is or is not a resident of Canada or whether he is or is not acting as nominee, agent, trustee or otherwise on behalf of any non-resident.

(6) In carrying out the provisions of this section the directors or any person thereunto authorized by the directors may in good faith act upon any information which they believe or such person believes to be reliable.

Definitions.

(7) In this section,

(*a*) the expression "non-resident" includes any natural person not ordinarily resident in Canada, any firm, association or other aggregation of persons any of whom is not ordinarily resident in Canada, and any corporation other than a corporation which (i) is incorporated under the laws of Canada or of any province or territory thereof, (ii) has its principal place of business in Canada and (iii) is not by any means whatsoever under the control of non-residents of Canada, and

(*b*) the expression "acting as nominee, agent, trustee or otherwise on behalf of a non-resident" includes acting as nominee, agent, trustee or otherwise on behalf of any person who is acting as nominee, agent, trustee or otherwise on behalf of a non-resident.

When section in force.

1953-54, c. 48.

(8) This section shall have effect notwithstanding anything in the *Bank Act*, unless and until otherwise provided by Parliament.

Amendment to Schedule A of *Bank Act*.

6. Schedule A of the *Bank Act* is amended by adding thereto the following:

Name of Bank	Additional name under which Bank is authorized to to carry on business	Authorized capital stock	Head Office of the Bank
Bank of British Columbia	Banque de la Colombie Britannique	$100,000,000	Vancouver

Powers and liabilities.

7. Except as provided in the *Bank Act* and in this Act, the Bank shall have all the powers, privileges and immunities and be subject to all the liabilities and provisions set forth in the *Bank Act*.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-21.

An Act to authorize the Construction and Maintenance of a Bridge across the St. Lawrence River between the City of Ste-Foy, in the County of Quebec, and the Municipality of St-Nicolas, in the County of Levis, both in the Province of Quebec.

Read a first time, Thursday, 7th May, 1964.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20756

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-21.

An Act to authorize the Construction and Maintenance of a Bridge across the St. Lawrence River between the City of Ste-Foy, in the County of Quebec, and the Municipality of St-Nicolas, in the County of Levis, both in the Province of Quebec.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

1. This Act may be cited as the *Ste-Foy–St-Nicolas Bridge Act.*

Construction of bridge authorized.

2. Subject to this Act, the Province of Quebec (hereinafter referred to as "the Province") is hereby authorized to construct and maintain a bridge and approaches and other works ancillary thereto for the use and passage of persons, vehicles and goods across and over the St. Lawrence River from a point at or near the City of Ste-Foy, in the County of Quebec, in the Province of Quebec to a point at or near the Municipality of St-Nicolas, in the County of Levis, in the Province of Quebec.

Plans and drawings to be submitted.

3. (1) The bridge described in section 2 and the works ancillary thereto shall be constructed and maintained in accordance with and subject to such regulations for the safeguarding of navigation on the St. Lawrence River as the Governor in Council may prescribe and, for that purpose, the Province shall, before commencing the construction of the bridge or ancillary works, submit to the Governor in Council for examination and approval plans and drawings thereof and a map of their proposed locations, indicating accurately all relevant soundings and showing the bed of the stream and the location of all other bridges in the area, and furnish to the Governor in Council such other information as is required for a full and satisfactory understanding of the project.

Approval of plans and drawings prior to commencement.

(2) Construction of the bridge or works ancillary thereto shall not be commenced until such time as the plans and drawings referred to in subsection (1) and the location of the bridge and ancillary works have been approved by the Governor in Council, and no material change in such plans or drawings, or in the location of the bridge or ancillary works shall be made after the commencement of construction thereof except with the approval of the Governor in Council.

Regulations.

4. (1) The Governor in Council may, in addition to any regulations authorized by section 3, make such regulations in relation to the bridge described in section 2 and the works ancillary thereto as he deems necessary for navigation purposes.

Compliance.

(2) All persons affected by any regulation made under the authority of this Act shall comply therewith.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-22.

An Act to amend the Companies Act.

First reading, Thursday, 7th May, 1964.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20748

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-22.

An Act to amend the Companies Act.

R.S., c. 53.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The long title of the *Companies Act* is repealed and the following substituted therefor:

"An Act respecting Corporations."

2. Section 1 of the said Act is repealed and the following substituted therefor:

Short title.

"**1.** This Act may be cited as the *Canada Corporations Act*."

3. (1) Paragraph (*d*) of section 3 of the said Act is repealed and the following substituted therefor:

"Court."

"(*d*) "court" means in Ontario, the Supreme Court; in Quebec, the Superior Court; in Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, Alberta and Newfoundland, the Supreme Court in and for each of those Provinces, respectively; in Manitoba, the Court of Queen's Bench; in Saskatchewan, the Court of Queen's Bench; in the Yukon Territory, the Territorial Court; and in the Northwest Territories, the Territorial Court;"

(2) Section 3 of the said Act is further amended by adding thereto the following subsection:

Special resolution.

"(2) A by-law mentioned in section 17, subsection (1) of section 26, section 48 or 49 may be referred to as a "special resolution"."

Explanatory Notes.

Clause 1: The *Companies Act*, as it is now entitled, relates to other corporations besides the joint stock class of companies from which its title was originally derived. To emphasize this circumstance, the long title of the Act is to be changed from "An Act respecting *Dominion Companies*" to that shown in this clause.

Clause 2: A corresponding change is made in the short title which is now the "*Companies Act*".

Clause 3: (1) The definition of "court" is enlarged to include the Territorial Court of the Northwest Territories.

(2) Because of the influence of provincial corporation law and practice, the by-laws referred to in sections 17, 26, 48 and 49 are frequently called "special resolutions" in dealings with the Companies Branch of the Department of the Secretary of State. This creates technical difficulties in processing applications for supplementary letters patent which create unnecessary irritation and delay. The amendment will remove this linguistic and technical difficulty.

4. Section 4 of the said Act is repealed and the following substituted therefor:

Provisions directory only.

"**4.** The provisions of this Part relating to matters preliminary to the issue of the letters patent or supplementary letters patent are directory only, and no letters patent or supplementary letters patent issued under this Part shall be held void or voidable on account of any irregularity or insufficiency in respect of any matter preliminary to the issue of the letters patent or supplementary letters patent."

5. (1) Subsection (1) of section 5 of the said Act is repealed and the following substituted therefor:

Incorporation of companies for certain objects.

"**5.** (1) The Secretary of State may, by letters patent under his seal of office, grant a charter to any number of persons, not less than three, being twenty-one years of age or over and having power under law to contract, who apply therefor, constituting such persons, and such other persons as thereafter become shareholders in the company thereby created, a body corporate and politic for any of the objects to which the legislative authority of the Parliament of Canada extends, except

(*a*) the construction and working of railways within Canada or of telegraph or telephone lines within Canada;

(*b*) the business of insurance within the meaning of the *Canadian and British Insurance Companies Act;*

(*c*) the business of a trust company within the meaning of the *Trust Companies Act;*

(*d*) the business of a loan company within the meaning of the *Loan Companies Act;* and

(*e*) the business of banking and the issue of paper money."

(2) Subsection (4) of section 5 of the said Act is repealed and the following substituted therefor:

Grounds for winding up company.

"(4) Where a company

(*a*) carries on a business that is not within the scope of the objects set forth in its letters patent or supplementary letters patent,

Clause 4: Section 4 at present reads as follows:

"**4.** The provisions of this Part relating to matters preliminary to the issue of the letters patent or supplementary letters patent *shall be deemed* directory only, and no letters patent or supplementary letters patent issued under this Part shall be held void or voidable on account of any irregularity in respect of any matter preliminary to the issue of the letters patent or supplementary letters patent."

The purpose of this amendment is to broaden the scope of the provision to include an insufficiency in the matters preliminary to the issue of letters patent.

Clause 5(1): Subsection (1) of section 5 at present reads as follows:

"**5.** (1) The Secretary of State may, by letters patent under his seal of office, grant a charter to any number of persons, not less than three, who apply therefor, constituting such persons, and others *who have become subscribers to the memorandum of agreement hereinafter mentioned and who* thereafter become shareholders in the company thereby created, a body corporate and politic, for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, except the construction and working of railways within Canada or of telegraph or telephone lines within Canada, the business of insurance within the meaning of the *Canadian and British Insurance Companies Act*, the business of a trust company within the meaning of the *Trust Companies Act*, the business of a loan company within the meaning of the *Loan Companies Act*, and the business of banking and the issue of paper money."

The purpose of this amendment is to make the description of the applicants for letters patent correspond with the description to be made in section 7.

(2) Subsection (4) of section 5 at present reads as follows:

"(4) *Any* company *that*

(a) carries on any business that is not within the scope of the purposes or objects set forth in *the* letters patent or supplementary letters patent,

(b) exercises or professes to exercise any powers that are not truly ancillary or reasonably incidental to the purposes or objects set forth in *the* letters patent or supplementary letters patent, or

(c) exercises or professes to exercise any powers expressly excluded by *the* letters patent or supplementary letters patent,

is liable to be wound up and *to be* dissolved *if* the Attorney General of Canada upon receipt of a certificate of the Secretary of State setting forth his opinion that *such company has carried on business or exercised or professed to exercise powers as in this section provided, applies* to a court of competent jurisdiction for an order that the company be wound up under *the provisions of* the *Winding-up Act*."

(*b*) exercises or professes to exercise any powers that are not truly ancillary or reasonably incidental to the objects set forth in its letters patent or supplementary letters patent,

(*c*) exercises or professes to exercise any powers expressly excluded by its letters patent or supplementary letters patent,

(*d*) fails for two or more consecutive years to hold an annual meeting of its shareholders,

(*e*) fails to comply with the requirements of section 121E or 121F, or

(*f*) defaults in complying for six months or more with any requirement of section 125,

the company is liable to be wound up and dissolved under the *Winding-Up Act* upon the application of the Attorney General of Canada to a court of competent jurisdiction for an order that the company be wound up under that Act, which application may be made upon receipt by the Attorney General of Canada of a certificate of the Secretary of State setting forth his opinion that any of the circumstances described in paragraphs (*a*) to (*f*) apply to that company.

Costs of winding up.

(5) In an application to the court under subsection (4) the court shall determine whether the costs of the winding up shall be borne personally by any or all of the directors of the company or by the company."

6. Section 7 of the said Act is repealed and the following substituted therefor:

Qualification of applicants.

"**7.** (1) The applicants for letters patent shall be individuals of the full age of twenty-one years with power under law to contract.

Particulars in application.

(2) The applicants for letters patent shall file in the Department of the Secretary of State an application signed by each of the applicants setting forth the following particulars:

(*a*) the name, the place of residence and the calling of each of the applicants;

(*b*) the proposed corporate name of the company, having regard to section 22;

(*c*) the objects for which incorporation is sought, which shall be limited to the objects that it is intended the company shall pursue;

The purpose of this amendment is to provide a means of winding-up a company that fails for two or more consecutive years to hold an annual meeting of shareholders, or a public company that fails to send its shareholders the financial statement and auditors report, or that fails to file such documents with the Secretary of State as required by section 121F.

Clause 6: Section 7 at present reads as follows:

"**7.** (1) The applicants for such letters patent, *who must* be of the full age of twenty-one years, shall file in the Department of the Secretary of State an application, *in accordance, as nearly as may be, with Form 1 in the Schedule*, setting forth the following particulars:

(*a*) the proposed corporate name of the company, *the last word of which shall be the word "Limited" or the abbreviation thereof, "Ltd."*;

(*b*) the *purposes* for which incorporation is sought, which shall be limited to the *purposes and* objects that it is intended that the company shall pursue;

(*c*) the place within Canada where the head office of the company is to be situate;

(*d*) where the shares *in its capital stock* are to *have a* par value, *the number of such shares and* the par value of each *such* share;

(*e*) where the shares *in its capital stock* are to be without *nominal or* par value, the *number of such shares that the company is to be authorized to issue;*

(*f*) where the shares are to be *of both kinds*, particulars thereof in accordance with paragraphs (*d*) and (*e*);

(*g*) where the shares *in its capital stock* are to be *of more than one class*, the *respective* rights, restrictions, conditions and limitations attaching to *the* shares of each such class; if any class of shares that is to have attached thereto preferred rights as to dividend is to be issued in series as provided by subsection (1) of section 12, either

(i) the designation, rights, restrictions, conditions and limitations attaching to the first series of such class, and a statement that the directors are authorized to fix from time to time before issuance the designation, rights, restrictions, conditions and limitations attaching to the shares of each subsequent series of such class, or

(*d*) the place within Canada where the head office of the company is to be situated;

(*e*) the authorized capital, the classes, if any, of the shares into which it is to be divided and the number of shares of each class;

(*f*) where the shares of a class are to be with par value, the par value of each share;

(*g*) where the shares of a class are to be without par value, the maximum consideration for which each share or the maximum aggregate consideration for which all shares of the class may be issued;

(*h*) where part of the shares are to be with par value and part without par value, particulars thereof in accordance with paragraphs (*f*) and (*g*);

(*i*) where there are to be two or more classes of shares, the preferences, rights, conditions, restrictions, limitations or prohibitions, if any, attaching to each class of shares; and if any class of shares that is to have attached thereto preferred rights as to dividend is to be issued in series as provided by subsection (1a) of section 12, either

(i) the designation, rights, restrictions, conditions and limitations attaching to the first series of such class, and a statement that the directors are authorized to fix from time to time before issuance the designation, rights, restrictions, conditions and limitations attaching to the shares of each subsequent series of such class, or

(ii) a statement that the directors are authorized to fix from time to time before issuance the designation, rights, restrictions, conditions and limitations attaching to the shares of each series of such class;

(*j*) a statement whether the company is to be a public company or a private company and, if the company is to be a private company, a request that the company be incorporated as a private company and the restrictions on the transfer of its shares that are to be set out in the letters patent;

(*k*) the name, postal address and calling of each of the applicants, not less than three who are to be the first directors of the company; and

(ii) a statement that the directors are authorized to fix from time to time before issuance the designation, rights, restrictions, conditions and limitations attaching to the shares of each series of such class;

(*h*) if the company is to be a private company, a request that the company be incorporated as a private company and the restrictions on the transfer of its shares that are requested to be set out in the letters patent;

(*i*) the names *in full and the address* and calling of each of the applicants;

(*j*) the names of the applicants, not less than three, who are to be the first directors of the company.

(2) The *application* shall be accompanied by a memorandum of agreement in duplicate in accordance with Form 2 in the Schedule, signed and sealed by the applicants, each of whom must subscribe for at least one share.

(3) The application may ask to have embodied in the letters patent any provision that could under this Part be contained in any by-law of the company."

The purpose of this amendment is to simplify the method of applying for letters patent by removing the statutory form of application and the memorandum of agreement. The term "objects" will replace the coupled expression "purposes and objects". Objects will be distinguished from powers; and powers need not be specified unless an additional power is required or an incidental power is to be limited. The other changes are intended to make the requirements of the application more in accord with modern corporate administration and practice.

(*l*) the class and number of shares to be taken by each applicant and the amount to be paid therefor.

Additional matter.

(3) The applicants may ask to have embodied in the letters patent any provision that could under this Part be contained in any by-law of the company.

Specific powers.

(4) The application need not specify the powers to be acquired by the company unless

(*a*) a specific power is sought that is not included within the ancillary or incidental powers to be acquired by the company pursuant to section 14; or

(*b*) an ancillary or incidental power mentioned in section 14 is to be excluded from the powers of the company or is to be qualified in respect of the company.

Original shareholders.

7A. Upon the incorporation of a company each applicant for letters patent becomes a shareholder holding the class and number of shares stated in the application to be taken by him and he is liable to the company for the amount to be paid therefor."

7. (1) Subsection (1) of section 8 of the said Act is repealed and the following substituted therefor:

Establishing conditions precedent to the issue of letters patent.

"**8.** (1) Before the letters patent are issued the applicants shall establish to the satisfaction of the Secretary of State the sufficiency of the application and the truth and sufficiency of the facts therein set forth and that the proposed name is not the same or similar to the name under which any other company, society, association or firm, in existence, is carrying on business in Canada or is incorporated under the laws of Canada or any province thereof or so nearly resembles the same as to be calculated to deceive and is not otherwise on public grounds objectionable, or that such existing company, society, association or firm is in the course of being dissolved or changing its name and has signified its consent to the use of the said name."

(2) Subsection (3) of section 8 of the said Act is repealed and the following substituted therefor:

Averments to be recited.

"(3) The letters patent shall recite such of the established averments in the application as to the Secretary of State seems expedient."

Clause 7: (1) This amendment is consequential. The memorandum of agreement is being abolished as a document required in the incorporating process. Subsection (1) of section 8 at present reads as follows:

"**8.** (1) Before the letters patent are issued the applicants shall establish to the satisfaction of the Secretary of State the sufficiency of the application *and memorandum of agreement* and the truth and sufficiency of the facts therein set forth and that the proposed name is not the same or similar to the name under which any other company, society, association or firm, in existence, is carrying on business in Canada or is incorporated under the laws of Canada or any province thereof or so nearly resembles the same as to be calculated to deceive and is not otherwise on public grounds objectionable, or that such existing company, society, association or firm is in the course of being dissolved or changing its name and has signified its consent to the use of the said name."

(2) Subsection (3) of section 8 at present reads as follows:

"(3) The letters patent shall recite such of the established averments in the application and *memorandum of agreement* as to the Secretary of State seems expedient."

(3) Section 8 of the said Act is further amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

Alterations in application for letters patent.

"(5) The Secretary of State after giving notice to the applicants or to their authorized representative or agent may make such alterations in the application as may be deemed expedient by the Secretary of State."

8. Section 10 of the said Act is repealed and the following substituted therefor:

Corrections.

"**10.** (1) When the letters patent contain any misnomer, misdescription, clerical error or other defect, the Secretary of State may direct such letters patent to be corrected.

Notice of correction.

(2) Notice of the correction of such letters patent shall be forthwith given by the Secretary of State in the *Canada Gazette* if the correction made causes the corrected letters patent to depart materially from the text of the original notice given pursuant to section 9."

9. Section 11 of the said Act is repealed and the following substituted therefor:

Date of existence.

"**11.** A company comes into existence on the date of the letters patent incorporating it."

10. (1) Subsection (1) of section 12 of the said Act is repealed and the following substituted therefor:

Different classes of shares.

"**12.** (1) The letters patent or supplementary letters patent of a company may provide for shares of more than one class and for any preferred, deferred or other special rights, restrictions, conditions or limitations attaching to any class of shares, but no such rights, restrictions, conditions or limitations shall permit an alteration of the capital of the company in any manner other than by supplementary letters patent issued pursuant to sections 48 to 58 or section 126, as the circumstances of the case may require.

Issuance in series.

(1a) If any class of shares has attached thereto preferred rights as to dividends, the letters patent or supplementary letters patent may authorize the issuance, from time to time, in one or more series, of the shares of any such class, and may authorize the

(3) It is sometimes convenient for applicants for letters patent that alterations be made in the Department of Secretary of State when an application is being considered. The new subsection (5) would permit this convenience.

Clause 8: Subsection (1) of section 10 at present reads as follows:

"**10.** (1) *Whenever* the letters patent contain any misnomer, misdescription or other clerical error, the Secretary of State may direct such letters patent to be corrected."

The purpose of this amendment is to broaden the powers of the Secretary of State to direct a correction of letters patent.

Clause 9: Section 11 at present reads as follows:

"**11.** *The* company *shall be deemed to be existing from* the date of *its* letters patent."

The purpose of this amendment is to state more clearly the date upon which a corporation comes into existence.

Clause 10: (1) Subsection (1) of section 12 at present reads as follows:

"**12.** (1) The letters patent or supplementary letters patent of a company may provide for shares of more than one class and for any preferred, deferred or other special rights, restrictions, conditions or limitations attaching to any class of shares; if any class of shares has attached thereto preferred rights as to dividend, the letters patent or supplementary letters patent may authorize the issuance, from time to time, in one or more series, of the shares of any such class, and may authorize the directors to fix, from time to time before issuance, the designation, rights, restrictions, conditions and limitations attaching to the shares of each series of such class."

The purpose of this amendment is to express the requirement that an alteration of capital must be by way of supplementary letters patent issued pursuant to the provisions of the Act, which provisions are to prevail over any rights, restrictions or limitations attaching to any class of shares under the charter.

directors to fix, from time to time before issuance, the designation, rights, restrictions, conditions and limitations attaching to the shares of each series of such class."

(2) Subsection (7) of section 12 of the said Act is repealed and the following substituted therefor:

Capital where shares have no par value.

"(7) Where the authorized capital of a company consists, in whole or in part, of shares without nominal or par value, the paid up capital of the company shall, with respect to those shares, be an amount equal to the aggregate amount of the consideration received by the company for such of the shares as are issued, exclusive of such part of such consideration as may have been lawfully set aside as distributable surplus before the commencement of this subsection."

(3) Subsection (10) of section 12 of the said Act is repealed and the following substituted therefor:

Shares to be allotted for consideration fixed by directors.

"(10) In the absence of other provisions in that behalf in the letters patent, supplementary letters patent or by-laws of the company, shares without nominal or par value may be allotted, and issued for such consideration as may be fixed by the directors acting in good faith and in the best interests of the company.

Considerations for shares without nominal or par value.

(10a) Shares without nominal or par value shall not be allotted as fully paid except for

(*a*) the consideration fixed by the directors as provided in this section payable in cash to the total amount of the consideration; or

(*b*) a consideration payable directly or indirectly in property or past services that the directors in good faith determine by express resolution to be in all the circumstances of the transaction the fair equivalent of the cash consideration mentioned in paragraph (*a*)."

(4) Subsection (12) of section 12 is repealed and the following substituted therefor:

Consideration for shares with nominal or par value.

"(12) Shares having a nominal or par value shall not be issued as fully paid except for

(*a*) a consideration payable in cash at least equal to the product of the number of shares allotted and issued multiplied by the nominal or par value thereof; or

(2) Subsection (7) of section 12 at present reads as follows:

"(7) Where the authorized capital of a company consists, in whole or in part, of shares without nominal or par value the paid up capital of the company shall, with respect to those shares, be an amount equal to the aggregate amount of the consideration received by the company for such of those shares as are issued, exclusive of such part of such consideration *as may be set aside as distributable surplus in accordance with the provisions of this Part or* as may have been lawfully set aside as distributable surplus before the *1st day of October, 1934.*"

This amendment is consequential upon the amendment proposed in subclause (3) hereunder.

(3) Subsection (10) of section 12 at present reads as follows:

"(10) In the absence of other provisions in that behalf in the letters patent, supplementary letters patent or by-laws of the company, the issue and allotment of shares without nominal or par value may be made from time to time for such consideration as may be fixed by the board of directors of the company; and in fixing the amount of such consideration, the board, subject to the provisions of this Part, may provide in the contract of subscription for such shares that the consideration received therefor shall be deemed to be capital, excepting a part, if any, not exceeding twenty-five per cent thereof, that may be set aside as distributable surplus; and where the company acquires a going concern that has a surplus over and above all liabilities, and any shares without nominal or par value in the company are issued and allotted as fully paid in payment or part payment for such going concern, the directors may by resolution set aside, as a distributable surplus, such part of the consideration for the issue and allotment of such shares without nominal or par value as does not exceed the unappropriated balance of realized net profits of the going concern immediately before such acquisition."

This power to set aside a part of the consideration received from the issue of shares without par value as distributable surplus is being abolished. The consideration for shares without par value will continue to be fixed by the directors, as at present, but on the basis of good faith and the best interests of the company.

(4) Subsection (12) of section 12 at present reads as follows:

"(12) Shares *in the capital stock of the company* having a nominal or par value shall not be issued as fully paid except for a consideration payable in cash *to the total nominal amount of the shares so issued*, or *for* a consideration payable in property or services that the directors *may* determine by express resolution to be in all the circumstances of the transaction the fair equivalent of cash *to the total nominal amount of the shares so issued.*"

(*b*) a consideration payable directly or indirectly in property or past services that the directors in good faith determine by express resolution to be in all the circumstances of the transaction the fair equivalent of the cash consideration mentioned in paragraph (*a*)."

(5) Subsections (14) and (15) of section 12 of the said Act are repealed and the following substituted therefor:

Shares with exclusive right of control.

"(14) In no case shall shares of a company of any class, whether with or without par value, be issued or allotted with voting rights limited in such a way as to attach to any other class or classes of shares the exclusive right to control the management of the company by the election or removal of the board of directors or otherwise.

Preferred shares with preferential voting rights.

(15) Nothing in subsection (14) prevents the issue, under authority of provision therefor by letters patent or supplementary letters patent, of any preferred shares to which are attached preferential voting rights, exercisable in a stated event only, although, in the stated event, an exclusive right to control or manage is attached to or is incident to such preferred shares."

11. The said Act is further amended by adding thereto, immediately after section 12 thereof, the following section:

Definition of "mutual fund shares."

"**12A.** (1) In this section "mutual fund shares" means one or more classes of shares having attached thereto conditions concerning their issue price and permitting the surrender at the request of the holder thereof of such shares at prices determined and payable in accordance with the conditions attached thereto.

Issuing of mutual fund shares.

(2) If the only undertaking of a company is the business of an investment company of the type known as a mutual fund company and the capital thereof consists of more than one class of shares of which one or more classes are mutual fund shares, the letters patent or supplementary letters patent may provide for the issuing of mutual fund shares and

(5) Subsections (14) and (15) of section 12 at present read as follows:

"(14) In no case shall shares of a *public* company of any class *or any subdivision of any class*, whether with or without par value, be issued *and* allotted *to which shall* attach any exclusive right to control the management of the *business or affairs of the* company by the election or removal of the board of directors *thereof* or otherwise.

(15) Nothing in subsection (14) *shall be deemed to prevent* the issue, under authority of provision therefor *either* by letters patent or *by-law*, of any preferred shares to which are attached preferential voting rights, exercisable in a stated event only, although, in the stated event, an exclusive right to control or manage is attached to or is incident to such preferred shares."

The prohibition contained in this provision is to be extended to private companies. It now applies only to public companies. The provision has been revised to make it applicable in all instances.

Clause 11: At the present time the Act gives no express recognition to the share structure of the so-called "open-end" mutual fund companies. As a number of such companies have been incorporated and are operating, it is thought desirable to give such statutory recognition to mutual fund shares and thereby set at rest any doubts there may be in regard to the capital structure of these companies. Section 12A is proposed for this purpose and to make some provisions regulating such shares.

fractions or parts of such mutual fund shares and may provide conditions permitting the surrender to the company at the request of the holder thereof of the mutual fund shares or fractions or parts thereof that are fully paid, but not of any other class of shares, at prices to be determined and payable in accordance with the conditions provided in the letters patent or supplementary letters patent.

Effect of surrender.

(3) Any mutual fund shares or fractions or parts thereof surrendered to the company pursuant to the conditions attached thereto shall be deemed to be no longer outstanding and shall not be re-issued by the company.

No surrender if company insolvent.

(4) Notwithstanding subsection (2) no mutual fund shares or any fractions or parts thereof shall be accepted by the company for surrender when the company is insolvent or if such surrender would render the company insolvent; and in determining the solvency of the company for the purposes of this subsection, no account shall be taken of any increase in the surplus or reserves of the company resulting merely from the writing up of the values of the assets of the company unless such writing up was made more than five years before the date of the surrender of the mutual fund shares."

12. (1) All that portion of subsection (1) of section 14 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Incidental and ancillary powers.

"**14.** (1) A company may, as ancillary and incidental to the objects set out in its letters patent or supplementary letters patent, exercise any or all of the following powers, namely the power:"

(2) Section 14 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

Withholding or limiting powers.

"(4) Any of the powers set out in subsection (1) may be withheld or limited by the letters patent or supplementary letters patent of the company."

13. The said Act is further amended by adding thereto, immediately after section 16 thereof, the following section:

"Holding company", "subsidiary company" defined.

"**16A.** (1) In this section "holding company" and "subsidiary company" have the meanings assigned those expressions by section 121B.

Clause 12: The purpose of this amendment is to make it clear that the ancillary powers given by section 14 may be limited by the charter, as well as excluded. The introductory words of section 14 are redrafted to permit both matters to be dealt with in separate subsections and to avoid the coupled words "purposes or objects" which by this Bill are being reduced to the single expression "objects".

The introductory words of subsection (1) of section 14 at present read as follows:

> "**14.** (1) A company *shall have* as ancillary and incidental to the *purposes or* objects set *forth* in the letters patent or supplementary letters patent the powers following, *unless such powers or* any of *them are expressly excluded by the letters patent or supplementary letters patent*, namely:"

Clause 13: This amendment is for the purpose of prohibiting the practice of a subsidiary company holding shares in its own holding company.

Subsidiary not to hold shares of its holding company.

(2) Except as provided in this section, a company shall not hold shares in a company that is its holding company, and any allotment or transfer of shares of a company to its subsidiary company is void.

Holding shares as personal representative.

(3) Subsection (2) does not apply to a subsidiary company holding shares in the capacity of a personal representative unless the holding company or a subsidiary thereof is beneficially interested under the trust and is not beneficially interested only by way of security for the purposes of a transaction entered into by it in the ordinary course of a business that includes the lending of money.

Holding shares on commencement of this section.

(4) A subsidiary company that on the commencement of this section held shares of its holding company may continue to hold those shares notwithstanding subsection (2), but subject to subsection (3) the subsidiary company may not vote at meetings of shareholders of the holding company or at meetings of any class of shareholders thereof.

Nominee of subsidiary company.

(5) Subject to subsection (3), subsections (2) and (4) apply in relation to a nominee for a company that is a subsidiary as if the references in subsections (2) and (4) to such a company included references to a nominee for it."

14. (1) Subsections (1) to (3) of section 17 of the said Act are repealed and the following substituted therefor:

Application to extend or reduce powers.

"**17.** (1) Subject to any special rights attaching to shares of any class or classes as set forth in the letters patent or supplementary letters patent, a company may from time to time, when authorized by by-law sanctioned by two-thirds of the votes cast at a special general meeting of shareholders called for the purpose, apply for supplementary letters patent, as provided in such by-law,

(*a*) extending the objects of the company to such further or other objects for which a company may be incorporated under this Part, or

(*b*) reducing, limiting, amending or varying the objects or the powers of the company or any of the provisions of the letters patent or supplementary letters patent issued to the company;

but no such extension, reduction, limitation, amendment or variation may have the effect of altering or permitting the alteration of the capital of the company in any manner other than pursuant to the issue of supplementary letters patent under sections 48 to 58 or section 126, as the circumstances of the case may require.

Clause 14: (1) Subsections (1) to (3) of section 17 at present read as follows:

"**17.** (1) Subject to any special rights attaching to shares *of its capital stock* of any class or classes as set forth in the letters patent or any supplementary letters patent, a company may from time to time, when authorized by by-law, sanctioned by at least two-thirds of the votes cast at a special general meeting of shareholders called for the purpose, apply for supplementary letters patent, extending the *powers* of the company to such further or other *purposes or* objects, for which a company may be incorporated under this Part, or reducing, limiting, amending or varying *such* powers or any of the provisions of the letters patent or supplementary letters patent issued to the company, as provided in such by-law.

(2) A private company may, when authorized by by-law, sanctioned by at least *two-thirds* of the votes cast at a special general meeting of shareholders called for the purpose, apply for supplementary letters patent converting the company into a public company.

(3) The company may at any time within six months after the sanctioning of any such by-law, make application to the Secretary of State for the issue of such supplementary letters patent."

The purposes of this amendment are: (1) to distinguish clearly between "objects" and "powers"; (2) to ensure that the power to vary objects and powers does not permit an alteration of capital without the issue of supplementary letters patent under the appropriate provisions; (3) to permit a company to be converted from a public company into a private company in the same manner as it may be converted from a private company into a public company.

Converting company.

(2) A company may, when authorized by by-law sanctioned by three-fourths of the votes cast at a special general meeting of shareholders called for the purpose, apply for supplementary letters patent converting the company from a private company into a public company, or from a public company into a private company, as the case may be.

Limitation.

(3) An application under subsection (1) or (2) may be made only within six months after the by-law therein mentioned has been sanctioned by the shareholders."

(2) Subsection (5) of section 17 of the said Act is repealed and the following substituted therefor:

Supplementary letters patent.

"(5) Upon the due sanctioning of a by-law pursuant to subsection (1) or (2), as the case may be, being so established the Secretary of State may grant supplementary letters patent

(*a*) extending the objects of the company;

(*b*) reducing, limiting, amending or varying the objects or the powers of the company or any of the provisions of the letters patent or supplementary letters patent of the company; or

(*c*) converting the company into a public or private company,

as the case may be, and as provided in such by-law; and notice thereof shall be forthwith given by the Secretary of State in the *Canada Gazette* and the supplementary letters patent take effect from their date."

15. Section 22 of the said Act is repealed and the following substituted therefor:

Name of company.

"**22.** (1) The word "Limited" or the abbreviation "Ltd" shall be the last word of the name of each company, but in either case the company may use, and be legally designated by, "Limited" or "Ltd", and reference thereto may be made in the same manner.

Use of French or English form of corporate name.

(2) If the company has a name consisting of a separated or combined French and English form, it may from time to time use, and it may be legally designated by, either the French or English form of its name or both forms.

(2) Subsection (5) of section 17 at present reads as follows:

"(5) Upon the due sanctioning of *such* by-law being so established the Secretary of State may grant supplementary letters patent extending the *powers* of the company *or* reducing, limiting, amending or varying *such* powers or any of the provisions of the letters patent or supplementary letters patent or converting the company into a public company, as the case may be, as provided in such by-law, and notice thereof shall be forthwith given by the Secretary of State in the *Canada Gazette*, *but* the supplementary letters patent shall take effect from their date."

This amendment is consequential upon the amendment being made under subclause (1) above.

Clause 15: Section 22 at present reads as follows:

"**22.** *The* company shall keep its name, the last word of which shall be the word "Limited" or the abbreviation thereof, "Ltd.", painted or affixed, in letters easily legible, in a conspicuous position on the outside of every office or place in which the business of the company is carried on, *and* engraved in legible characters on its seal, and *shall* have its name, in legible characters, mentioned in all notices, advertisements and other official publications of the company and all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of the company, and in all bills of parcels, invoices and receipts of the company."

The purposes of this amendment are: (1) to give greater flexibility in the use of the expression "limited" and its abbreviation; (2) to permit use of the English or French form of a corporate name where a name has both such forms.

Publishing name of company.

(3) A company shall

(*a*) keep its name painted or affixed, in letters easily legible, in a conspicuous position on the outside of every office or place in which the business of the company is carried on;

(*b*) keep its name engraved in legible characters on its seal and, if the company has a name consisting of a French and English form, whether separated or combined, the Company shall show on its seal both the French and English forms of its name; and

(*c*) have its name, in legible characters, mentioned in all notices, advertisements and other official publications of the company, and in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of the company, and in all bills of parcels, invoices and receipts of the company."

16. Section 29 of the said Act is repealed and the following substituted therefor:

Surrender of charter.

"**29.** (1) The charter of a company may be surrendered if the company proves to the satisfaction of the Secretary of State

(*a*) that the company has no assets and that any assets owned by it immediately prior to the application for leave to surrender its charter have been divided rateably among its shareholders or members, and either,

(i) that it has no debts, liabilities or other obligations, or

(ii) that the debts, liabilities or other obligations of the company have been duly provided for or protected or that the creditors of the company or other persons having interests in such debts, liabilities or other obligations consent; and

(*b*) that the company has given notice of the application for leave to surrender by publishing the same once in the *Canada Gazette* and once in a newspaper published at or as near as may be to the place where the company has its head office.

Clause 16: Section 29 at present reads as follows:

"**29.** (1) The charter of a company may be surrendered if the company proves to the satisfaction of the Secretary of State

(*a*) that *it* has no assets and that any assets owned by it immediately prior to the application for leave to surrender its charter have been divided rateably *amongst* its shareholders or members; and either

(*b*) that it has no debts, liabilities or other obligations; or

(*c*) that the debts, liabilities or other obligations of the company have been duly provided for or protected, or that the creditors of the company or other persons having interests in such debts, liabilities or other obligations consent; and

(*d*) that the company has given notice of the application for leave to surrender by publishing the same once in the *Canada Gazette* and once in a newspaper published at or as near as may be to the place where the company has its head office.

The purpose of this amendment is to provide a simpler means of surrendering the charter of a company that has not gone into *bona fide* operation or that has been inoperative for three or more years.

Application by inoperative company.

(2) Where an application to surrender a charter is made by a company that has not gone into *bona fide* operation or that has been inoperative for three or more consecutive years, if the circumstances mentioned in paragraph (*a*) of subsection (1) are proved to the satisfaction of the Secretary of State, the Secretary of State shall publish a notice of such application in the *Canada Gazette* and, unless an objection to the surrender is received by him within one year after such publication of the notice, he may accept the application for the surrender of the charter.

Acceptance of surrender.

(3) Where the Secretary of State has accepted the surrender of a charter upon due compliance with subsection (1) or subsection (2), as the case may be, the Secretary of State may direct the cancellation of the charter of the company and fix a date upon and from which the company shall be dissolved, and the company is thereby and thereupon dissolved accordingly.

No fee payable by inoperative company.

(4) No fee shall be charged in respect of a surrender under this section of the charter of a company described in subsection (2)."

17. Subsection (4) of section 33 of the said Act is repealed and the following substituted therefor:

Particulars of issue on certificate.

"(4) Where a company has more than one class of shares, the preferences, rights, conditions, restrictions, limitations or prohibitions attaching to any class of shares shall be stated or endorsed, in legible characters, on every share certificate representing that class of share or by a writing permanently attached to the share certificate."

18. Subsection (1) of section 35 of the said Act is repealed and the following substituted therefor:

Issue and effect of share warrants.

"**35.** (1) A public company, if so authorized by its letters patent or supplementary letters patent and subject to the provisions respecting share warrants therein contained, may, with respect to any fully paid-up shares, issue under the seal of the company a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide by coupons or otherwise, for the payment of the future dividends on the share or shares included in the warrant, hereafter referred to as a "share warrant"."

(2) The Secretary of State, upon a due compliance with the provisions of *this section*, may accept a surrender of the charter of the company and direct its cancellation and fix a date upon and from which the company shall be dissolved, and the company *shall* thereby and thereupon *become* dissolved accordingly."

Clause 17: The matters distinguishing a class of shares from other classes are to be set out in legible characters in the share certificates for the shares of that class or by a document attached to such certificates.

Subsection (4) of section 33 at present reads as follows:

"(4) Where the capital stock of the company consists of more than one class of shares every certificate of each class shall contain a statement of the rights and conditions attaching to such class of shares."

Clause 18: Subsection (1) of section 35 at present reads as follows:

"**35.** (1) A company, if so authorized by its letters patent or supplementary letters patent and subject to the provisions respecting share warrants therein contained, may, with respect to any fully paid-up shares, issue under the seal of the company a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide by coupons or otherwise, for the payment of the future dividends on the share or shares included in the warrant hereafter *termed* a share warrant."

The purpose of this amendment is to make it clear that the power to issue share warrants is confined to public companies.

19. Subsections (2) to (4) of section 48 of the said Act are repealed and the following substituted therefor:

Altering capital structure.

"(2) Subject to confirmation by supplementary letters patent a company may from time to time by by-law alter its capital in any other way not provided for under subsection (1), if such alteration is not a reduction of capital to which sections 49 to 58 or section 126 would apply.

Sanction and confirmation.

(3) No by-law under subsection (1) shall take effect until it is sanctioned by at least two-thirds of the votes of the holders of each class of shares thereby affected, cast at a special general meeting of shareholders called for the purpose and confirmed by supplementary letters patent.

Other alteration of capital.

(4) Subject to subsection (5), a by-law under subsection (2) shall not take effect until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders called for the purpose and confirmed by supplementary letters patent.

Additional confirmation.

(5) Where the holders of any class of shares would be affected by a by-law under subsection (2), the by-law shall not take effect until, in addition to the sanction required under subsection (4),

(*a*) it has been unanimously approved in writing by the holders of all classes of shares affected;

(*b*) it has been unanimously approved by all classes of shares affected, by vote cast at a special general meeting of the shareholders called for the purpose; or

(*c*) it has been approved in the manner, and by the shareholders, specifically set out in the terms of the conditions attaching to such shares if such terms appear in the letters patent or supplementary letters patent of the company.

Purchase of fractions of shares by company.

(6) For the purpose of any consolidation of shares pursuant to subsection (1), the company may purchase fractions of shares but the company shall sell any shares held from any such purchase within two years after such purchase.

Cancellation of shares.

(7) A cancellation of shares pursuant to paragraph (*h*) of subsection (1) shall be deemed not to be a reduction of capital within the meaning of this Part."

20. Section 50 of the said Act is repealed.

Clause 19: The amendments proposed by this clause make specific provision for altering the capital of a company in a case not provided for under subsection (1) of section 48 but excluding an alteration involving a reduction of capital to which other provisions are applicable.

Section 48 at present reads as follows:

"**48.** (1) Subject to confirmation by supplementary letters patent, a company may from time to time by by-law,

(*a*) subdivide any shares with or without par value of any class;

(*b*) consolidate all shares with par value, of any class, into shares of larger par value not exceeding the par value of one hundred dollars each;

(*c*) consolidate all shares without par value, of any class, so that the authorized number of such shares is reduced;

(*d*) change all or any of its previously authorized shares with par value, issued or unissued, into the same or a different number of shares of any class or classes without par value and not having priority as to capital or being subject to redemption;

(*e*) change all or any of its previously authorized shares without par value, issued or unissued, into the same or a different number of shares of any class or classes with par value;

(*f*) classify or reclassify any shares without par value;

(*g*) increase the capital of the company; and

(*h*) cancel any shares with or without par value, that at the date of the enactment of the by-law have not been subscribed for or agreed to be issued, and diminish the amount of the authorized capital of the company by the amount of the shares so cancelled.

(2) No *such* by-law shall take effect until it is sanctioned by at least two-thirds of the votes of the holders of each class of shares thereby *dealt with*, cast at a special general meeting of shareholders called for the purpose and confirmed by supplementary letters patent.

(3) For the purpose of any consolidation of shares the company has the power to purchase fractions of shares *and is bound to* sell any shares held from such purchases within two years after purchase.

(4) A cancellation of shares pursuant to paragraph (*h*) of subsection (1) shall not be deemed to be a reduction of capital within the meaning of this Part."

Clause 20: Section 50 requires that where supplementary letters patent are issued reducing the capital of a company, if the reduction involves either a diminution of liability in respect of unpaid capital or the payment to any shareholder of paid-up capital, the company shall add the words "and reduced" as the last words of its name. This addition of words may be dispensed with by the Secretary of State. The provision does not now serve any practical purpose.

21. Section 52 of the said Act is repealed and the following substituted therefor:

Confirming reduction by supplementary letters patent.

"**52.** The Secretary of State may issue supplementary letters patent confirming a reduction of capital of a company on such terms as he thinks fit, if, with respect to every creditor of the company who under this Part is entitled to object to the reduction, the Secretary of State is satisfied by the certificate of an auditor that either each such creditor's consent to the reduction has been obtained or his debt or claim has been discharged, determined or secured."

22. Section 56 of the said Act is repealed and the following substituted therefor:

Period limited for supplementary letters patent.

"**56.** An application to the Secretary of State for the issue of supplementary letters patent to confirm a by-law for any one or more of the purposes set forth in sections 48 and 49 may be made only within six months after the by-law has been sanctioned by the shareholders."

23. Section 59 of the said Act is repealed.

24. All that portion of section 60 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

When consent required for redemption or conversion of preferred shares.

"**60.** Unless preferred shares, or shares to which are attached special rights, restrictions, conditions or limitations, are issued subject to redemption or conversion, the same shall not be subject to redemption or conversion without the consent of the holders thereof, unless such conversion or redemption is effected"

25. Section 61 of the said Act is repealed and the following substituted therefor:

Purchase or redemption of its shares by a company.

"**61.** (1) A company may, subject to subsection (2), purchase for cancellation or redeem any class of fully paid preferred shares of the company in respect of which the letters patent or supplementary letters patent provide a right in favour of the company to redeem such shares or to purchase such shares for cancellation, if such purchase or redemption is made in accordance with the provisions of the letters patent or supplementary letters patent.

Clause 21: Section 52 at present reads as follows:

"**52.** The Secretary of State, if satisfied, with respect to every creditor of the company who under this Part is entitled to object to the reduction, that either *his* consent to the reduction has been obtained or his debt or claim has been discharged, determined, or secured, may issue supplementary letters patent confirming the reduction on such terms and conditions as he thinks fit."

This amendment merely expresses the present practice of the Secretary of State with respect to the evidence required by him.

Clause 22: Section 56 at present reads as follows:

"**56.** At any time, not more than six months after the sanction by the shareholders of a by-law for any one or more of the purposes set forth in sections 48 and 49, the company may apply to the Secretary of State for the issue of supplementary letters patent to confirm the same."

The purpose of this amendment is to remove a discrepancy between the language used in subsection (3) of section 17 and this section.

Clause 23: Section 59 at present authorizes the directors of a company to make by-laws to create and issue preferred shares, or to convert preferred shares into common shares or *vice versa* in cases where no provision is made by the letters patent or supplementary letters patent for shares of more than one class. It is considered more satisfactory to make such alterations in the shares of a company by supplementary letters patent.

Clause 24: The relevant portion of section 60 at present reads as follows:

"**60.** Unless preferred shares or shares to which special rights, restrictions, conditions or limitations are attached, *whether the same are created by by-law pursuant to the provisions of section 59, or by the letters patent or supplementary letters patent,* are issued subject to redemption or conversion, the same shall not be subject to redemption or conversion without the consent of the holders thereof, unless such conversion or redemption is effected"

Clause 25: This amendment has a three-fold purpose: (1) to remove the reference to section 59 which is to be repealed under clause 24; (2) to revise the wording of the section to make it more readily comprehensible; and (3) to make the auditor's certificate with regard to the liquid assets of the company more practical.

Section 61 at present reads as follows:

"**61.** The redemption or purchase for cancellation of any fully paid preferred shares, whether the same are created by by-law pursuant to section 59, or by the letters patent or supplementary letters patent, in accordance with any right of redemption or purchase for cancellation reserved in favour of the company in the

How redemption or purchase to be made.

(2) A redemption or purchase for cancellation of shares shall be made either

(*a*) out of the proceeds of an issue of shares made for the purpose of such redemption or purchase, or

(*b*) by payments made without impairment of the capital of the company out of the ascertained net profits of the company set aside by the directors and available for the purpose of such redemption or purchase;

but no redemption or purchase for cancellation shall be made out of the ascertained net profits of the company when cumulative dividends are in arrears on the preferred shares to be so redeemed or purchased.

Net profits available for redemption or purchase.

(3) For the purposes of paragraph (*b*) of subsection (2), net profits are available for the purpose of a redemption or purchase for cancellation when they are available as liquid assets of the company and so certified by the auditor of the company.

Redemption or purchase not a reduction of capital.

(4) The redemption or purchase for cancellation of its shares by a company in accordance with this section shall be deemed not to be a reduction of the paid-up capital of the company.

Capital surplus.

(5) The surplus resulting from a redemption or purchase for cancellation of shares of a company made in accordance with this section shall be designated as a capital surplus of the company and shall not be reduced or distributed except as provided in sections 49 to 58.

26. The said Act is further amended by adding thereto, immediately after section 62 thereof, the following section:

Monthly statement of surrendered shares.

"**62A.** When a company has issued a class of shares having conditions attached thereto permitting the surrender of any such shares to the company at the request of the holder thereof, the company shall each month file with the Department of the Secretary of State a statement giving the number of such shares surrendered during the preceding month."

27. Paragraph (*e*) of subsection (1) of section 63 of the said Act is repealed and the following substituted therefor:

Hypothecation.

"(*e*) secure any such debentures, or other securities, or any other present or future borrowing or liability of the company, by mortgage, hypothec, charge or pledge of all or any currently

provisions attaching to such preferred shares, or the redemption or purchase for cancellation of any fully paid shares of any class, not being common or ordinary shares, and in respect of which the letters patent or supplementary letters patent or by-laws if the same are created by by-law, provide for such right of redemption or purchase, in accordance with the provisions of such letters patent or supplementary letters patent, or by-laws, shall not be deemed to be a reduction of the paid-up capital of the company, if such redemption or purchase for cancellation is made out of the proceeds of an issue of shares made for the purpose of such redemption or purchase for cancellation, or if

(*a*) no cumulative dividends, on the preferred shares or shares of the class in respect of which such right of redemption or purchase exists and that are so redeemed or purchased for cancellation, are in arrears; and

(*b*) if such redemption or purchase for cancellation of such fully paid shares is made without impairment of the company's capital by payments out of the ascertained net profits of the company that have been set aside by the directors for the purposes of such redemption or of such purchase for cancellation, and if such net profits are then available for such application as liquid assets of the company, as shown by the last balance sheet of the company, certified by the company's auditors, and being made up to a date not more than ninety days prior to such redemption or purchase for cancellation, and after giving effect to such redemption or purchase for cancellation;

and subject as aforesaid any such shares may be redeemed or purchased for cancellation by the company on such terms and in such manner as is set forth in the provisions attaching to such shares, and the surplus resulting from such redemption or purchase for cancellation shall be designated as a capital surplus, which shall not be reduced or distributed by the company except as provided in sections 49 to 58."

Clause 26: New. A monthly statement of shares surrendered is to be filed with the Secretary of State.

This provision is consequential upon the new section 12A in clause 11.

Clause 27: This amendment is for the purpose of meeting certain provincial requirements relating to securities.

The relevant portions of section 63(1)(*e*) read as follows:

"**63.** (1) When authorized by by-law, duly passed by the directors and sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the by-law, the directors of a company may from time to time

. . . . . .

(*e*) mortgage, hypothecate, charge or pledge all or any of the real and personal property, undertaking and rights of the company *to* secure any such debentures or other securities or *any money borrowed* or any other liability of the company."

owned or subsequently acquired real and personal, movable and immovable, property of the company, and the undertaking and rights of the company."

28. Section 69 of the said Act is repealed.

29. The said Act is further amended by adding thereto, immediately after section 76 thereof, the following section:

When prospectus required by other jurisdictions.

"**76A.** (1) Where a company makes an offer to the public of its securities in any province or any foreign country wherein it is required by law to file with a public authority therein a prospectus or a document of a similar nature before such offer may lawfully be made to the public, the company need not comply with the provisions of sections 74, 75, 77 and sections 79 to 82 with respect to such offering and, subject to subsection (4), those sections do not apply thereto.

Filing copy with Secretary of State.

(2) Where a company has filed with a public authority in a province or foreign country, in accordance with the requirements of the law thereof, a prospectus or other document of a similar nature in respect of any offer to the public of its securities in such province or foreign country, the company shall, within ten days after such filing, file with the Department of the Secretary of State a copy of such prospectus or document certified by such public authority, which copy shall be kept available for public inspection in the Department of the Secretary of State.

Liability for statements in prospectus.

(3) Section 78 applies *mutatis mutandis* to any prospectus or document of a similar nature issued by or on behalf of the company and filed with a public authority in any province or foreign country for the purpose of making an offer to the public therein.

Directing companies to file prospectus.

(4) Notwithstanding subsection (1), the Secretary of State may, in any case where he deems it in the public interest to do so, direct any company to comply with the provisions of sections 74, 75, 77 and sections 79 to 82.

No representations to be made of filing prospectus or copy thereof.

(5) No company or person shall make any representation, written or oral, that the Secretary of State has in any way passed upon the financial standing, fitness or conduct of any company, or upon the merits of any security of the company, by reason of the filing with the Department of the Secretary of State of any prospectus or of any copy of a prospectus or document certified by a public authority in any province or foreign country."

Clause 28: Section 69 at present reads as follows:

"**69.** The Secretary of State shall keep a chronological index, in the prescribed form and with the prescribed particulars, of the mortgages or charges particulars of which have been registered with him under this Act."

This index duplicates the register under section 66 and serves no practical purpose.

Clause 29: New. Very detailed and comprehensive laws relating to the issue and sale of corporate stocks and securities are in force in many provinces and in some foreign jurisdictions in which Canadian companies sell their securities. The prospectus requirements for federally incorporated companies impose a burden on such companies without increased benefit to the public or to the purchasers of its securities. This amendment will permit the prospectus requirements of the Act to be waived by the company in these jurisdictions, but a certified copy of the prospectus filed upon the issue of securities under the laws of such other jurisdiction is to be filed with the Secretary of State.

30. Paragraph (v) of subsection (1) of section 77 of the said Act is repealed and the following substituted therefor:

"(v) the amount of the consideration received for the issue of shares without nominal or par value and lawfully set aside as distributable surplus prior to the commencement of this paragraph;"

31. Section 84 of the said Act is repealed and the following substituted therefor:

Directors.

"**84.** (1) The affairs of the company shall be managed by a board of directors however designated.

Fixed number.

(2) The board of directors of the company shall consist of a fixed number of directors not fewer than three.

Vacancies in board.

(3) Where there is a vacancy or vacancies in the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office."

32. Section 98 of the said Act is repealed and the following substituted therefor:

Disclosure of purchase of securities.

"**98.** (1) Where a director or officer of a company or any shareholder thereof controlling more than ten per cent of the issued shares of the company to which a right to vote is attached, directly or indirectly purchases or sells any of the shares or other securities of the company of which he is a director, officer or shareholder or of any subsidiary of that company, either by himself or by a company controlled by him or by him and any other director or directors of the company, such director, officer or shareholder shall, within thirty days of any such purchase or sale, furnish to the secretary of the company a statement setting forth the details of such purchase or such sale; and the secretary shall cause the information contained in the statement to be recorded in a book maintained for that purpose which shall be available for inspection by any shareholder of the company at any time during normal business hours.

Disclosure at annual meeting.

(2) The directors shall present to the shareholders of the company at each annual meeting thereof a statement containing the particulars recorded in the book maintained under subsection (1) for the period

Clause 30: Subsection (10) of section 12 to which paragraph (v) of section 77(1) refers, has been repealed and replaced by a provision which makes no reference to a distributable surplus set aside from the sale of nominal or par value shares.

The relevant portion of section 77(1)(v) at present reads as follows:

"**77.** (1) Every prospectus issued by or on behalf of a company shall state

.....

(v) the amount of the consideration received for the issue of shares without nominal or par value set aside as distributable surplus *in accordance with the provisions of subsection (10) of section 12*;"

Clause 31: Section 84 at present reads as follows:

"**84.** The affairs of the company shall be managed by a board of not *less* than three directors."

Clause 32: Section 98 at present reads as follows:

"**98.** (1) Every director of a public company shall furnish annually to the secretary, for the information of the shareholders of the company at the annual general meeting thereof, a statement setting forth in detail all shares or other securities of the company bought or sold by him, for his personal account, directly or indirectly, during the twelve months immediately preceding such annual meeting.

(2) No director of a public company shall speculate, for his personal account, directly or indirectly, in the shares or other securities of the company of which he is a director.

(3) Every director of a *public* company who neglects or fails to make a *true and accurate* statement *of such transactions as* required by subsection (1). is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to six months imprisonment or to both fine and imprisonment.

(4) Every director of a public company who speculates, for his personal account, directly or indirectly, in the shares or other securities of the company of which he is a director in contravention of subsection (2), is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to six months imprisonment or to both fine and imprisonment."

The purpose of this amendment is to tighten and modernize the control over the actions of officials of a company in dealings with shares and securities of the company and its subsidiaries.

commencing on the day following that to which the last preceding statement was made up and ending on a day not more than thirty days before the date of the annual meeting.

Penalty.

(3) Every director, officer or shareholder of a company who neglects or fails to make the statement required under subsection (1) within the time prescribed therefor is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to six months imprisonment or to both fine and imprisonment."

33. Section 103 of the said Act is repealed and the following substituted therefor:

Notice of meeting and determination of questions thereat.

"**103.** (1) In the absence of other provisions in that behalf in the letters patent, supplementary letters patent or by-laws of the company,

(*a*) notice of the time and place for holding any meeting of shareholders shall be given by sending such notice to each shareholder entitled to vote at such meeting, through the post, in a prepaid wrapper or letter, not less than fourteen days before the date of the meeting, to his last known address;

(*b*) all questions proposed for the consideration of the shareholders at any meeting of shareholders shall be determined by the majority of votes, and the chairman presiding at any such meeting shall have the casting vote in case of an equality of votes.

Vote of shareholders.

(2) In the absence of other provisions in that behalf in the letters patent or supplementary letters patent, at all meetings of shareholders every shareholder is entitled to give one vote for each share then held by him and such vote may be given in person or by proxy, if such proxy is himself a shareholder; but no shareholder in arrears in respect of any call is entitled to vote at any meeting."

34. Sections 115 to 124 of the said Act are repealed and the following substituted therefor:

Books of account and accounting records.

"**115.** (1) Every company shall cause to be kept proper books of account and accounting records with respect to all financial and other transactions of the company and, without limiting the generality of the foregoing, shall cause records to be kept of

Clause 33: This amendment is consequential upon the amendment made by clause 10(5) to subsection (14) of section 12.

Section 103 at present reads as follows:

"**103.** In the absence of other provisions in that behalf in the letters patent, supplementary letters patent or by-laws of the company,

(*a*) notice of the time and place for holding any meeting of shareholders shall be given by sending such notice to each shareholder entitled to vote at such meeting through the post, in a prepaid wrapper or letter, not less than fourteen days before the date of the meeting, to his last known address,

(*b*) at all meetings of shareholders every shareholder is entitled to give one vote for each share then held by him; and such *votes* may be given in person or by proxy, if such proxy is himself a shareholder, but no shareholder in arrear in respect of any call is entitled to vote at any meeting,

(*c*) all questions proposed for the consideration of the shareholders at any meeting of shareholders shall be determined by the majority of votes, and the chairman presiding at any such meeting shall have the casting vote in case of an equality of votes."

Clause 34: Sections 115 to 124 relate to the accounting and auditing of accounts of a company; the balance sheets, statement of income and expenditure and statement of surplus and annual auditor's report thereon to the shareholders are provided for under these provisions. The new provisions will require a full disclosure of the affairs of a company in the annual statements, in much more detail than is now required. The new requirements will enable corporate accounting to accord with generally acceptable accounting practices.

(*a*) all sums of money received and disbursed by the company and the matters in respect of which receipt and disbursement take place;

(*b*) all sales and purchases by the company;

(*c*) all assets and liabilities of the company; and

(*d*) all other transactions affecting the financial position of the company.

Records to be kept at head office.

(2) Every company shall cause the books of account and accounting records mentioned in subsection (1),

(*a*) to be open for inspection by any director during normal business hours; and

(*b*) except as provided in subsections (3) and (4), to be kept at the head office of the company.

Keeping records at other offices.

(3) The company may keep at any place where it carries on business such part of the accounting records as relate to the operations and assets and liabilities thereof or to such business of the company as may be carried on or supervised or accounted for at that place, but the company shall keep at the head office of the company or such other place as may be authorized under subsection (4) such records as will enable the directors to ascertain quarterly, with reasonable accuracy, the financial position of the company.

Keeping records elsewhere.

(4) Where a company,

(*a*) shows, to the satisfaction of the Secretary of State, the necessity of keeping any of the books of account and accounting records mentioned in subsection (1) at a place other than the head office of the company, and

(*b*) gives to the Secretary of State adequate assurance that such books of account and accounting records will be open for inspection, at the head office or some other place in Canada designated by the Secretary of State, by any person who is entitled to inspect them,

the Secretary of State may, by order and upon such terms as he thinks fit, permit the company to keep such of the books of account and accounting records at such place or places, other than the head office, as he thinks fit.

Rescission of order.

(5) The Secretary of State may, by order upon such terms as he thinks fit, rescind any order made under subsection (4).

Information for annual meeting.

116. (1) The directors shall place before each annual meeting of shareholders,

(*a*) a financial statement for the period mentioned in subsection (2) made up of,

(i) a statement of profit and loss for such period,

(ii) a statement of surplus for such period, and

(iii) a balance sheet made up to the end of such period;

(*b*) the report of the auditor to the shareholders; and

(*c*) such further information respecting the financial position of the company as the charter or by-laws of the company require.

Period of financial statement.

(2) The financial statement shall be for the period

(*a*) beginning at the date of incorporation and ending not more than six months before the annual meeting, in the case of the first financial statement; or

(*b*) beginning immediately after the period covered by the previous financial statement and ending not more than six months before the annual meeting, in the case of subsequent financial statements.

Application of following sections.

(3) The statements and balance sheet mentioned in subparagraphs (i), (ii) and (iii) of paragraph (*a*) of subsection (1) shall comply with and be governed by sections 117 to 121A, but it is not necessary to designate them the statement of profit and loss, the statement of surplus and the balance sheet, respectively.

Statement of profit and loss.

117. (1) Every statement of profit and loss to be placed before an annual meeting of shareholders shall be drawn up to present fairly the results of the operations of the company for the period covered by the statement and shall show severally at least

(*a*) the amount of sales or gross revenue derived from the operations, provided, however, that the chief justice or acting chief justice of the court of the province in which the head office of the company is situated, upon being satisfied that disclosure of this information would be detrimental to the interests of the company, may authorize its omission from the financial statement to be laid before the next annual meeting of shareholders;

(*b*) the operating profit or loss before including or providing for other items of income or expense that are required to be shown separately;

(*c*) income from investments in subsidiaries whose financial statements are not consolidated with those of the company;

(*d*) income from investments in affiliated companies other than subsidiaries;

(*e*) income from other investments;

(*f*) non-recurring profits and losses of significant amount including profits or losses on the disposal of capital assets and other items of a special nature to the extent that they are not shown separately in the statement of earned surplus;

(*g*) the provision made for each of the following, namely, depreciation, obsolescence and depletion;

(*h*) amounts written off for goodwill or provided for amortization of any other intangible assets to the extent that they are not shown separately in the statement of earned surplus;

(*i*) interest on indebtedness initially incurred for a term of more than one year, including amortization of debt discount or premium and expense;

(*j*) total remuneration received as a director, officer or employee of the company by directors from the company and subsidiaries whose financial statements are consolidated with those of the company, including all salaries, bonuses, fees, contributions to pension funds and other emoluments; and

(*k*) taxes on income imposed by any taxing authority;

and shall show the net profit or loss for the financial period.

Note on items.

(2) Notwithstanding subsection (1), an item mentioned in paragraph (*g*), (*h*) or (*j*) of subsection (1) may be shown by way of a note to the financial statement.

Statement of surplus.

118. (1) Every statement of surplus to be placed before an annual meeting of shareholders shall be drawn up to present fairly the transactions reflected in the statement and shall show severally a statement of contributed surplus and a statement of earned surplus.

Contributed surplus.

(2) Every statement of contributed surplus shall be drawn up to include and show severally at least the following items:

(*a*) the balance of such surplus at the end of the preceding financial period;

(*b*) the additions to and deductions from such surplus during the financial period including

(i) the amount of surplus arising from the issue of shares or the reorganization of the company's issued capital, including *inter alia*,

(A) the amount of premiums received on the issue of shares at a premium, and

(B) the amount of surplus realized on the purchase for cancellation of shares, and

(ii) donations of cash or other property by shareholders; and

(*c*) the balance of the surplus at the end of the financial period.

Earned surplus.

(3) Every statement of earned surplus shall be drawn up to show severally at least the following items:

(*a*) the balance of such surplus at the end of the preceding financial period;

(*b*) the additions to and deductions from such surplus during the financial period and, without restricting the generality of the foregoing, at least the following:

(i) the amount of the net profit or loss for the financial period,

(ii) the amount of dividends declared on each class of shares, and

(iii) the amount transferred to or from reserves; and

(*c*) the balance of the surplus at the end of the financial period.

Balance sheet.

119. (1) Every balance sheet to be placed before an annual meeting of shareholders shall be drawn up to present fairly the financial position of the company as at the date to which it is made up and to show severally at least the following:

(*a*) cash;

(*b*) debts owing to the company from each of the following, namely, its director, companies in which those directors hold collectively a majority interest, its officers and its shareholders except debts of reasonable amount arising in the ordinary course of the business of the company that are not overdue having regard to the ordinary terms of credit of the company;

(*c*) debts owing to the company, whether on account of a loan or otherwise, from subsidiaries whose financial statements are not consolidated with those of the company;

(*d*) debts owing to the company, whether on account of a loan or otherwise, from affiliated companies other than subsidiaries;

(*e*) other debts owing to the company segregating those that arose otherwise than in the ordinary course of the company's business;

(*f*) inventory, stating the basis of valuation;

(*g*) shares, bonds, debentures and other like investments owned by the company, except those mentioned in paragraphs (*h*) and (*i*), stating their nature and the basis of valuation thereof and showing separately such as are marketable with a notation of their market value;

(*h*) shares or securities of subsidiaries whose financial statements are not consolidated with those of the company, stating the basis of valuation;

(*i*) shares or securities of affiliated companies other than subsidiaries, stating their cost and basis of valuation;

(*j*) lands, buildings, and plant and equipment, stating

(i) the basis of valuation, whether cost or otherwise, and, if valued on the basis of an appraisal made since 1963 or since the date preceding by twenty years the date of the balance sheet, whichever date is the later, the date of appraisal, the name of the appraiser, the basis of the appraisal value and the disposition in the accounts of the company of any amounts added to or deducted from such assets on appraisal, and

(ii) the amount or amounts accumulated in respect of each of the following, namely, depreciation, obsolescence and depletion;

(*k*) under separate headings, in so far as they are not written off,

(i) expenditures on account of future business,

(ii) expenses incurred in connection with any issue of shares,

(iii) expenses incurred in connection with any issue of securities, including any discount thereon, and

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(iv) any one or more of the following, namely,
(A) goodwill,
(B) franchises,
(C) patents,
(D) copyrights,
(E) trade marks, and
(F) other intangible assets,

stating the basis of valuation and the amount, if any, by which the value of any such assets have been written up since 1963 or since the date preceding by twenty years the date of the balance sheet, whichever date is the later;

(*l*) the aggregate amount of any outstanding loans under paragraphs (*c*), (*d*) and (*e*) of subsection (2) of section 15;

(*m*) bank loans and overdrafts;

(*n*) debts owing by the company on loans, from its directors, officers or shareholders;

(*o*) debts owing by the company to subsidiaries whose financial statements are not consolidated with those of the company, whether on account of a loan or otherwise;

(*p*) debts owing by the company to affiliated companies other than subsidiaries whether on account of a loan or otherwise;

(*q*) other debts owing by the company, segregating those that arose otherwise than in the ordinary course of the company's business;

(*r*) liability for taxes, including the estimated liability for taxes in respect of the income of the period covered by the statement of profit and loss;

(*s*) dividends declared but not paid;

(*t*) deferred income;

(*u*) securities issued by the company, stating the interest rate, the maturity date, the amount outstanding and the existence of sinking fund, redemption requirements and conversion rights, if any;

(*v*) the authorized capital, giving the number of each class of shares and a brief description of each such class, and indicating therein any class of shares that is redeemable and the redemption price thereof;

(*w*) the issued capital, giving the number of shares of each class issued and outstanding and the amount received therefor that is attributable to capital, and showing,

(i) the number of shares of each class issued since the date of the last balance sheet and the value attributed thereto, distinguishing shares issued for cash, shares issued, directly or indirectly, for services and shares issued, directly or indirectly, for other consideration, and

(ii) where any shares have not been fully paid,

(A) the number of shares in respect of which calls have not been made and the aggregate amount that has not been called, and

(B) the number of shares in respect of which calls have been made and not paid and the aggregate amount that has been called and not paid;

(*x*) contributed surplus;

(*y*) earned surplus; and

(*z*) reserves, showing the amounts added thereto and the amounts deducted therefrom during the financial period.

Note to explanatory information.

(2) Explanatory information or particulars of any item mentioned in subsection (1) may be shown by way of a note to the financial statement.

Note to financial statement.

120. (1) There shall be stated by way of a note to each financial statement,

(*a*) particulars of any change in accounting principle or practice or in the method of applying any accounting principle or practice that was made during the period covered and that affects the comparison between the statement with that for the immediately preceding period; and

(*b*) the effect, if material, of any such change upon the profit and loss for the period.

Change of accounting principle or practice.

(2) For the purpose of subsection (1), a change in accounting principle or practice or in the method of applying any accounting principle or practice affects the comparability of a statement with that for the preceding year, even though it does not have a material effect upon the profit or loss for the period.

Additional information.

(3) Where applicable the following matters shall be referred to in the financial statement or by way of a note thereto:

(*a*) the basis of conversion of amounts from currencies other than the currency in which the financial statement is expressed;

(*b*) foreign currency restrictions that affect the assets of the company;

(*c*) contractual obligations that will require abnormal expenditures in relation to the company's normal business requirements or financial position or that are likely to involve losses not provided for in the accounts;

(*d*) material contractual obligations in respect of long-term leases, including, in the year in which the transaction was effected, the principal details of any sale and lease transaction;

(*e*) contingent liabilities, stating their nature and, where practicable, the approximate amounts involved;

(*f*) any liability secured otherwise than by operation of law on any asset of the company, stating the liability so secured, but not necessarily specifying the asset on which the liability is secured;

(*g*) any default of the company in principal, interest, sinking fund or redemption provisions with respect to any issue of its securities or credit agreements;

(*h*) the gross amount of arrears of dividends on any class of shares and the date to which those dividends were last paid;

(*i*) where a company has contracted to issue shares or has given an option to purchase shares, the class and number of shares affected, the price and the date for issue of the shares or exercise of the option and, shown separately, shares optioned to directors or officers;

(*j*) the total remuneration received as a director, officer or employee by the directors of a holding company from subsidiaries whose financial statements are not consolidated with those of the holding company, including all salaries, bonuses, fees, contributions to pension funds and other emoluments;

(*k*) in the case of a holding company, the aggregate of any shares, and the aggregate of any securities, of the holding company held by subsidiary companies whose financial statements are not consolidated with that of the holding company;

(*l*) the amount of any loans by the company, or by a subsidiary company, otherwise than in the ordinary course of business, during the financial period of the company, to the directors or officers of the company;

(*m*) any restriction by the charter or by-laws of the company or by contract on the payment of dividends that is significant having regard to the financial position of the company; and

(*n*) any event or transaction other than one in the normal course of business operations, between the date to which the financial statement is made up and the date of the auditor's report thereon, that materially affects the financial statement.

Note part of financial statement.

(4) Every note to a financial statement is a part of it.

Consolidated financial statement of holding company.

121. (1) Any company, in this section referred to as "the holding company", may include in the financial statement to be placed before an annual meeting of shareholders the assets and liabilities and income and expenses of any one or more of its subsidiaries, making due provision for minority interests, if any, and indicating in the financial statement that it is presented in consolidated form.

Information required in financial statement not consolidated.

(2) Where the assets, liabilities, income and expenses of any one or more subsidiaries of the holding company are not so included in the financial statement of the holding company,

(*a*) the financial statement of the holding company shall include a statement setting forth,

(i) the reason why the assets and liabilities and income and expenses of the subsidiary or subsidiaries are not included in the financial statement of the holding company,

(ii) if there is only one subsidiary, the amount of the holding company's proportion of the profit or loss of the subsidiary for the financial period coinciding with or ending in the financial period of the holding company, or, if there is more than one subsidiary, the amount of the holding company's proportion of the aggregate profits less losses, or losses less profits, of all the subsidiaries for the respective financial periods coinciding with or ending in the financial period of the holding company,

(iii) the amount included as income from the subsidiary or subsidiaries in the statement of profit and loss of the holding company and the amount included therein as a provision for the loss or losses of the subsidiary or subsidiaries,

(iv) if there is only one subsidiary, the amount of the holding company's proportion of the undistributed profits of the subsidiary earned since the acquisition of the shares of the subsidiary by the holding company to the extent that that amount has not been taken into the accounts of the holding company, or if there is more than one subsidiary, the amount of the holding company's proportion of the aggregate undistributed profits of all subsidiaries earned since the acquisition of their shares by the holding company less its proportion of the losses, if any, suffered by any subsidiary since the acquisition of its shares to the extent that that amount has not been taken into the accounts of the holding company, and

(v) any qualifications contained in the report of the auditor of any subsidiary on its financial statement for the financial period to which the report relates, and any note or reference contained in that financial statement to call attention to a matter that, apart from the note or reference, would properly have been referred to in such a qualification, in so far as the matter that is the subject of the qualification or note is not provided for by the company's own financial statement and is material from the point of view of its shareholders;

(*b*) if for any reason the directors of the holding company are unable to obtain such information as is necessary for the preparation of the statement that is to be included in the financial statement of the holding company, the directors who sign the financial statement shall so report in writing, and their report shall be included in the financial statement in lieu of the statement;

(*c*) copies of the latest financial statement of the subsidiary or subsidiaries shall be kept on hand by the holding company at its head office and shall be open to inspection by the shareholders of the holding company on request during the normal business hours of the holding company, except that the directors of the holding company may by resolution refuse the right of such inspection if the in-

spection is not in the public interest or would prejudice the holding company or the subsidiary or subsidiaries, but the resolution may, on the application of any shareholder to the court, be set aside by the court;

(*d*) if, in the opinion of the auditor of the holding company, adequate provision has not been made in the financial statement of the holding company for the holding company's proportion,

(i) where there is only one subsidiary, of the loss of such subsidiary suffered since acquisition of its shares by the holding company, or

(ii) where there is more than one subsidiary, of the aggregate losses suffered by the subsidiaries since acquisition of their shares by the holding company in excess of its proportion of the undistributed profits, if any, earned by any of the subsidiaries since the acquisition,

the auditor shall state in his report the additional amount that in his opinion is necessary to make full provision therefor.

Insignificant matter.

121A. Notwithstanding sections 117 to 121, it is not necessary to state in a financial statement any matter that in all the circumstances is of relative insignificance.

Subsidiary company.

121B. (1) For the purposes of this Act, a company is a subsidiary of another company only if,

(*a*) it is controlled by

(i) that other, or

(ii) that other and one or more companies each of which is controlled by that other, or

(iii) two or more companies each of which is controlled by that other; or

(*b*) it is a subsidiary of a subsidiary of that other company.

Holding company defined.

(2) For the purposes of this Act, a company is the holding company of another only if that other is its subsidiary.

Affiliated company defined.

(3) For the purposes of this Act, one company is affiliated with another company only if one of them is the subsidiary of the other or both are subsidiaries of the same company or each of them is controlled by the same person.

Controlled company defined.

(4) For the purposes of this section, a company is controlled by another company or person or by two or more companies only if

(*a*) shares of the first-mentioned company carrying more than fifty per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of that other company or person or by or for the benefit of those other companies; and

(*b*) the votes carried by such shares are sufficient, if exercised, to elect a majority of the board of directors of the first-mentioned company.

Reserve defined.

121c. In a financial statement, the term "reserve" shall be used to describe only,

(*a*) amounts appropriated from earned surplus at the discretion of management for a purpose other than to meet a liability, contingency or commitment known, admitted or made as at the statement date or a decline in value of an asset that has occurred;

(*b*) amounts appropriated from earned surplus pursuant to the charter or by-laws of the company for a purpose other than to meet a liability, contingency or commitment known, admitted or made as at the statement date or a decline in value of an asset that has occurred; and

(*c*) amounts that are appropriated from earned surplus in accordance with the terms of a contract and that can be restored to the earned surplus when the conditions of the contract are fufilled.

Approval of financial statement.

121d. (1) The financial statement shall be approved by the board of directors, and the approval shall be evidenced at the foot of the balance sheet by the signature of two of the directors duly authorized to sign.

Auditor's report to be attached.

(2) The auditor's report shall be attached to the financial statement and shall be read at the annual meeting of shareholders and shall be open to inspection by any shareholder.

Offence.

(3) A company is guilty of an offence that issues, circulates or publishes a copy of the financial statement,

(*a*) the original of which has not been approved by its board of directors;

(*b*) without having the balance sheet signed by two directors; or

(*c*) without accompanying the statement with the auditor's report.

Mailing financial statements to shareholders of public company.

121E. (1) A public company shall, ten days or more before the date of the annual meeting, send by prepaid post to each shareholder at his latest address as shown on the books of the company a copy of the financial statement and a copy of the auditor's report.

Furnishing financial statement to shareholder of private company.

(2) A private company shall, upon demand being made therefor by a shareholder of the company, furnish the shareholder with a copy of the documents mentioned in subsection (1).

Furnishing financial statements to debenture holders of public company.

(3) A public company shall, upon demand being made therefor by any holder of the debentures of the company, furnish such holder without charge therefor with a copy of the documents mentioned in subsection (1) that have been placed before the last annual meeting of its shareholders preceding such demand.

Filing with Secretary of State.

121F. (1) A public company shall, within seven days after mailing to its shareholders a copy of the documents mentioned in subsection (1) of section 121E, file a copy of such documents in the Department of the Secretary of State, together with proof, in such form as may be satisfactory to the Secretary of State, of due compliance with the provisions of that subsection.

Inspection of filed documents.

(2) Documents filed with the Department of the Secretary of State pursuant to this section shall not be open for public inspection except upon the written direction of the Secretary of State given upon the recommendation of the chief justice or acting chief justice of the court of the province in which the head office of the company concerned is situated.

Appointment of auditor at first general meeting.

122. (1) The shareholders of a company at their first general meeting shall appoint one or more auditors to hold office until the close of the next annual meeting, and, if the shareholders fail to do so, the directors shall forthwith make such appointment or appointments.

Annual appointment of auditor.

(2) The shareholders of a company at each annual meeting shall appoint one or more auditors to hold office until the close of the next annual meeting, and, if an appointment is not so made, the auditor in office continues in office until a successor is appointed.

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Notice of intention to nominate auditor.

(3) A person, other than a retiring auditor, is not capable of being appointed auditor at an annual meeting unless notice in writing of an intention to nominate that person to the office of auditor has been given by a shareholder of the company not less than fourteen days before the annual meeting; and the company shall send a copy of any such notice to the retiring auditor and to the person it is intended to nominate, and shall give notice thereof to the shareholders, either by advertisement or in any other mode provided by the by-laws of the company, not less than seven days before the annual meeting.

Vacancy.

(4) The directors may fill any casual vacancy in the office of auditor, but while the vacancy continues the surviving or continuing auditor, if any, may act.

Removal of auditor.

(5) The shareholders, by a resolution passed by at least two-thirds of the votes cast at a general meeting of which notice specifying the intention to pass such resolution was given, may remove any auditor before the expiration of his term of office, and shall by a majority of the votes cast at that meeting appoint another auditor in his stead for the remainder of his term.

Remuneration.

(6) The remuneration of an auditor appointed by the shareholders shall be fixed by the shareholders or by the directors, if they are authorized to do so by the shareholders, and the remuneration of an auditor appointed by the directors shall be fixed by the directors.

Appointment by Secretary of State.

(7) Where for any reason no auditor is appointed, the Secretary of State may, on the application of any shareholder, appoint one or more auditors to hold office until the close of the next annual meeting and fix the remuneration to be paid by the company for his or their services.

Notice of appointment.

(8) When an auditor is appointed under this section, the company shall give him notice thereof forthwith in writing unless he held that office immediately prior to his appointment.

Disqualification for appointment.

123. (1) Except as provided in subsection (2), no person shall be appointed as auditor of a company who is a director, officer or employee of that company or an affiliated company or who is a partner, employer or employee of any such director, officer or employee.

Exception in case of private company.

(2) Upon the unanimous vote of the shareholders of a private company present or represented at the meeting at which the auditor is appointed, a director, officer or employee of that company or an affiliated company, or a partner, employer or employee of the director, officer or employee may be appointed as auditor of that company, if it is not a subsidiary company of a company that was incorporated in any jurisdiction in Canada and is not a private company within the meaning of this Act.

Statement of auditor's position.

(3) A person appointed as auditor under subsection (2) shall indicate in his report to the shareholders on the annual financial statement of the company that he is a director, officer or employee of the company or an affiliated company or a partner, employer or employee of the director, officer or employee.

Annual audit.

124. (1) The auditor shall make such examination as will enable him to report to the shareholders as required under subsection (2).

Auditor's report and statement.

(2) The auditor shall make a report to the shareholders on the financial statement to be laid before the company at any annual meeting during his term of office and shall state in his report whether in his opinion the financial statement referred to therein presents fairly the financial position of the company and the results of its operations for the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period.

Where statement required.

(3) The auditor in his report shall make such statements as he considers necessary in any case where,

(*a*) the financial statement of the company is not in agreement with the accounting records;

(*b*) the financial statement of the company is not in accordance with the requirements of this Act;

(*c*) he has not received all the information and explanation that he has required; or

(*d*) proper accounting records have not been kept, so far as appears from his examination.

Right of access to records.

(4) The auditor of a company shall have access at all times to all records, documents, books, accounts and vouchers of the company, and is entitled to require from the directors and officers of the company such information and explanation as in his opinion may be necessary to enable him to report as required by subsection (2).

Right to attend meetings.

(5) The auditor of a company is entitled to attend any meeting of shareholders of the company and to receive all notices and other communications relating to any such meeting that any shareholder is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor.

Required attendance of auditor.

(6) A company, upon receipt, not more than ten days before a meeting of shareholders, of a written application of shareholders holding not less than ten per cent of the issued shares of the company that the auditors of the company be requested to attend the meeting, shall forthwith in writing request the auditors to attend that meeting of shareholders, and the auditors shall so attend."

35. (1) Subsections (1) to (3) of section 125 of the said Act are repealed and the following substituted therefor:

Annual returns.

"**125.** (1) Every company shall, on or before the 1st day of June in every year, make a summary as of the 31st day of March preceding, specifying the following particulars:

(*a*) the corporate name of the company;
(*b*) the manner in which the company is incorporated and the date of incorporation;
(*c*) the complete postal address of the head office of the company;
(*d*) the date upon which the last annual meeting of the shareholders of the company was held; and
(*e*) the names and complete postal address of the persons who at the date of the return are the directors of the company.

Summary to be filed, signed and certified.

(2) The summary mentioned in subsection (1) shall be completed and filed in duplicate in the Department of the Secretary of State on or before the 1st day of June aforesaid, and each of the duplicates shall be signed and certified by a director or an officer and by the auditor of the company."

(2) Subsection (6) of section 125 of the said Act is repealed and the following substituted therefor:

Proof of endorsement.

"(6) The duplicate of the said summary endorsed as required under subsection (5) shall be *prima facie* evidence that the summary was filed in the Department of the Secretary of State pursuant to the provisions

Clause 35: (1) Because of the full disclosure required in the annual statements of a company under the new sections 115 to 124, it is not necessary that the annual return to the Secretary of State give information on the shares or debentures of a company. Subsection (1) of section 125 is therefore amended to remove the requirements relating to that kind of information.

Subsections (2) and (3) of section 125 at present read as follows:

"(2) The *said* summary shall be completed and filed in duplicate in the Department of the Secretary of State on or before the 1st day of June aforesaid; each of the *said* duplicates shall be signed *by the president or a vice-president, and by the secretary or treasurer* of the company *or by any one of the foregoing and a director, and shall be duly verified by their affidavits.*

(3) The said affidavits shall also verify that the copies of the said summary are duplicates."

(2) Subsection (6) of section 125 at present reads as follows:

"(6) The duplicate of the said summary endorsed as aforesaid shall be *prima facie* evidence that the *said* summary was filed in the Department of the Secretary of State pursuant to the provisions of this section on any prosecution under this section, and the signature of an official of the Department of the Secretary of State to the endorsement of the said duplicate shall be deemed *prima facie* evidence that the said official has been designated to affix his signature thereto."

of this section on any prosecution under this section and the written or stamped signature of an official of the Department of the Secretary of State to the endorsement of the said duplicate shall be deemed *prima facie* evidence that the said official has been designated to affix his signature thereto."

(3) Subsections (8) to (11) of section 125 of the said Act are repealed and the following substituted therefor:

Companies exempt.

"(8) Companies incorporated after the 1st day of March in any year are not subject to the provisions of this section until the 31st day of March of the following year.

Where default exists.

(9) Where a summary in respect of an earlier year has not been filed with the Department of the Secretary of State or where the annual fees are in default, the summary required under subsection (1) may not be filed until the summary in respect of the earlier year has been filed or until the annual fee has been paid, as the case may be.

Failure to file for three consecutive years.

(10) Where a company has for three consecutive years failed to file in the Department of the Secretary of State the summary required under subsection (1), the Secretary of State may, notwithstanding paragraph (*f*) of subsection (4) of section 5, give notice to the company that an order dissolving the company will be issued unless within one year after the publication of the notice in the *Canada Gazette* the company files a summary in respect of those three years.

Publication of notice.

(11) The notice under subsection (10) shall be given by ordinary mail to the company or by publication of the notice in the *Canada Gazette*.

Dissolution of company.

(12) One year after the publication of notice in the *Canada Gazette*, if the company has not filed a summary for the three years in respect of which it was in default, the Secretary of State may, by order published in the *Canada Gazette*, declare the company dissolved, and thereupon the company is dissolved, and section 30 applies *mutatis mutandis* thereto.

Notice of winding up or bankruptcy.

(13) Where a company is being wound up or where a company is being administered by a trustee in bankruptcy, the liquidator or trustee, as the case may be, shall annually, without fee therefor, give notice of the winding up or bankruptcy to the Department of the Secretary of State in lieu of the summary required under subsection (1).

(3) Subsections (8) to (11) of section 125 at present read as follows:

"(8) Companies *organized* after the 31st day of March in any year are not subject to the provisions of this section until the 31st day of March of the following year.

(9) The name of a company that, for three consecutive years, has omitted to file in the Department of the Secretary of State the said annual summary may be given in whole or in part to a new company unless the defaulting company, on notice by the Secretary of State, by registered letter addressed to the company or its president as shown by its last return, proves to the satisfaction of the Secretary of State that it is still a subsisting company.

(10) Where at the end of one month from the date of such notice the Secretary of State has not received from the company or its president response to such notice, the company may be deemed not to be a subsisting corporation, and no longer entitled to the sole use of its corporate name.

(11) When no annual summary has been filed by a company for three years immediately following its incorporation its name may be given to another company without notice, and such company shall be deemed not to be subsisting."

The sanction applied by the present provision has been found inadequate to compel the submission of the returns and fees required under this section. The disposal of a corporate name to another company is impractical as a sanction. This amendment will permit the Secretary of State to declare a dissolution of the company in the circumstances described.

36. The said Act is further amended by adding thereto, immediately after section 125 thereof, the following section:

Special returns.

"**125A.** The Secretary of State may at any time by notice require any company to make a return upon any subject connected with its affairs within the time specified in the notice, and on default in making such a return every director of the company is guilty of an offence."

37. The said Act is further amended by adding thereto, immediately after section 128 thereof, the following heading and section:

"AMALGAMATION.

Amalgamation of companies.

128A. (1) Any two or more companies incorporated under this Act, including holding and subsidiary companies, may amalgamate and continue as one company.

Amalgamation agreements.

(2) Companies proposing to amalgamate may enter into an agreement for the amalgamation prescribing its terms and conditions and the mode of carrying the amalgamation into effect.

Particulars of agreement.

(3) The amalgamation agreement shall further set out

(*a*) the name of the amalgamated company;

(*b*) the objects of the amalgamated company;

(*c*) the amount of its authorized capital, the division thereof into shares and the rights, restrictions, conditions or limitations attaching to any class of shares;

(*d*) the place within Canada at which the head office of the amalgamated company is to be situated;

(*e*) the names, callings and postal addresses of the first directors thereof;

(*f*) when the subsequent directors are to be elected;

(*g*) whether or not the by-laws of the amalgamated company are to be those of one of the amalgamating companies and, if not, a copy of the proposed by-laws; and

(*h*) such other details as may be necessary to perfect the amalgamation and to provide for the subsequent management and working of the amalgamated company and the manner of converting the authorized and issued capital of each of the companies into that of the amalgamated company as determined pursuant to paragraph (*c*) above.

Clause 36: New. This provision will enable the Secretary of State to seek special returns from companies.

Clause 37: New. This section will enable two or more companies incorporated under this Act to amalgamate and continue as one company in accordance with the procedure set out therein.

Adopting amalgamation agreements.

(4) The amalgamation agreement shall be submitted to the shareholders of each class of shares of each of the amalgamating companies at general meetings thereof called for the purpose of considering the agreement, and, if three-fourths of the votes of each class of shares cast at each meeting are in favour of the amalgamation agreement, the secretary of each of the amalgamating companies shall certify that fact upon the agreement under the corporate seal thereof; and thereafter the agreement shall be deemed to have been adopted by each of the amalgamating companies subject to approval by the court of the agreement.

Application to court.

(5) After the adoption of the amalgamation agreement by the amalgamating companies, the companies shall apply to the court for an order approving the amalgamation, and each amalgamating company shall notify each of its dissentient shareholders, in such manner as the court may direct, of the time and place when the application for the approving order will be made.

Notice to creditors.

(6) Notice of the time and place of application for the approving order shall be given to the creditors of each of the amalgamating companies in such manner as the court may direct.

Hearing an amalgamation application.

(7) The court shall hear and determine the matter of the amalgamation and may approve the amalgamation agreement as presented or may approve it subject to compliance with such terms and conditions as it thinks fit, having regard to the rights and interests of all parties including the creditors and dissentient shareholders.

Filing agreement and approval.

(8) The amalgamating companies shall jointly file with the Secretary of State the amalgamation agreement and the approving order, together with proof of compliance with any terms and conditions that may have been imposed by the court in the approving order.

Confirmation by letters patent.

(9) On receipt of the documents mentioned in subsection (8), the Secretary of State may issue letters patent confirming the agreement.

Effect of confirmation by letters patent.

(10) On and after the date of the issue of the letters patent,

(*a*) the amalgamating companies are amalgamated and are continued as one company (in this Act called the "amalgamated company") under the name and having the authorized capital and objects specified in the amalgamation agreement; and

(*b*) the amalgamated company possesses all the property, assets, privileges and franchises, and is subject to all the contracts, liabilities, debts and obligations of each of the amalgamating companies.

Rights of creditors preserved.

(11) All rights of creditors against the property, rights, assets, privileges and franchises of a company amalgamated under this section and all liens upon its property, rights, assets, privileges and franchises are unimpaired by the amalgamation, and all debts, contracts, liabilities and duties of the company thenceforth attach to the amalgamated company and may be enforced against it."

38. The said Act is further amended by adding thereto, immediately after section 139 thereof, the following section:

Aggrieved shareholders and creditors.

"**139A.** Where a shareholder or creditor of a company is aggrieved by the failure of the company or a director, officer or employee thereof to perform any duty imposed upon the company or him by this Act, the shareholder or creditor, notwithstanding the imposition of any penalty and in addition to any other rights that he may have, may apply to the court for an order directing the company, director, officer or employee, as the case may be, to perform the duty, and upon such an application the court may make the order or such other order as the court thinks fit."

39. Subsection (1) of section 144 of the said Act is repealed and the following substituted therefor:

Application without objects of gain.

"**144.** (1) The Secretary of State may by letters patent under his seal of office grant a charter to any number of persons, not being fewer than three, who apply therefor, constituting the applicants and any other persons who thereafter become members of the corporation thereby created, a body corporate and politic, without share capital, for the purpose of carrying on in more than one province of Canada without pecuniary gain to its members, objects of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character, or the like objects."

Clause 38: New. This provision will give an aggrieved shareholder or creditor a remedy against a company or the directors thereof where there is a default in carrying out a duty imposed under this Act.

Clause 39: This clause and clause 40 will make the requirements for the incorporation of a corporation without share capital correspond with those for a joint stock company under Part I as amended by clause 5(1) of this Bill.

Subsection (1) of section 144 at present reads as follows:

"**144.** (1) The Secretary of State may by letters patent under his seal of office grant a charter to any number of persons, not *less* than three, who apply therefor, constituting such persons and *others, who have become subscribers to the memorandum of agreement hereinafter mentioned, and* who thereafter become members of the corporation thereby created, a body corporate and politic, without share capital, for the purpose of carrying on in more than one province of Canada, without pecuniary gain to its members, objects of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character, or the like."

40. (1) All that portion of subsection (1) of section 145 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Application to be filed.

"**145.** (1) The applicants for such letters patent, who shall be of the full age of twenty-one years and have power under law to contract, shall file in the Department of the Secretary of State an application signed by each of the applicants and setting forth the following particulars:"

(2) All that portion of subsection (2) of section 145 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

By-laws to accompany application.

"(2) The application shall be accompanied by the by-laws, in duplicate, of the proposed corporation, which by-laws shall include provisions upon the following matters:"

41. (1) Subsection (1) of section 147 of the said Act is repealed and the following substituted therefor:

Sections of Part I applicable.

"**147.** (1) The following provisions of Part I apply to corporations to which this Part applies, namely:

(*a*) sections 3 and 4, subsection (4) of section 5, section 6, sections 8 to 11 and section 13;

(*b*) section 14 (except paragraph (v) of subsection (1) thereof), and subsections (1), (3), (4) and (5) of section 17;

(*c*) sections 18 to 21, sections 24 to 30, section 40, sections 63 to 72, sections 91, 96, 97, 100 and 104;

(*d*) paragraphs (*a*) to (*d*) of subsection (1) of section 107; and

(*e*) sections 110, 111 and 113 to 115, sections 123, 125, 125A, and sections 129 to 142."

(2) Subsection (3) of section 147 of the said Act is repealed.

Clause 40: (1) The relevant portion of subsection (1) of section 145 at present reads as follows:

"**145.** (1) The applicants for such letters patent, who *must* be of the full age of twenty-one years, shall file in the Department of the Secretary of State, an application in accordance *as nearly as may be with Form 3 in the Schedule*, setting forth the following particulars:"

(2) The relevant portion of subsection (2) of section 145 at present reads as follows:

"(2) The application shall be accompanied by *a memorandum of agreement* in duplicate *in accordance as nearly as may be with Form 4 in the Schedule, signed and sealed by the applicants, setting forth the by-laws* of the proposed corporation, *and more particularly* setting forth *by-laws* upon the following matters:"

Clause 41: (1) This is a consequential amendment. Subsection (1) of section 147 at present reads as follows:

"**147.** (1) The following provisions of Part I apply to corporations to which this Part applies, namely, sections 3, 4, 6, 8, *9*, *10*, 11, 13, 14 except paragraph (t) of subsection (1), subsections (1), (3), (4) and (5) of section 17, sections 18, *19*, *20*, 21, 24, *25*, *26*, *27*, *28*, *29*, 30, 40, 63, *64*, *65*, *66*, *67*, *68*, *69*, *70*, *71*, 72, 91, 96, 97, 100, 104, paragraphs (*a*) to (*d*) of subsection (1) of section 107, sections 110, 111, 113, *114*, 115, 123, 129, *130*, *131*, *132*, *133*, *134*, *135*, *136*, *137*, *138*, *139*, *140*, *141 and* 142."

(2) This is a consequential amendment. Subsection (3) of section 147 at present reads as follows:

"(3) Section 125 of Part I *is applicable mutatis mutandis* to corporations to which this Part applies with respect to a summary setting out the particulars referred to in *paragraphs* (*a*), (*b*), (*c*), (*d*), (*n*), (*o*), (*p*) *and* (*r*) *of* subsection (1) of that section and to directors, managers, trustees and other officers of such corporations."

42. The said Act is further amended by adding thereto, immediately after Part II thereof, the following Part:

"PART IIA.

SPECIAL ACT CORPORATIONS.

Annual meetings and reports.

147A. Sections 100, 125 and 125A apply to any corporation without share capital incorporated by Special Act of the Parliament of Canada for the purpose of carrying on, without pecuniary gain to its members, in more than one province of Canada objects of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character or the like objects."

43. (1) Part IV of the said Act is repealed.

Proclamation.

(2) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

44. The said Act is further amended by adding thereto, immediately after section 208 thereof, the following section:

Corporate name in French or English form.

"**208A.** (1) Subject to subsection (5), a body corporate created otherwise than by letters patent for any of the objects for which the legislative authority of the Parliament of Canada extends may request the Secretary of State to provide it with a French or English form of its corporate name and the Secretary of State, by order, may, in accordance with the request, provide the body corporate with a French or English form of its corporate name.

Order to be published.

(2) An order made under subsection (1) shall be published by the Secretary of State in the *Canada Gazette*.

Not to be identical or objectionable.

(3) A requested French or English form of a corporate name shall not be given to a body corporate under this section if

(*a*) the requested form is the same as or similar to the name under which any other corporation, association or firm, in existence, is carrying on business in Canada or is incorporated under the laws of Canada or any province thereof, or so nearly resembles such other name as to be calculated to deceive, unless the existing corporation, association or firm is in the course of being dissolved or of changing

Clause 42: New. Section 100 requires an annual meeting of shareholders; section 125 requires an annual return to the Secretary of State; and the proposed section 125A permits the Secretary of State to demand special returns. These provisions will be made applicable to corporations incorporated by Special Act for objects similar to those for which corporations without share capital may be incorporated by letters patent under Part II.

Clause 43: (1) Part IV relates to the licensing of British and foreign mining companies for the purpose of carrying on mining operations in the Northwest Territories and the Yukon.

(2) The repeal of this Part will be by proclamation.

Clause 44: New. The purpose of this amendment is to provide a means to enable a corporation created otherwise than by letters patent to acquire a French or English form of its corporate name. The new section 208A would not apply to railway companies or companies incorporated under either the *Canadian and British Insurance Companies Act*, the *Trust Companies Act* or the *Loan Companies Act*.

its name and signifies its consent in such manner as the Secretary of State may require; or

(*b*) the requested form is otherwise on public grounds objectionable.

Effect of order.

(4) After the publication of an order under subsection (1), the body corporate mentioned in that order may from time to time as it sees fit use, and it may be legally designated by, either the French or English form of its corporate name as provided in the order, or both forms; and, except as provided in this subsection, the provision of a French or English form of a corporate name does not affect in any way the rights, powers, obligations or liabilities of the body corporate.

Application of section restricted.

(5) This section does not apply to a company incorporated under any of the Acts mentioned in paragraph (*b*), (*c*) or (*d*) of subsection (1) of section 5 or to a company carrying on a business described in paragraph (*a*) of subsection (1) of that section."

45. The Schedule to the said Act is repealed.

Clause 45: The application forms and memorandum of agreement forms set out in the Schedule are to be abolished by the amendments proposed by this Bill. The Schedule is therefore repealed.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-23.

An Act to incorporate Seicho-No-Ie.

AS PASSED BY THE SENATE, 4th JUNE, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20762

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-23.

An Act to incorporate Seicho-No-Ie.

Preamble. WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation. **1.** Isosaburo Ueda, retired, Mataju Saito, punch press operator, Kenjiro Kambara, stock checker, James K. Hori, manager-owner, Gibson Hayashi, glue operator, Toshio Kotani, proprietor, Shoichi Nagai, retired, Kimiko Shigeishi, retired, Iwao Yamamoto, die setter, Y. B. Shigeishi, draftsman, Margaret C. Hauser, writer, all of the city of Toronto, and Patricia Snell, housewife, of the village of Agincourt, all in the province of Ontario, together with such other persons as become members of the religious body hereby incorporated, are incorporated under the name of Seicho-No-Ie, hereinafter called "the Corporation", for the purposes set out in this Act and, in particular, for the purpose of administering the property, business and other temporal affairs of the Corporation.

Directors. **2.** The persons named in section 1 of this Act shall be the first directors of the Corporation.

Head office. **3.** (1) The head office of the Corporation shall be in the municipality of Metropolitan Toronto, in the province of Ontario, or at such other place as may be decided by the Corporation.

(2) Notice in writing shall be given to the Secretary of State by the Corporation of any change of the head office and such notice shall be published forthwith in the *Canada Gazette*.

Objects.

4. The objects of the Corporation shall be

(*a*) to promote, maintain, superintend and carry on in accordance with the faith, doctrine, constitution, acts, by-laws and rulings of the Corporation any or all of the work of that body;

(*b*) to advance and increase the diffusion of the faith of the Corporation in all lawful ways; and

(*c*) to organize, establish, maintain and carry on residences, assemblies, churches, places of worship, temples and other institutions for promoting, teaching and disseminating the faith and doctrine of the Corporation and for training persons for such purposes and for the publication of literature pertaining to such faith and doctrine.

Power to make by-laws.

5. The Corporation may from time to time make by-laws, not contrary to law, for

(*a*) the administration, management and control of the property, business and other temporal affairs of the Corporation;

(*b*) the appointment, functions, duties and remuneration of all officers, agents and servants of the Corporation;

(*c*) the appointment or deposition of a national council or any special committees or boards from time to time created for the purposes of the Corporation, and defining the powers of such committees or boards;

(*d*) the calling of regular or special meetings of the Corporation or of the national council or the board of directors;

(*e*) fixing the necessary quorum and the procedure to be followed at all meetings referred to in the preceding paragraph;

(*f*) determining the qualifications of members;

(*g*) defining and applying the principles, doctrine and religious standards of the Corporation; and

(*h*) generally carrying out the objects and purposes of the Corporation.

Management.

6. Subject to and in accordance with the by-laws enacted by the Corporation under section 5 of this Act, a national council consisting of such persons as the Corporation may from time to time elect or appoint thereto shall manage all the temporal affairs of the Corporation.

Incidental powers.

7. The Corporation may do all such lawful acts and things as are incidental or as may be conducive to the attainment of its objects.

Committees.

8. The Corporation may exercise all its powers by and through the national council or through such boards or committees as may from time to time be elected or appointed by the Corporation for the management of its affairs.

Power to acquire and hold property.

9. (1) The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy property, real and personal, corporeal and incorporeal, and any or every estate or interest whatsoever, given, granted, devised or bequeathed to it or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of any religious, educational, eleemosynary or other institution established or intended to be established by, under the management of, or in connection with the uses or purposes of the Corporation.

(2) The Corporation may also hold such real property or estate therein as is bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered.

Investment in and disposal of property.

10. Subject always to the terms of any trust relating thereto, the Corporation may also sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Corporation, whether by way of investment for the uses and purposes of the Corporation or not; and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property; and for the purposes of such investment may take, receive, and accept mortgages or assignments thereof, whether made and executed directly to the Corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments either in whole or in part.

Application of mortmain laws.

11. In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a licence in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Corporation.

Transfer of property held in trust.

12. In so far as authorization by the Parliament of Canada is necessary, any person or corporation, in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes of the Corporation, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Corporation.

Execution of documents.

13. Any deed or other instrument relating to real estate vested in the Corporation or to any interest in such real estate shall, if executed within the jurisdiction of the Parliament of Canada, be deemed to be duly executed if there is affixed thereto the seal of the Corporation and there is thereupon the signature of any officer of the Corporation duly authorized for such purpose.

Disposition of property by gift or loan.

14. The Corporation may make a gift of or lend any of its property, whether real or personal, for or to assist in the erection or maintenance of any building or buildings deemed necessary for any church, college, manse, school or hospital or for any other religious, charitable, educational, congregational or social purpose upon such terms and conditions as it may deem expedient.

Borrowing powers.

15. (1) The Corporation may, from time to time, for the purposes of the Corporation

(*a*) borrow money upon the credit of the Corporation;

(*b*) limit or increase the amount to be borrowed;

(*c*) make, draw, accept, endorse or become party to, promissory notes and bills of exchange and every such note or bill made, drawn, accepted or endorsed by the party thereto, authorized by the by-laws of the Corporation, and countersigned by the proper party thereto, authorized by the by-laws of the Corporation, shall be binding upon the Corporation and shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown, and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill;

(*d*) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation, or which it is obligated to pay or the payment of which is guaranteed by it;

(*e*) issue bonds, debentures or other securities of the Corporation; and

(*f*) pledge or sell such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient.

(2) Nothing in the preceding subsection shall be construed to authorize the Corporation to issue any note or bill payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance.

Powers of guarantee.

16. The Corporation may guarantee, with or without security, upon such terms as it may determine, any debts of, the performance of any obligations of and the repayment of any advances made to or for the purposes of any corporation, organization, association or society associated or affiliated with the Corporation.

Investment of funds.

17. The Corporation may invest its funds, or any portion thereof, either directly in the name of the Corporation or indirectly in the name of trustees, in the purchase of such securities as it may deem advisable, and may lend its funds or any portion thereof on any such securities.

Territorial powers.

18. The Corporation may exercise the rights and powers conferred upon it by this Act throughout Canada.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-24.

An Act to amend the Privileges and Immunities (United Nations) Act.

AS PASSED BY THE SENATE, 10th JUNE, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20782

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-24.

An Act to amend the Privileges and Immunities (United Nations) Act.

R.S., c. 219.

HER Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

1. The long title of the *Privileges and Immunities (United Nations) Act* is repealed and the following substituted therefor:

"An Act to provide for Privileges and Immunities in respect of the United Nations and International Organizations."

2. Section 1 of the said Act is repealed and the following substituted therefor:

Short title.

"**1.** This Act may be cited as the *Privileges and Immunities (International Organizations) Act.*"

3. (1) Subsection (1) of section 3 of the said Act is repealed and the following substituted therefor:

"Organization."

"**3.** (1) For the purposes of this section, the expression "organization" means

(*a*) any specialized agency of which Canada is a member that is brought into relationship with the United Nations in accordance with Article 63 of the Charter of the United Nations; and

(*b*) any international organization of which Canada is a member, the primary purpose of which is the maintenance of international peace or the economic or social well-being of the community of nations."

Explanatory Notes.

The purpose of this Bill is twofold:

(*a*) to enable Canada to fulfill outstanding obligations to accord privileges and immunities to international organizations of which it is a member, such as the International Bureau of Exhibitions, the International Atomic Energy Agencies and the Organization for Economic Cooperation and Development. These organizations, which are not technically specialized agencies of the United Nations, are not covered by the Act as it now stands; and

(*b*) to ensure that experts performing missions for international organizations of which Canada is a member are granted appropriate privileges and immunities when on official missions in Canada.

Clause 1: The long title of the Act is to be amended to indicate that the Act will no longer only apply to the United Nations and its specialized agencies but to all international organizations of which Canada is a member.

The long title at present reads as follows:

"An Act to provide for Privileges and Immunities in respect of the United Nations and *related* International Organizations."

Clause 2: The short title is amended in a similar manner.

Clause 3: (1) The new paragraph (*b*) would amend the term "organization" to include all those international organizations of which Canada is a member.

Subsection (1) at present reads as follows:

"**3.** (1) For the purposes of this section, the expression "organization" means any specified agency of which Canada is a member and which is brought into relationship with the United Nations in accordance with Article 63 of the Charter of the United Nations."

(2) Subsection (2) of section 3 of the said Act is amended by striking out the word "and" at the end of paragraph (*c*) thereof, by adding the word "and" at the end of paragraph (*d*) thereof and by adding thereto the following paragraph:

"(*e*) such experts performing missions for an organization as may be designated by the Governor in Council shall, to such extent as may be specified in the order, have the privileges and immunities set forth in Article VI of the Convention for experts on missions for the United Nations."

(2) The new paragraph (*e*) would empower the Governor in Council to extend to experts performing missions for international organizations covered by the Act as amended, the privileges and immunities necessary for carrying out their functions in Canada as stipulated in the United Nations Convention on Privileges and Immunities. At present this power can only be exercised in respect of experts performing missions for the United Nations.

S-25.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-25.

An Act respecting the Geneva Conventions, 1949.

First reading, Thursday, 14th May, 1964.

Honourable Senator CONNELLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20784

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-25.

An Act respecting the Geneva Conventions, 1949.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

Short title.

1. This Act may be cited as the *Geneva Conventions Act.*

CONVENTIONS APPROVED.

Geneva Conventions of 1949 approved.

2. The Geneva Conventions for the Protection of War Victims, signed at Geneva on the 12th day of August, 1949 and set out in Schedules I to IV, are approved.

PART I.

GRAVE BREACHES OF THE CONVENTIONS.

Grave breaches of Geneva Conventions of 1949.

3. (1) Any grave breach of any of the Geneva Conventions of 1949, as therein defined, that would, if committed in Canada, be an offence under any provision of the *Criminal Code* or other Act of the Parliament of Canada, is an offence under such provision of the *Criminal Code* or other Act if committed outside Canada.

Jurisdiction.

(2) Where a person has committed an act or omission that is an offence by virtue of this section, the offence is within the competence of and may be tried and punished by the court having jurisdiction in respect of similar offences in the place in Canada where that person is found in the same manner as if the offence had been committed in that place, or by any other court to which jurisdiction has been lawfully transferred.

Consent.

(3) No proceedings in respect of an act or omission that is an offence by virtue of this section shall be instituted without the consent in writing of the Attorney General of Canada.

PART II.

Legal Proceedings in respect of Protected Persons.

Definitions. "Court."

4. In this Part,

(*a*) "court" includes a General Court Martial, a Disciplinary Court Martial and a Standing Court Martial convened or established pursuant to the *National Defence Act*;

"Offence."

(*b*) "offence" means any act or omission that is an offence under the *Criminal Code* or any other Act of the Parliament of Canada or that is, by virtue of section 3, an offence under any such Act;

"Prisoners' representative."

(*c*) "prisoners' representative" in relation to a protected prisoner of war means the person elected or recognized as that prisoner's representative pursuant to Article 79 of the Geneva Convention set out in Schedule III;

"Protected internee."

(*d*) "protected internee" means a person interned in Canada who is protected by the Geneva Convention set out in Schedule IV;

"Protecting power."

(*e*) "protecting power" means

(i) in relation to a protected prisoner of war, the country or organization that is carrying out, in the interests of the country of which that prisoner is a national or of whose forces he is or was a member at the time of his being taken prisoner of war, the duties assigned to protecting powers under the Geneva Convention set out in Schedule III, and

(ii) in relation to a protected internee, the country or organization that is carrying out, in the interests of the country of which that internee is or was a national at the time of his internment, the duties assigned to protecting powers under the Geneva Convention set out in Schedule IV; and

"Protected prisoner of war."

(*f*) "protected prisoner of war" means a prisoner of war who is protected by the Geneva Convention set out in Schedule III.

Notice of trial of protected persons to be served on protecting power.

5. (1) The court before which

(*a*) a protected prisoner of war is brought for trial for an offence, or

(*b*) a protected internee is brought for trial for an offence for which that court has power to sentence him to death or to imprisonment for a term of two years or more,

shall not proceed with the trial until it is proved to the satisfaction of the court that written notice of the trial containing, where known to the prosecutor, the information mentioned in subsection (2) has been given to the accused and his protecting power, not less than three weeks before the commencement of the trial, and where the accused is a protected prisoner of war, to his prisoners' representative.

Contents of notice.

(2) The notice referred to in subsection (1) shall state

(*a*) the full name of the accused and a description of him, including the date of his birth, his profession or trade and, if the accused is a protected prisoner of war, his rank and army, regimental, personal or serial number;

(*b*) the accused's place of detention, internment or residence;

(*c*) the offence with which the accused is charged; and

(*d*) the court before which the trial of the accused is to take place and the time and place appointed for the trial.

Time for appeal from sentence of death or imprisonment for more than two years.

6. (1) Where a protected prisoner of war or a protected internee has been sentenced by a court to death or to imprisonment for a term of two years or more, the time allowed for an appeal against the conviction or sentence or against the decision of a court of appeal not to allow, dismiss or quash the conviction or sentence shall run from the day on which the protecting power has been notified of the conviction and sentence by

(*a*) an officer of the Canadian Forces, in the case of a protected prisoner of war; or

(*b*) the Secretary of State for External Affairs, in the case of a protected internee.

Sentence of death not to be executed before notice given protecting power.

(2) Notwithstanding anything in this or any other Act, where a protected prisoner of war or a protected internee has been sentenced to death by a court, the sentence shall not be executed before the expiration of six months from the date on which the protecting power is given notice in writing thereof by the appropriate person referred to in paragraph (*a*) or (*b*) of subsection (1), which notice shall contain

(*a*) a precise wording of the finding and sentence;

(*b*) a summary of any preliminary investigation and of the trial and, in particular, of the elements of the prosecution and defence; and

(*c*) a copy of any order denying pardon or reprieve to that person.

Prisoner of war subject to Code of Service Discipline.

7. (1) Every prisoner of war is subject to the Code of Service Discipline as defined in the *National Defence Act* and every prisoner of war who is alleged to have done or omitted to do anything that is, by virtue of section 3, an offence under the *Criminal Code* or any other Act of the Parliament of Canada shall be deemed to have been subject to the Code of Service Discipline at the time the offence was alleged to have been committed.

Dealt with by Service having custody.

(2) A prisoner of war described in subsection (1) may be charged and tried within the Service of the Canadian Forces in which he is held in custody and, for the purposes of the Code of Service Discipline, he shall be deemed to be under the command of the commanding officer of such unit or other element of the Service as may be holding him in custody.

Regulations respecting prisoners of war.

8. Subject to this Act, the Minister of National Defence may make such regulations as he deems necessary respecting prisoners of war held by Canadian Forces, including regulations to carry out and give effect to the provisions of the Geneva Convention set out in Schedule III respecting protected prisoners of war.

PART III.

General.

Certificate of Secretary of State.

9. A certificate of the Secretary of State for External Affairs stating that on the date or dates specified therein a state of war or armed conflict existed between the states named therein shall be received in evidence in a prosecution for an act or omission that is an offence under the *Criminal Code* or any other Act of the Parliament of Canada, or that is, by virtue of section 3, an offence under any such Act, and shall be conclusive proof of the statements contained therein.

SCHEDULE I.

GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD OF AUGUST 12, 1949.

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Geneva Convention for the Relief of the Wounded and Sick in Armies in the Field of July 27, 1929, have agreed as follows:

CHAPTER I.

GENERAL PROVISIONS.

ARTICLE 1.

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

ARTICLE 2.

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ARTICLE 3.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(*a*) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(*b*) taking of hostages;

(*c*) outrages upon personal dignity, in particular humiliating and degrading treatment;

(*d*) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

ARTICLE 4.

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded and sick, and to members of the medical personnel and to chaplains of the armed forces of the Parties to the conflict, received or interned in their territory, as well as to dead persons found.

ARTICLE 5.

For the protected persons who have fallen into the hands of the enemy, the present Convention shall apply until their final repatriation.

ARTICLE 6.

In addition to the agreements expressly provided for in Articles 10, 15, 23, 28, 31, 36, 37 and 52, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of the wounded and sick, of members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded and sick, as well as medical personnel and chaplains, shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

ARTICLE 7.

Wounded and sick, as well members of the medical personnel and chaplains, may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

ARTICLE 8.

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible, the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted as an exceptional and temporary measure when this is rendered necessary by imperative military necessities.

ARTICLE 9.

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of wounded and sick, medical personnel and chaplains, and for their relief.

ARTICLE 10.

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When wounded and sick, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

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If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever, in the present Convention, mention is made of a Protecting Power, such mention also applies to substitute organizations in the sense of the present Article.

Article 11.

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, in particular of the authorities responsible for the wounded and sick, members of medical personnel and chaplains, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

CHAPTER II.

Wounded and Sick.

Article 12.

Members of the armed forces and other persons mentioned in the following Article, who are wounded or sick, shall be respected and protected in all circumstances.

They shall be treated humanely and cared for by the Party to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

Women shall be treated with all consideration due to their sex.

The Party to the conflict which is compelled to abandon wounded or sick to the enemy shall, as far as military considerations permit, leave with them a part of its medical personnel and material to assist in their care.

ARTICLE 13.

The present Convention shall apply to the wounded and sick belonging to the following categories:

(1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:

(*a*) that of being commanded by a person responsible for his subordinates;

(*b*) that of having a fixed distinctive sign recognizable at a distance;

(*c*) that of carrying arms openly;

(*d*) that of conducting their operations in accordance with the laws and customs of war.

(3) Members of regular armed forces who profess allegiance to a Government or an authority not recognized by the Detaining Power.

(4) Persons who accompany the armed forces without actually being members thereof, such as civil members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions in international law.

(6) Inhabitants of a non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

ARTICLE 14.

Subject to the provisions of Article 12, the wounded and sick of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning prisoners of war shall apply to them.

ARTICLE 15.

At all times, and particularly after an engagement, Parties to the conflict shall, without delay, take all possible measures to search for and collect the wounded and sick, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead and prevent their being despoiled.

Whenever circumstances permit, an armistice or a suspension of fire shall be arranged, or local arrangements made, to permit the removal, exchange and transport of the wounded left on the battlefield.

Likewise, local arrangements may be concluded between Parties to the conflict for the removal or exchange of wounded and sick from a besieged or encircled area, and for the passage of medical and religious personnel and equipment on their way to that area.

ARTICLE 16.

Parties to the conflict shall record as soon as possible, in respect of each wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification.

These records should if possible include:

(*a*) designation of the Power on which he depends;
(*b*) army, regimental, personal or serial number;
(*c*) surname;
(*d*) first name or names;
(*e*) date of birth;
(*f*) any other particulars shown on his identity card or disc;
(*g*) date and place of capture or death;
(*h*) particulars concerning wounds or illness, or cause of death.

As soon as possible the above mentioned information shall be forwarded to the Information Bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of

August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half of a double identity disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

ARTICLE 17.

Parties to the conflict shall ensure that burial or cremation of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. One half of the double identity disc, or the identity disc itself if it is a single disc, should remain on the body.

Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased. In case of cremation, the circumstances and reasons for cremation shall be stated in detail in the death certificate or on the authenticated list of the dead.

They shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, grouped if possible according to the nationality of the deceased, properly maintained and marked so that they may always be found. For this purpose, they shall organize at the commencement of hostilities an Official Graves Registration Service, to allow subsequent exhumations and to ensure the identification of bodies, whatever the site of the graves, and the possible transportation to the home country. These provisions shall likewise apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

As soon as circumstances permit, and at latest at the end of hostilities, these Services shall exchange, through the Information Bureau mentioned in the second paragraph of Article 16, lists showing the exact location and markings of the graves, together with particulars of the dead interred therein.

ARTICLE 18.

The military authorities may appeal to the charity of the inhabitants voluntarily to collect and care for, under their direction, the wounded and sick, granting persons who have responded to this appeal

the necessary protection and facilities. Should the adverse Party take or retake control of the area, he shall likewise grant these persons the same protection and the same facilities.

The military authorities shall permit the inhabitants and relief societies, even in invaded or occupied areas, spontaneously to collect and care for wounded or sick of whatever nationality. The civilian population shall respect these wounded and sick, and in particular abstain from offering them violence.

No one may ever be molested or convicted for having nursed the wounded or sick.

The provisions of the present Article do not relieve the occupying Power of its obligation to give both physical and moral care to the wounded and sick.

CHAPTER III.

Medical Units and Establishments.

Article 19.

Fixed establishments and mobile medical units of the Medical Service may in no circumstances be attacked, but shall at all times be respected and protected by the Parties to the conflict. Should they fall into the hands of the adverse Party, their personnel shall be free to pursue their duties, as long as the capturing Power has not itself ensured the necessary care of the wounded and sick found in such establishments and units.

The responsible authorities shall ensure that the said medical establishments and units are, as far as possible, situated in such a manner that attacks against military objectives cannot imperil their safety.

Article 20.

Hospital ships entitled to the protection of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, shall not be attacked from the land.

Article 21.

The protection to which fixed establishments and mobile medical units of the Medical Service are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after a due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

ARTICLE 22.

The following conditions shall not be considered as depriving a medical unit or establishment of the protection guaranteed by Article 19:

(1) That the personnel of the unit or establishment are armed, and that they use the arms in their own defence, or in that of the wounded and sick in their charge.

(2) that in the absence of armed orderlies, the unit or establishment is protected by a picket or by sentries or by an escort.

(3) that small arms and ammunition taken from the wounded and sick and not yet handed to the proper service, are found in the unit or establishment.

(4) That personnel and material of the veterinary service are found in the unit or establishment, without forming an integral part thereof.

(5) That the humanitarian activities of medical units and establishments or of their personnel extend to the care of civilian wounded or sick.

ARTICLE 23.

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital zones and localities so organized as to protect the wounded and sick from the effects of war, as well as the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the hospital zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital zones and localities.

CHAPTER IV.

PERSONNEL.

ARTICLE 24.

Medical personnel exclusively engaged in the search for, or the collection, transport or treatment of the wounded or sick, or in the prevention of disease, staff exclusively engaged in the administration of medical units and establishments, as well as chaplains attached to the armed forces, shall be respected and protected in all circumstances.

ARTICLE 25.

Members of the armed forces specially trained for employment, should the need arise, as hospital orderlies, nurses or auxiliary stretcher-bearers, in the search for or the collection, transport or treatment of the wounded and sick shall likewise be respected and protected if they are carrying out these duties at the time when they come into contact with the enemy or fall into his hands.

ARTICLE 26.

The staff of National Red Cross Societies and that of other Voluntary Aid Societies, duly recognized and authorized by their Governments, who may be employed on the same duties as the personnel named in Article 24, are placed on the same footing as the personnel named in the said Article, provided that the staff of such societies are subject to military laws and regulations.

Each High Contracting Party shall notify to the other, either in time of peace, or at the commencement of or during hostilities, but in any case before actually employing them, the names of the societies which it has authorized, under its responsibility, to render assistance to the regular medical service of its armed forces.

ARTICLE 27.

A recognized Society of a neutral country can only lend the assistance of its medical personnel and units to a Party to the conflict with the previous consent of its own Government and the authorization of the Party to the conflict concerned. That personnel and those units shall be placed under the control of that Party to the conflict.

The neutral Government shall notify this consent to the adversary of the State which accepts such assistance. The Party to the conflict who accepts such assistance is bound to notify the adverse Party thereof before making any use of it.

In no circumstances shall this assistance be considered as interference in the conflict.

The members of the personnel named in the first paragraph shall be duly furnished with the identity cards provided for in Article 40 before leaving the neutral country to which they belong.

ARTICLE 28.

Personnel designated in Articles 24 and 26 who fall into the hands of the adverse Party, shall be retained only in so far as the state of health, the spiritual needs and the number of prisoners of war require.

Personnel thus retained shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of

August 12, 1949. Within the framework of the military laws and regulations of the Detaining Power, and under the authority of its competent service, they shall continue to carry out, in accordance with their professional ethics, their medical and spiritual duties on behalf of prisoners of war, preferably those of the armed forces to which they themselves belong. They shall further enjoy the following facilities for carrying out their medical or spiritual duties:

(*a*) They shall be authorized to visit periodically the prisoners of war in labour units or hospitals outside the camp. The Detaining Power shall put at their disposal the means of transport required.

(*b*) In each camp the senior medical officer of the highest rank shall be responsible to the military authorities of the camp for the professional activity of the retained medical personnel. For this purpose, from the outbreak of hostilities, the Parties to the conflict shall agree regarding the corresponding seniority of the ranks of their medical personnel, including those of the societies designated in Article 26. In all questions arising out of their duties, this medical officer, and the chaplains, shall have direct access to the military and medical authorities of the camp who shall grant them the facilities they may require for correspondence relating to these questions.

(*c*) Although retained personnel in a camp shall be subject to its internal discipline, they shall not, however, be required to perform any work outside their medical or religious duties.

During hostilities the Parties to the conflict shall make arrangements for relieving where possible retained personnel, and shall settle the procedure of such relief.

None of the preceding provisions shall relieve the Detaining Power of the obligations imposed upon it with regard to the medical and spiritual welfare of the prisoners of war.

ARTICLE 29.

Members of the personnel designated in Article 25 who have fallen into the hands of the enemy, shall be prisoners of war, but shall be employed on their medical duties in so far as the need arises.

ARTICLE 30.

Personnel whose retention is not indispensable by virtue of the provisions of Article 28 shall be returned to the Party to the conflict to whom they belong, as soon as a road is open for their return and military requirements permit.

Pending their return, they shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War

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of August 12, 1949. They shall continue to fulfil their duties under the orders of the adverse Party and shall preferably be engaged in the care of the wounded and sick of the Party to the conflict to which they themselves belong.

On their departure, they shall take with them the effects, personal belongings, valuables and instruments belonging to them.

ARTICLE 31.

The selection of personnel for return under Article 30 shall be made irrespective of any consideration of race, religion or political opinion, but preferably according to the chronological order of their capture and their state of health.

As from the outbreak of hostilities, Parties to the conflict may determine by special agreement the percentage of personnel to be retained, in proportion to the number of prisoners and the distribution of the said personnel in the camps.

ARTICLE 32.

Persons designated in Article 27 who have fallen into the hands of the adverse Party may not be detained.

Unless otherwise agreed, they shall have permission to return to their country, or if this is not possible, to the territory of the Party to the conflict in whose service they were, as soon as a route for their return is open and military considerations permit.

Pending their release, they shall continue their work under the direction of the adverse Party; they shall preferably be engaged in the care of the wounded and sick of the Party to the conflict in whose service they were.

On their departure, they shall take with them their effects, personal articles and valuables and the instruments, arms and if possible the means of transport belonging to them.

The Parties to the conflict shall secure to this personnel, while in their power, the same food, lodging, allowances and pay as are granted to the corresponding personnel of their armed forces. The food shall in any case be sufficient as regards quantity, quality and variety to keep the said personnel in a normal state of health.

CHAPTER V.

BUILDINGS AND MATERIAL.

ARTICLE 33.

The material of mobile medical units of the armed forces which fall into the hands of the enemy, shall be reserved for the care of wounded and sick.

The buildings, material and stores of fixed medical establishments of the armed forces shall remain subject to the laws of war, but may not

be diverted from their purpose as long as they are required for the care of wounded and sick. Nevertheless, the commanders of forces in the field may make use of them, in case of urgent military necessity, provided that they make previous arrangements for the welfare of the wounded and sick who are nursed in them.

The material and stores defined in the present Article shall not be intentionally destroyed.

Article 34.

The real and personal property of aid societies which are admitted to the privileges of the Convention shall be regarded as private property.

The right of requisition recognized for belligerents by the laws and customs of war shall not be exercised except in case of urgent necessity, and only after the welfare of the wounded and sick has been ensured.

CHAPTER VI.

Medical Transports.

Article 35.

Transports of wounded and sick or of medical equipment shall be respected and protected in the same way as mobile medical units.

Should such transports or vehicles fall into the hands of the adverse Party, they shall be subject to the laws of war, on condition that the Party to the conflict who captures them shall in all cases ensure the care of the wounded and sick they contain.

The civilian personnel and all means of transport obtained by requisition shall be subject to the general rules of international law.

Article 36.

Medical aircraft, that is to say, aircraft exclusively employed for the removal of wounded and sick and for the transport of medical personnel and equipment, shall not be attacked, but shall be respected by the belligerents, while flying at heights, times and on routes specifically agreed upon between the belligerents concerned.

They shall bear, clearly marked, the distinctive emblem prescribed in Article 38, together with their national colours, on their lower, upper and lateral surfaces. They shall be provided with any other markings or means of identification that may be agreed upon between the belligerents upon the outbreak or during the course of hostilities.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Medical aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

In the event of an involuntary landing in enemy or enemy-occupied territory, the wounded and sick, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Article 24 and the Articles following.

Article 37.

Subject to the provisions of the second paragraph, medical aircraft of Parties to the conflict may fly over the territory of neutral Powers, land on it in case of necessity, or use it as a port of call. They shall give the neutral Powers previous notice of their passage over the said territory and obey all summons to alight, on land or water. They will be immune from attack only when flying on routes, at heights and at times specifically agreed upon between the Parties to the conflict and the neutral Power concerned.

The neutral Powers may, however, place conditions or restrictions on the passage or landing of medical aircraft on their territory. Such possible conditions or restrictions shall be applied equally to all Parties to the conflict.

Unless agreed otherwise between the neutral Power and the Parties to the conflict, the wounded and sick who are disembarked, with the consent of the local authorities, on neutral territory by medical aircraft, shall be detained by the neutral Power, where so required by international law, in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

CHAPTER VII.

The Distinctive Emblem.

Article 38.

As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours, is retained as the emblem and distinctive sign of the Medical Service of armed forces.

Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, those emblems are also recognized by the terms of the present Convention.

Article 39.

Under the direction of the competent military authority, the emblem shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

ARTICLE 40.

The personnel designated in Article 24 and in Articles 26 and 27 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel, in addition to wearing the identity disc mentioned in Article 16, shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Convention. The card shall bear the photograph of the owner and also either his signature or his finger-prints or both. It shall be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity cards should be made out, if possible, at least in duplicate, one copy being kept by the home country.

In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In case of loss, they shall be entitled to receive duplicates of the cards and to have the insignia replaced.

ARTICLE 41.

The personnel designated in Article 25 shall wear, but only while carrying out medical duties, a white armlet bearing in its centre the distinctive sign in miniature; the armlet shall be issued and stamped by the military authority.

Military identity documents to be carried by this type of personnel shall specify what special training they have received, the temporary character of the duties they are engaged upon, and their authority for wearing the armlet.

ARTICLE 42.

The distinctive flag of the Convention shall be hoisted only over such medical units and establishments as are entitled to be respected under the Convention, and only with the consent of the military authorities.

In mobile units, as in fixed establishments, it may be accompanied by the national flag of the Party to the conflict to which the unit or establishment belongs.

Nevertheless, medical units which have fallen into the hands of the enemy shall not fly any flag other than that of the Convention.

Parties to the conflict shall take the necessary steps, in so far as military considerations permit, to make the distinctive emblems indicating medical units and establishments clearly visible to the enemy land, air or naval forces, in order to obviate the possibility of any hostile action.

ARTICLE 43.

The medical units belonging to neutral countries, which may have been authorized to lend their services to a belligerent under the conditions laid down in Article 27, shall fly, along with the flag of the Convention, the national flag of that belligerent, wherever the latter makes use of the faculty conferred on him by Article 42.

Subject to orders to the contrary by the responsible military authorities, they may, on all occasions, fly their national flag, even if they fall into the hands of the adverse Party.

ARTICLE 44.

With the exception of the cases mentioned in the following paragraphs of the present Article, the emblem of the Red Cross on a white ground and the words "Red Cross", or "Geneva Cross" may not be employed, either in time of peace or in time of war, except to indicate or to protect the medical units and establishments, the personnel and material protected by the present Convention and other Conventions dealing with similar matters. The same shall apply to the emblems mentioned in Article 38, second paragraph, in respect of the countries which use them. The National Red Cross Societies and other Societies designated in Article 26 shall have the right to use the distinctive emblem conferring the protection of the Convention only within the framework of the present paragraph.

Furthermore, National Red Cross (Red Crescent, Red Lion and Sun) Societies may, in time of peace, in accordance with their national legislation, make use of the name and emblem of the Red Cross for their other activities which are in conformity with the principles laid down by the International Red Cross Conferences. When those activities are carried out in time of war, the conditions for the use of the emblem shall be such that it cannot be considered as conferring the protection of the Convention; the emblem shall be comparatively small in size and may not be placed on armlets or on the roofs of buildings.

The international Red Cross organizations and their duly authorized personnel shall be permitted to make use, at all times, of the emblem of the Red Cross on a white ground.

As an exceptional measure, in conformity with national legislation and with the express permission of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to identify vehicles used as ambulances and to mark the position of aid stations exclusively assigned to the purpose of giving free treatment to the wounded or sick.

CHAPTER VIII.

Execution of the Convention.

Article 45.

Each Party to the conflict, acting through its commanders-in-chief, shall ensure the detailed execution of the preceding Articles and provide for unforeseen cases, in conformity with the general principles of the present Convention.

Article 46.

Reprisals against the wounded, sick, personnel, buildings or equipment protected by the Convention are prohibited.

Article 47.

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

Article 48.

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

CHAPTER IX.

Repression of Abuses and Infractions.

Article 49.

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation,

hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

ARTICLE 50.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

ARTICLE 51.

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

ARTICLE 52.

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

ARTICLE 53.

The use by individuals, societies, firms or companies either public or private, other than those entitled thereto under the present Convention, of the emblem or the designation "Red Cross" or "Geneva Cross", or any sign or designation constituting an imitation thereof, whatever the object of such use, and irrespective of the date of its adoption, shall be prohibited at all times.

By reason of the tribute paid to Switzerland by the adoption of the reversed Federal colours, and of the confusion which may arise between the arms of Switzerland and the distinctive emblem of the Convention, the use by private individuals, societies or firms, of the arms of the Swiss Confederation, or of marks constituting an imitation thereof, whether as trade-marks or commercial marks, or as parts of such marks, or for a purpose contrary to commercial honesty, or in circumstances capable of wounding Swiss national sentiment, shall be prohibited at all times.

Nevertheless, such High Contracting Parties as were not party to the Geneva Convention of July 27, 1929, may grant to prior users of the emblems, designations, signs or marks designated in the first paragraph, a time limit not to exceed three years from the coming into force of the present Convention to discontinue such use, provided that the said use shall not be such as would appear, in time of war, to confer the protection of the Convention.

The prohibition laid down in the first paragraph of the present Article shall also apply, without effect on any rights acquired through prior use, to the emblems and marks mentioned in the second paragraph of Article 38.

ARTICLE 54.

The High Contracting Parties shall, if their legislation is not already adequate, take measures necessary for the prevention and repression, at all times, of the abuses referred to under Article 53.

FINAL PROVISIONS.

ARTICLE 55.

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

ARTICLE 56.

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

ARTICLE 57.

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

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A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 58.

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

ARTICLE 59.

The present Convention replaces the Conventions of August 22, 1864, July 6, 1906, and July 27, 1929, in relations between the High Contracting Parties.

ARTICLE 60.

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

ARTICLE 61.

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 62.

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 63.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until

peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 64.

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August, 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

(Here follow the annexes and the signatures on behalf of the following countries: Afghanistan, People's Republic of Albania, Argentina, Australia, Austria, Belgium, Byelorussian Soviet Socialist Republic, Bolivia, Brazil, Bulgarian People's Republic, Canada, Ceylon, Chile, China, Colombia, Cuba, Denmark, Egypt, Ecuador, Spain, United States of America, Ethiopia, Finland, France, Greece, Guatemala, Hungarian People's Republic, India, Iran, Republic of Ireland, Israel, Italy, Lebanon, Liechtenstein, Luxemburg, Mexico, Principality of Monaco, Nicaragua, Norway, New Zealand, Pakistan, Paraguay, Netherlands, Peru, Republic of the Philippines, Poland, Portugal, Rumanian People's Republic, United Kingdom of Great Britain and Northern Ireland, Holy See, El Salvador, Sweden, Switzerland, Syria, Czechoslovakia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Federal People's Republic of Yugoslavia.)

SCHEDULE II.

GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA OF AUGUST 12, 1949.

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Xth Hague Convention of October 18, 1907, for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 1906, have agreed as follows:

CHAPTER I.

GENERAL PROVISIONS.

ARTICLE 1.

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

ARTICLE 2.

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ARTICLE 3.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(*a*) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(*b*) taking of hostages;

(*c*) outrages upon personal dignity, in particular, humiliating and degrading treatment;

(*d*) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded, sick and shipwrecked shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

ARTICLE 4.

In case of hostilities between land and naval forces of Parties to the conflict, the provisions of the present Convention shall apply only to forces on board ship.

Forces put ashore shall immediately become subject to the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

ARTICLE 5.

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded, sick and shipwrecked, and to members of the medical personnel and to chaplains of the armed forces of the Parties to the conflict received or interned in their territory, as well as to dead persons found.

ARTICLE 6.

In addition to the agreements expressly provided for in Articles 10, 18, 31, 38, 39, 40, 43 and 53, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of wounded, sick and shipwrecked

persons, of members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded, sick and shipwrecked persons, as well as medical personnel and chaplains, shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

ARTICLE 7.

Wounded, sick and shipwrecked persons, as well as members of the medical personnel and chaplains, may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

ARTICLE 8.

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted as an exceptional and temporary measure when this is rendered necessary by imperative military necessities.

ARTICLE 9.

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of wounded, sick and shipwrecked persons, medical personnel and chaplains, and for their relief.

ARTICLE 10.

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy

the duties incumbent on the Protecting Powers by virtue of the present Convention.

When wounded, sick and shipwrecked, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever, in the present Convention, mention is made of a Protecting Power, such mention also applies to substitute organizations in the sense of the present Article.

ARTICLE 11.

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, in particular of the authorities responsible for the wounded, sick and shipwrecked, medical personnel and chaplains, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

CHAPTER II.

Wounded, Sick and Shipwrecked.

Article 12.

Members of the armed forces and other persons mentioned in the following Article, who are at sea and who are wounded, sick or shipwrecked, shall be respected and protected in all circumstances, it being understood that the term "shipwreck" means shipwreck from any cause and includes forced landings at sea by or from aircraft.

Such persons shall be treated humanely and cared for by the Parties to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

Women shall be treated with all consideration due to their sex.

Article 13.

The present Convention shall apply to the wounded, sick and shipwrecked at sea belonging to the following categories:

(1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
   (*a*) that of being commanded by a person responsible for his subordinates;
   (*b*) that of having a fixed distinctive sign recognizable at a distance;
   (*c*) that of carrying arms openly;
   (*d*) that of conducting their operations in accordance with the laws and customs of war.

(3) Members of regular armed forces who profess allegiance to a Government or an authority not recognized by the Detaining Power.

(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.

(6) Inhabitants of a non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

ARTICLE 14.

All warships of a belligerent Party shall have the right to demand that the wounded, sick or shipwrecked on board military hospital ships, and hospital ships belonging to relief societies or to private individuals, as well as merchant vessels, yachts and other craft shall be surrendered, whatever their nationality, provided that the wounded and sick are in a fit state to be moved and that the warship can provide adequate facilities for necessary medical treatment.

ARTICLE 15.

If wounded, sick or shipwrecked persons are taken on board a neutral warship or a neutral military aircraft, it shall be ensured, where so required by international law, that they can take no further part in operations of war.

ARTICLE 16.

Subject to the provisions of Article 12, the wounded, sick and shipwrecked of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning prisoners of war shall apply to them. The captor may decide, according to circumstances, whether it is expedient to hold them, or to convey them to a port in the captor's own country, to a neutral port or even to a port in enemy territory. In the last case, prisoners of war thus returned to their home country may not serve for the duration of the war.

ARTICLE 17.

Wounded, sick or shipwrecked persons who are landed in neutral ports with the consent of the local authorities, shall, failing arrangements to the contrary between the neutral and the belligerent Powers, be

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so guarded by the neutral Power, where so required by international law, that the said persons cannot again take part in operations of war.

The costs of hospital accommodation and internment shall be borne by the Power on whom the wounded, sick or shipwrecked persons depend.

ARTICLE 18.

After each engagement, Parties to the conflict shall, without delay, take all possible measures to search for and collect the shipwrecked, wounded and sick, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead and prevent their being despoiled.

Whenever circumstances permit, the Parties to the conflict shall conclude local arrangements for the removal of the wounded and sick by sea from a besieged or encircled area and for the passage of medical and religious personnel and equipment on their way to that area.

ARTICLE 19.

The Parties to the conflict shall record as soon as possible, in respect of each shipwrecked, wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification. These records should if possible include:

(*a*) designation of the Power on which he depends;
(*b*) army, regimental, personal or serial number;
(*c*) surname;
(*d*) first name or names;
(*e*) date of birth;
(*f*) any other particulars shown on his identity card or disc;
(*g*) date and place of capture or death;
(*h*) particulars concerning wounds or illness, or cause of death.

As soon as possible the above-mentioned information shall be forwarded to the information bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half of the double identity disc, or the identity disc itself if it is a single disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

ARTICLE 20.

Parties to the conflict shall ensure that burial at sea of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. Where a double identity disc is used, one half of the disc should remain on the body.

If dead persons are landed, the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be applicable.

ARTICLE 21.

The Parties to the conflict may appeal to the charity of commanders of neutral merchant vessels, yachts or other craft, to take on board and care for wounded, sick or shipwrecked persons, and to collect the dead.

Vessels of any kind responding to this appeal, and those having of their own accord collected wounded, sick or shipwrecked persons, shall enjoy special protection and facilities to carry out such assistance.

They may, in no case, be captured on account of any such transport; but, in the absence of any promise to the contrary, they shall remain liable to capture for any violations of neutrality they may have committed.

CHAPTER III.

HOSPITAL SHIPS.

ARTICLE 22.

Military hospital ships, that is to say, ships built or equipped by the Powers specially and solely with a view to assisting the wounded, sick and shipwrecked, to treating them and to transporting them, may in no circumstances be attacked or captured, but shall at all times be respected and protected, on condition that their names and descriptions have been notified to the Parties to the conflict ten days before those ships are employed.

The characteristics which must appear in the notification shall include registered gross tonnage, the length from stem to stern and the number of masts and funnels.

ARTICLE 23.

Establishments ashore entitled to the protection of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be protected from bombardment or attack from the sea.

ARTICLE 24.

Hospital ships utilized by National Red Cross Societies, by officially recognized relief societies or by private persons shall have the same protection as military hospital ships and shall be exempt from capture, if the Party to the conflict on which they depend has given them an official commission and in so far as the provisions of Article 22 concerning notification have been complied with.

These ships must be provided with certificates from the responsible authorities, stating that the vessels have been under their control while fitting out and on departure.

ARTICLE 25.

Hospital ships utilized by National Red Cross Societies, officially recognized relief societies, or private persons of neutral countries shall have the same protection as military hospital ships and shall be exempt from capture, on condition that they have placed themselves under the control of one of the Parties to the conflict, with the previous consent of their own governments and with the authorization of the Party to the conflict concerned, in so far as the provisions of Article 22 concerning notification have been complied with.

ARTICLE 26.

The protection mentioned in Articles 22, 24 and 25 shall apply to hospital ships of any tonnage and to their lifeboats, wherever they are operating. Nevertheless, to ensure the maximum comfort and security, the Parties to the conflict shall endeavour to utilize, for the transport of wounded, sick and shipwrecked over long distances and on the high seas, only hospital ships of over 2,000 tons gross.

ARTICLE 27.

Under the same conditions as those provided for in Articles 22 and 24, small craft employed by the State or by the officially recognized lifeboat institutions for coastal rescue operations, shall also be respected and protected, so far as operational requirements permit.

The same shall apply so far as possible to fixed coastal installations used exclusively by these craft for their humanitarian missions.

ARTICLE 28.

Should fighting occur on board a warship, the sick-bays shall be respected and spared as far as possible. Sick-bays and their equipment shall remain subject to the laws of warfare, but may not be diverted from their purpose so long as they are required for the wounded and sick. Nevertheless, the commander into whose power they have fallen may, after ensuring the proper care of the wounded and sick who are accommodated therein, apply them to other purposes in case of urgent military necessity.

ARTICLE 29.

Any hospital ship in a port which falls into the hands of the enemy shall be authorized to leave the said port.

ARTICLE 30.

The vessels described in Articles 22, 24, 25 and 27 shall afford relief and assistance to the wounded, sick and shipwrecked without distinction of nationality.

The High Contracting Parties undertake not to use these vessels for any military purpose.

Such vessels shall in no wise hamper the movements of the combatants.

During and after an engagement, they will act at their own risk.

ARTICLE 31.

The Parties to the conflict shall have the right to control and search the vessels mentioned in Articles 22, 24, 25 and 27. They can refuse assistance from these vessels, order them off, make them take a certain course, control the use of their wireless and other means of communication, and even detain them for a period not exceeding seven days from the time of interception, if the gravity of the circumstances so requires.

They may put a commissioner temporarily on board whose sole task shall be to see that orders given in virtue of the provisions of the preceding paragraph are carried out.

As far as possible, the Parties to the conflict shall enter in the log of the hospital ship, in a language he can understand, the orders they have given the captain of the vessel.

Parties to the conflict may, either unilaterally or by particular agreements, put on board their ships neutral observers who shall verify the strict observation of the provisions contained in the present Convention.

ARTICLE 32.

Vessels described in Articles 22, 24, 25 and 27 are not classed as warships as regards their stay in a neutral port.

ARTICLE 33.

Merchant vessels which have been transformed into hospital ships cannot be put to any other use throughout the duration of hostilities.

ARTICLE 34.

The protection to which hospital ships and sick-bays are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however,

cease only after due warning has been given, naming in all appropriate cases a reasonable time limit, and after such warning has remained unheeded.

In particular, hospital ships may not possess or use a secret code for their wireless or other means of communication.

ARTICLE 35.

The following conditions shall not be considered as depriving hospital ships or sick-bays of vessels of the protection due to them:

(1) The fact that the crews of ships or sick-bays are armed for the maintenance of order, for their own defence or that of the sick and wounded.

(2) The presence on board of apparatus exclusively intended to facilitate navigation or communication.

(3) The discovery on board hospital ships or in sick-bays of portable arms and ammunition taken from the wounded, sick and shipwrecked and not yet handed to the proper service.

(4) The fact that the humanitarian activities of hospital ships and sick-bays of vessels or of the crews extend to the care of wounded, sick or shipwrecked civilians.

(5) The transport of equipment and of personnel intended exclusively for medical duties, over and above the normal requirements.

CHAPTER IV.

PERSONNEL.

ARTICLE 36.

The religious, medical and hospital personnel of hospital ships and their crews shall be respected and protected; they may not be captured during the time they are in the service of the hospital ship, whether or not there are wounded and sick on board.

ARTICLE 37.

The religious, medical and hospital personnel assigned to the medical or spiritual care of the persons designated in Articles 12 and 13 shall, if they fall into the hands of the enemy, be respected and protected; they may continue to carry out their duties as long as this is necessary for the care of the wounded and sick. They shall afterwards be sent back as soon as the Commander-in-Chief, under whose authority they are, considers it practicable. They may take with them, on leaving the ship, their personal property.

If, however, it prove necessary to retain some of this personnel owing to the medical or spiritual needs of prisoners of war, everything possible shall be done for their earliest possible landing.

Retained personnel shall be subject, on landing, to the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

CHAPTER V.

Medical Transports.

Article 38.

Ships chartered for that purpose shall be authorized to transport equipment exclusively intended for the treatment of wounded and sick members of armed forces or for the prevention of disease, provided that the particulars regarding their voyage have been notified to the adverse Power and approved by the latter. The adverse Power shall preserve the right to board the carrier ships, but not to capture them or seize the equipment carried.

By agreement amongst the Parties to the conflict, neutral observers may be placed on board such ships to verify the equipment carried. For this purpose, free access to the equipment shall be given.

Article 39.

Medical aircraft, that is to say, aircraft exclusively employed for the removal of the wounded, sick and shipwrecked, and for the transport of medical personnel and equipment, may not be the object of attack, but shall be respected by the Parties to the conflict, while flying at heights, at times and on routes specifically agreed upon between the Parties to the conflict concerned.

They shall be clearly marked with the distinctive emblem prescribed in Article 41, together with their national colours, on their lower, upper and lateral surfaces. They shall be provided with any other markings or means of identification which may be agreed upon between the Parties to the conflict upon the outbreak or during the course of hostilities.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Medical aircraft shall obey every summons to alight on land or water. In the event of having thus to alight, the aircraft with its occupants may continue its flight after examination, if any.

In the event of alighting involuntarily on land or water in enemy or enemy-occupied territory, the wounded, sick and shipwrecked, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Articles 36 and 37.

ARTICLE 40.

Subject to the provisions of the second paragraph, medical aircraft of Parties to the conflict may fly over the territory of neutral Powers, land thereon in case of necessity, or use it as a port of call. They shall give neutral Powers prior notice of their passage over the said territory, and obey every summons to alight, on land or water. They will be immune from attack only when flying on routes, at heights and at times specifically agreed upon between the Parties to the conflict and the neutral Power concerned.

The neutral Powers may, however, place conditions or restrictions on the passage or landing of medical aircraft on their territory. Such possible conditions or restrictions shall be applied equally to all Parties to the conflict.

Unless otherwise agreed between the neutral Powers and the Parties to the conflict, the wounded, sick or shipwrecked who are disembarked with the consent of the local authorities on neutral territory by medical aircraft shall be detained by the neutral Power, where so required by international law, in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

CHAPTER VI.

THE DISTINCTIVE EMBLEM.

ARTICLE 41.

Under the direction of the competent military authority, the emblem of the red cross on a white ground shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, these emblems are also recognized by the terms of the present Convention.

ARTICLE 42.

The personnel designated in Articles 36 and 37 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel, in addition to wearing the identity disc mentioned in Article 19, shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Conven-

tion. The card shall bear the photograph of the owner and also either his signature or his fingerprints or both. It shall be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity cards should be made out, if possible, at least in duplicate, one copy being kept by the home country.

In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In case of loss they shall be entitled to receive duplicates of the cards and to have the insignia replaced.

ARTICLE 43.

The ships designated in Articles 22, 24, 25 and 27 shall be distinctively marked as follows:

(*a*) All exterior surfaces shall be white.

(*b*) One or more dark red crosses, as large as possible, shall be painted and displayed on each side of the hull and on the horizontal surfaces, so placed as to afford the greatest possible visibility from the sea and from the air.

All hospital ships shall make themselves known by hoisting their national flag and further, if they belong to a neutral state, the flag of the Party to the conflict whose direction they have accepted. A white flag with a red cross shall be flown at the mainmast as high as possible.

Lifeboats of hospital ships, coastal lifeboats and all small craft used by the Medical Service shall be painted white with dark red crosses prominently displayed and shall, in general, comply with the identification system prescribed above for hospital ships.

The above-mentioned ships and craft, which may wish to ensure by night and in times of reduced visibility the protection to which they are entitled, must, subject to the assent of the Party to the conflict under whose power they are, take the necessary measures to render their painting and distinctive emblems sufficiently apparent.

Hospital ships which, in accordance with Article 31, are provisionally detained by the enemy, must haul down the flag of the Party to the conflict in whose service they are or whose direction they have accepted.

Coastal lifeboats, if they continue to operate with the consent of the Occupying Power from a base which is occupied, may be allowed, when away from their base, to continue to fly their own national colours along with a flag carrying a red cross on a white ground, subject to prior notification to all the Parties to the conflict concerned.

All the provisions in this Article relating to the red cross shall apply equally to the other emblems mentioned in Article 41.

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Parties to the conflict shall at all times endeavour to conclude mutual agreements in order to use the most modern methods available to facilitate the identification of hospital ships.

ARTICLE 44.

The distinguishing signs referred to in Article 43 can only be used, whether in time of peace or war, for indicating or protecting the ships therein mentioned, except as may be provided in any other international Convention or by agreement between all the Parties to the conflict concerned.

ARTICLE 45.

The High Contracting Parties shall, if their legislation is not already adequate, take the measures necessary for the prevention and repression, at all times, of any abuse of the distinctive signs provided for under Article 43.

CHAPTER VII.

EXECUTION OF THE CONVENTION.

ARTICLE 46.

Each Party to the conflict, acting through its Commanders-in-Chief, shall ensure the detailed execution of the preceding Articles and provide for unforeseen cases, in conformity with the general principles of the present Convention.

ARTICLE 47.

Reprisals against the wounded, sick and shipwrecked persons, the personnel, the vessels or the equipment protected by the Convention are prohibited.

ARTICLE 48.

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

ARTICLE 49.

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

CHAPTER VIII.

Repression of Abuses and Infractions.

Article 50.

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Article 51.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Article 52.

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Article 53.

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire, who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

FINAL PROVISIONS.

Article 54.

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

Article 55.

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906, or to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

Article 56.

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 57.

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

Article 58.

The present Convention replaces the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906, in relations between the High Contracting Parties.

ARTICLE 59.

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

ARTICLE 60.

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 61.

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 62.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 63.

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

(Here follow the annex and the signatures on behalf of the following countries: Afghanistan, People's Republic of Albania, Argentina, Australia, Austria, Belgium, Byelorussian Soviet Socialist Republic, Bolivia, Brazil, Bulgarian People's Republic, Canada, Ceylon, Chile, China, Colombia, Cuba, Denmark, Egypt, Ecuador, Spain, United States of America, Ethiopia, Finland, France, Greece, Guatemala, Hungarian People's Republic, India, Iran, Republic of Ireland, Israel, Italy, Lebanon, Liechtenstein, Luxemburg, Mexico, Principality of Monaco, Nicaragua, Norway, New Zealand, Pakistan, Paraguay, Netherlands, Peru, Republic of the Philippines, Poland, Portugal, Rumanian People's Republic, United Kingdom of Great Britain and Northern Ireland, Holy See, El Salvador, Sweden, Switzerland, Syria, Czechoslovakia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Federal People's Republic of Yugoslavia.)

SCHEDULE III.

Geneva Convention relative to the Treatment of Prisoners of war of August 12, 1949.

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Convention concluded at Geneva on July 27, 1929, relative to the Treatment of Prisoners of War, have agreed as follows:

PART I.

General Provisions.

Article 1.

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

Article 2.

In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(*a*) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(*b*) taking of hostages;

(*c*) outrages upon personal dignity, in particular, humiliating and degrading treatment;

(*d*) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

ARTICLE 4.

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

(1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:

(*a*) that of being commanded by a person responsible for his subordinates;

(*b*) that of having a fixed distinctive sign recognizable at a distance;

(*c*) that of carrying arms openly;

(*d*) that of conducting their operations in accordance with the laws and customs of war.

(3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.

(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.

(6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

B. The following shall likewise be treated as prisoners of war under the present Convention:

(1) Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.

(2) The persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law, without prejudice to any more favourable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph, 58–67, 92,126, and, where diplomatic relations exist between the Parties to the conflict and the neutral or non-belligerent Power concerned, those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which these Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.

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ARTICLE 5.

The present Convention shall apply to the persons referred to in Article 4 from the time they fall into the power of the enemy and until their final release and repatriation.

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

ARTICLE 6.

In addition to the agreements expressly provided for in Articles 10, 23, 28, 33, 60, 65, 66, 67, 72, 73, 75, 109, 110, 118, 119, 122 and 132, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of prisoners of war, as defined by the present Convention, nor restrict the rights which it confers upon them.

Prisoners of war shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

ARTICLE 7.

Prisoners of war may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

ARTICLE 8.

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

ARTICLE 9.

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of prisoners of war and for their relief.

ARTICLE 10.

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When prisoners of war do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

ARTICLE 11.

In cases where they deem it advisable in the interest of protected persons particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for prisoners of war, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

PART II.

General Protection of Prisoners of War

Article 12.

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

Nevertheless, if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such requests must be complied with.

Article 13.

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention, In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

ARTICLE 14.

Prisoners of war are entitled in all circumstances to respect for their persons and their honour.

Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men.

Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

ARTICLE 15.

The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.

ARTICLE 16.

Taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria.

PART III.

CAPTIVITY.

SECTION I.

BEGINNING OF CAPTIVITY.

ARTICLE 17.

Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information.

If he wilfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status.

Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's surname, first names, rank, army, regimental, personal or serial number or equivalent information, and date of birth. The identity card may, furthermore, bear the signature

or the fingerprints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall measure 6.5×10 cm. and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case the taken away from him.

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph.

The questioning of prisoners of war shall be carried out in a language which they understand.

ARTICLE 18.

All effects and articles of personal use, except arms, horses, military equipment and military documents, shall remain in the possession of prisoners of war, likewise their metal helmets and gas masks and like articles issued for personal protection. Effects and articles used for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment.

At no time should prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none.

Badges of rank and nationality, decorations and articles having above all a personal or sentimental value may not be taken from prisoners of war.

Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the name, rank and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power, or which are changed into such currency at the prisoner's request, shall be placed to the credit of the prisoner's account as provided in Article 64.

The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply.

Such objects, likewise sums taken away in any currency other than that of the Detaining Power and the conversion of which has not been asked for by the owners, shall be kept in the custody of the Detaining Power and shall be returned in their initial shape to prisoners of war at the end of their captivity.

ARTICLE 19.

Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger.

Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone.

Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

ARTICLE 20.

The evacuation of prisoners of war shall always be effected humanely and in conditions similar to those for the forces of the Detaining Power in their changes of station.

The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during evacuation, and shall establish as soon as possible a list of the prisoners of war who are evacuated.

If prisoners of war must, during evacuation, pass through transit camps, their stay in such camps shall be as brief as possible.

SECTION II.

INTERNMENT OF PRISONERS OF WAR.

CHAPTER I.

GENERAL OBSERVATIONS.

ARTICLE 21.

The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned, or if the said camp is fenced in, of not going outside its perimeter. Subject to the provisions of the present Convention relative to penal and disciplinary sanctions, prisoners of war may not be held in close confinement except where necessary to safeguard their health and then only during the continuation of the circumstances which make such confinement necessary.

Prisoners of war may be partially or wholly released on parole or promise, in so far as is allowed by the laws of the Power on which they depend. Such measures shall be taken particularly in cases where this may contribute to the improvement of their state of health. No prisoner of war shall be compelled to accept liberty on parole or promise.

Upon the outbreak of hostilities, each Party to the conflict shall notify the adverse Party of the laws and regulations allowing or forbidding its own nationals to accept liberty on parole or promise. Prisoners of war who are paroled or who have given their promise in conformity with the laws and regulations so notified, are bound on their personal honour scrupulously to fulfil, both towards the Power on which they depend and towards the Power which has cpatured them, the engagements of their paroles or promises. In such cases, the Power on which they depend is bound neither to require nor to accept from them any service incompatible with the parole or promise given.

ARTICLE 22.

Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases which are justified by the interest of the prisoners themselves, they shall not be interned in penitentiaries.

Prisoners of war interned in unhealthy areas, or where the climate is injurious for them, shall be removed as soon as possible to a more favourable climate.

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs, provided that such prisoners shall not be separated from prisoners of war belonging to the armed forces with which they were serving at the time of their capture, except with their consent.

ARTICLE 23.

No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. With the exception of those engaged in the protection of their quarters against the aforesaid hazards, they may enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, prisoner of war camps shall be indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the air. The Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.

ARTICLE 24.

Transit or screening camps of a permanent kind shall be fitted out under conditions similar to those described in the present Section, and the prisoners therein shall have the same treatment as in other camps.

CHAPTER II.

Quarters, Food and Clothing of Prisoners of War.

Article 25.

Prisoners of war shall be quartered under conditions as favourable as those for the forces of the Detaining Power who are billeted in the same area. The said conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health.

The foregoing provisions shall apply in particular to the dormitories of prisoners of war as regards both total surface and minimum cubic space, and the general installations, bedding and blankets.

The premises provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire.

In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them.

Article 26.

The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners.

The Detaining Power shall supply prisoners of war who work with such additional rations as are necessary for the labour on which they are employed.

Sufficient drinking water shall be supplied to prisoners of war. The use of tobacco shall be permitted.

Prisoners of war shall, as far as possible, be associated with the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing, themselves, the additional food in their possession.

Adequate premises shall be provided for messing.

Collective disciplinary measures affecting food are prohibited.

Article 27.

Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power, which shall make allowance for the climate of the region where the prisoners are detained. Uniforms of enemy armed forces captured by the Detaining Power should, if suitable for the climate, be made available to clothe prisoners of war.

The regular replacement and repair of the above articles shall be assured by the Detaining Power. In addition, prisoners of war who work shall receive appropriate clothing, wherever the nature of the work demands.

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ARTICLE 28.

Canteens shall be installed in all camps, where prisoners of war may procure foodstuffs, soap and tobacco and ordinary articles in daily use. The tariff shall never be in excess of local market prices.

The profits made by camp canteens shall be used for the benefit of the prisoners; a special fund shall be created for this purpose. The prisoners' representative shall have the right to collaborate in the management of the canteen and of this fund.

When a camp is closed down, the credit balance of the special fund shall be handed to an international welfare organization, to be employed for the benefit of prisoners of war of the same nationality as those who have contributed to the fund. In case of a general repatriation, such profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

CHAPTER III.

HYGIENE AND MEDICAL ATTENTION.

ARTICLE 29.

The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics.

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them.

Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

ARTICLE 30.

Every camp shall have an adequate infirmary where prisoners of war may have the attention they require, as well as appropriate diet. Isolation wards shall, if necessary, be set aside for cases of contagious or mental disease.

Prisoners of war suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any military or civilian medical unit where such treatment can be given, even if their repatriation is contemplated in the near future. Special facilities shall be afforded for the care to be given to the disabled, in particular to the blind, and for their rehabilitation, pending repatriation.

Prisoners of war shall have the attention, preferably, of medical personnel of the Power on which they depend and, if possible, of their nationality.

Prisoners of war may not be prevented from presenting themselves to the medical authorities for examination. The detaining authorities shall, upon request, issue to every prisoner who has undergone treatment, an official certificate indicating the nature of his illness or injury, and the duration and kind of treatment received. A duplicate of this certificate shall be forwarded to the Central Prisoners of War Agency.

The costs of treatment, including those of any apparatus necessary for the maintenance of prisoners of war in good health, particularly dentures and other artificial appliances, and spectacles, shall be borne by the Detaining Power.

ARTICLE 31.

Medical inspections of prisoners of war shall be held at least once a month. They shall include the checking and the recording of the weight of each prisoner of war. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of prisoners and to detect contagious diseases, especially tuberculosis, malaria and venereal disease. For this purpose the most efficient methods available shall be employed, e.g. periodic mass miniature radiography for the early detection of tuberculosis.

ARTICLE 32.

Prisoners of war who, though not attached to the medical service of their armed forces, are physicians, surgeons, dentists, nurses or medical orderlies, may be required by the Detaining Power to exercise their medical functions in the interests of prisoners of war dependent on the same Power. In that case they shall continue to be prisoners of war, but shall receive the same treatment as corresponding medical personnel retained by the Detaining Power. They shall be exempted from any other work under Article 49.

CHAPTER IV.

MEDICAL PERSONNEL AND CHAPLAINS RETAINED TO ASSIST PRISONERS OF WAR.

ARTICLE 33.

Members of the medical personnel and chaplains while retained by the Detaining Power with a view to assisting prisoners of war, shall not be considered as prisoners of war. They shall, however, receive as a minimum the benefits and protection of the present Convention, and shall also be granted all facilities necessary to provide for the medical care of, and religious ministration to prisoners of war.

They shall continue to exercise their medical and spiritual functions for the benefit of prisoners of war, preferably those belonging to the armed forces upon which they depend, within the scope of the military laws and regulations of the Detaining Power and under the control of its competent services, in accordance with their professional etiquette. They shall also benefit by the following facilities in the exercise of their medical or spiritual functions:

(*a*) They shall be authorized to visit periodically prisoners of war situated in working detachments or in hospitals outside the camp. For this purpose, the Detaining Power shall place at their disposal the necessary means of transport.

(*b*) The senior medical officer in each camp shall be responsible to the camp military authorities for everything connected with the activities of retained medical personnel. For this purpose, Parties to the conflict shall agree at the outbreak of hostilities on the subject of the corresponding ranks of the medical personnel, including that of societies mentioned in Article 26 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949. This senior medical officer, as well as chaplains, shall have the right to deal with the competent authorities of the camp on all questions relating to their duties. Such authorities shall afford them all necessary facilities for correspondence relating to these questions.

(*c*) Although they shall be subject to the internal discipline of the camp in which they are retained, such personnel may not be compelled to carry out any work other than that concerned with their medical or religious duties.

During hostilities, the Parties to the conflict shall agree concerning the possible relief of retained personnel and shall settle the procedure to be followed.

None of the preceding provisions shall relieve the Detaining Power of its obligations with regard to prisoners of war from the medical or spiritual point of view.

CHAPTER V.

Religious, Intellectual and Physical Activities.

Article 34.

Prisoners of war shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith, on condition that they comply with the disciplinary routine prescribed by the military authorities.

Adequate premises shall be provided where religious services may be held.

ARTICLE 35.

Chaplains who fall into the hands of the enemy Power and who remain or are retained with a view to assisting prisoners of war, shall be allowed to minister to them and to exercise freely their ministry amongst prisoners of war of the same religion, in accordance with their religious conscience. They shall be allocated among the various camps and labour detachments containing prisoners of war belonging to the same forces, speaking the same language or practising the same religion. They shall enjoy the necessary facilities, including the means of transport provided for in Article 33, for visiting the prisoners of war outside their camp. They shall be free to correspond, subject to censorship, on matters concerning their religious duties with the ecclesiastical authorities in the country of detention and with international religious organizations. Letters and cards which they may send for this purpose shall be in addition to the quota provided for in Article 71.

ARTICLE 36.

Prisoners of war who are ministers of religion, without having officiated as chaplains to their own forces, shall be at liberty, whatever their denomination, to minister freely to the members of their community. For this purpose, they shall receive the same treatment as the chaplains retained by the Detaining Power. They shall not be obliged to do any other work.

ARTICLE 37.

When prisoners of war have not the assistance of a retained chaplain or of a prisoner of war minister of their faith, a minister belonging to the prisoners' or a similar denomination, or in his absence a qualified layman, if such a course is feasible from a confessional point of view, shall be appointed, at the request of the prisoners concerned, to fill this office. This appointment, subject to the approval of the Detaining Power, shall take place with the agreement of the community of prisoners concerned and, wherever necessary, with the approval of the local religious authorities of the same faith. The person thus appointed shall comply with all regulations established by the Detaining Power in the interests of discipline and military security.

ARTICLE 38.

While respecting the individual preferences of every prisoner, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst prisoners, and shall take the measures necessary to ensure the exercise thereof by providing them with adequate premises and necessary equipment.

Prisoners shall have opportunities for taking physical exercise, including sports and games, and for being out of doors. Sufficient open spaces shall be provided for this purpose in all camps.

CHAPTER VI.

Discipline.

Article 39.

Every prisoner of war camp shall be put under the immediate authority of a responsible commissioned officer belonging to the regular armed forces of the Detaining Power. Such officer shall have in his possession a copy of the present Convention; he shall ensure that its provisions are known to the camp staff and the guard and shall be responsible, under the direction of his government, for its application.

Prisoners of war, with the exception of officers, must salute and show to all officers of the Detaining Power the external marks of respect provided for by the regulations applying in their own forces.

Officer prisoners of war are bound to salute only officers of a higher rank of the Detaining Power; they must, however, salute the camp commander regardless of his rank.

Article 40.

The wearing of badges of rank and nationality, as well as of decorations, shall be permitted.

Article 41.

In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners' own language, in places where all may read them. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted.

Regulations, orders, notices and publications of every kind relating to the conduct of prisoners of war shall be issued to them in a language which they understand. Such regulations, orders and publications shall be posted in the manner described above and copies shall be handed to the prisoners' representative. Every order and command addressed to prisoners of war individually must likewise be given in a language which they understand.

Article 42.

The use of weapons against prisoners of war, especially against those who are escaping or attempting to escape, shall constitute an extreme measure, which shall always be preceded by warnings appropriate to the circumstances.

CHAPTER VII.

Rank of Prisoners of War.

Article 43.

Upon the outbreak of hostilities, the Parties to the conflict shall communicate to one another the titles and ranks of all the persons mentioned in Article 4 of the present Convention, in order to ensure

equality of treatment between prisoners of equivalent rank. Titles and ranks which are subsequently created shall form the subject of similar communications.

The Detaining Power shall recognize promotions in rank which have been accorded to prisoners of war and which have been duly notified by the Power on which these prisoners depend.

Article 44.

Officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

In order to ensure service in officers' camps, other ranks of the same armed forces who, as far as possible, speak the same language, shall be assigned in sufficient numbers, account being taken of the rank of officers and prisoners of equivalent status. Such orderlies shall not be required to perform any other work.

Supervision of the mess by the officers themselves shall be facilitated in every way.

Article 45.

Prisoners of war other than officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

Supervision of the mess by the prisoners themselves shall be facilitated in every way.

Chapter VIII.

Transfer of Prisoners of War After Their Arrival in Camp.

Article 46.

The Detaining Power, when deciding upon the transfer of prisoners of war, shall take into account the interest of the prisoners themselves, more especially so as not to increase the difficulty of their repatriation.

The transfer of prisoners of war shall always be effected humanely and in conditions not less favourable than those under which the forces of the Detaining Power are transferred. Account shall always be taken of the climatic conditions to which the prisoners of war are accustomed and the conditions of transfer shall in no case be prejudicial to their health.

The Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health. likewise with the necessary clothing, shelter and medical attention. The Detaining Power shall take adequate precautions especially in case of transport by sea or by air, to ensure their safety during transfer, and shall draw up a complete list of all transferred prisoners before their departure.

ARTICLE 47.

Sick or wounded prisoners of war shall not be transferred as long as their recovery may be endangered by the journey, unless their safety imperatively demands it.

If the combat zone draws closer to a camp, the prisoners of war in the said camp shall not be transferred unless their transfer can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

ARTICLE 48.

In the event of transfer, prisoners of war shall be officially advised of their departure and of their new postal address. Such notifications shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of transfer so require, to what each prisoner can reasonably carry, which shall in no case be more than twenty-five kilograms per head.

Mail and parcels addressed to their former camp shall be forwarded to them without delay. The camp commander shall take, in agreement with the prisoners' representative, any measures needed to ensure the transport of the prisoners' community property and of the luggage they are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph of this Article.

The costs of transfers shall be borne by the Detaining Power.

SECTION III.

LABOUR OF PRISONERS OF WAR.

ARTICLE 49.

The Detaining Power may utilize the labour of prisoners of war who are physically fit, taking into account their age, sex, rank and physical aptitude, and with a view particularly to maintaining them in a good state of physical and mental health.

Non-commissioned officers who are prisoners of war shall only be required to do supervisory work. Those not so required may ask for other suitable work which shall, so far as possible, be found for them.

If officers or persons of equivalent status ask for suitable work, it shall be found for them, so far as possible, but they may in no circumstances be compelled to work.

ARTICLE 50.

Besides work connected with camp administration, installation or maintenance, prisoners of war may be compelled to do only such work as is included in the following classes:

(*a*) agriculture;
(*b*) industries connected with the production or the extraction of raw materials, and manufacturing industries, with the exception of metallurgical, machinery and chemical industries; public works and building operations which have no military character or purpose;
(*c*) transport and handling of stores which are not military in character or purpose;
(*d*) commercial business, and arts and crafts;
(*e*) domestic service;
(*f*) public utility services having no military character or purpose.

Should the above provisions be infringed, prisoners of war shall be allowed to exercise their right of complaint, in conformity with Article 78.

ARTICLE 51.

Prisoners of war must be granted suitable working conditions, especially as regards accommodation, food, clothing and equipment; such conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work; account shall also be taken of climatic conditions.

The Detaining Power, in utilizing the labour of prisoners of war, shall ensure that in areas in which such prisoners are employed, the national legislation concerning the protection of labour, and, more particularly, the regulations for the safety of workers, are duly applied.

Prisoners of war shall receive training and be provided with the means of protection suitable to the work they will have to do and similar to those accorded to the nationals of the Detaining Power. Subject to the provisions of Article 52, prisoners may be submitted to the normal risks run by these civilian workers.

Conditions of labour shall in no case be rendered more arduous by disciplinary measures.

ARTICLE 52.

Unless he be a volunteer, no prisoner of war may be employed on labour which is of an unhealthy or dangerous nature.

No prisoner of war shall be assigned to labour which would be looked upon as humiliating for a member of the Detaining Power's own forces.

The removal of mines or similar devices shall be considered as dangerous labour.

ARTICLE 53.

The duration of the daily labour of prisoners of war, including the time of the journey to and fro, shall not be excessive, and must in no case exceed that permitted for civilian workers in the district, who are nationals of the Detaining Power and employed on the same work.

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Prisoners of war must be allowed, in the middle of the day's work, a rest of not less than one hour. This rest will be the same as that to which workers of the Detaining Power are entitled, if the latter is of longer duration. They shall be allowed in addition a rest of twenty-four consecutive hours every week, preferably on Sunday or the day of rest in their country of origin. Furthermore, every prisoner who has worked for one year shall be granted a rest of eight consecutive days, during which his working pay shall be paid him.

If methods of labour such as piece work are employed, the length of the working period shall not be rendered excessive thereby.

ARTICLE 54.

The working pay due to prisoners of war shall be fixed in accordance with the provisions of Article 62 of the present Convention.

Prisoners of war who sustain accidents in connection with work, or who contract a disease in the course, or in consequence of their work, shall receive all the care their condition may require. The Detaining Power shall furthermore deliver to such prisoners of war a medical certificate enabling them to submit their claims to the Power on which they depend, and shall send a duplicate to the Central Prisoners of War Agency provided for in Article 123.

ARTICLE 55.

The fitness of prisoners of war for work shall be periodically verified by medical examinations at least once a month. The examinations shall have particular regard to the nature of the work which prisoners of war are required to do.

If any prisoner of war considers himself incapable of working, he shall be permitted to appear before the medical authorities of his camp. Physicians or surgeons may recommend that the prisoners who are, in their opinion, unfit for work, be exempted therefrom.

ARTICLE 56.

The organization and administration of labour detachments shall be similar to those of prisoner of war camps.

Every labour detachment shall remain under the control of and administratively part of a prisoner of war camp. The military authorities and the commander of the said camp shall be responsible, under the direction of their government, for the observance of the provisions of the present Convention in labour detachments.

The camp commander shall keep an up-to-date record of the labour detachments dependent on his camp, and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross, or of other agencies giving relief to prisoners of war, who may visit the camp

ARTICLE 57.

The treatment of prisoners of war who work for private persons, even if the latter are responsible for guarding and protecting them, shall not be inferior to that which is provided for by the present Convention. The Detaining Power, the military authorities and the commander of the camp to which such prisoners belong shall be entirely responsible for the maintenance, care, treatment, and payment of the working pay of such prisoners of war.

Such prisoners of war shall have the right to remain in communication with the prisoners' representatives in the camps on which they depend.

SECTION IV.

FINANCIAL RESOURCES OF PRISONERS OF WAR.

ARTICLE 58.

Upon the outbreak of hostilities, and pending an arrangement on this matter with the Protecting Power, the Detaining Power may determine the maximum amount of money in cash or in any similar form, that prisoners may have in their possession. Any amount in excess, which was properly in their possession and which has been taken or withheld from them, shall be placed to their account, together with any monies deposited by them, and shall not be converted into any other currency without their consent.

If prisoners of war are permitted to purchase services or commodities outside the camp against payment in cash, such payments shall be made by the prisoner himself or by the camp administration who will charge them to the accounts of the prisoners concerned. The Detaining Power will establish the necessary rules in this respect.

ARTICLE 59.

Cash which was taken from prisoners of war, in accordance with Article 18, at the time of their capture, and which is in the currency of the Detaining Power, shall be placed to their separate accounts, in accordance with the provisions of Article 64 of the present Section.

The amounts, in the currency of the Detaining Power, due to the conversion of sums in other currencies that are taken from the prisoners of war at the same time, shall also be credited to their separate accounts.

ARTICLE 60.

The Detaining Power shall grant all prisoners of war a monthly advance of pay, the amount of which shall be fixed by conversion, into the currency of the said Power, of the following amounts:

Category I : Prisoners ranking below sergeants: eight Swiss francs.

Category II : Sergeants and other non-commissioned officers, or prisoners of equivalent rank: twelve Swiss francs.

Category III: Warrant officers and commissioned officers below the rank of major or prisoners of equivalent rank: fifty Swiss francs.

Category IV: Majors, lieutenant-colonels, colonels or prisoners of equivalent rank: sixty Swiss francs.

Category V : General officers or prisoners of war of equivalent rank: seventy-five Swiss francs.

However, the Parties to the conflict concerned may by special agreement modify the amount of advances of pay due to prisoners of the preceding categories.

Furthermore, if the amounts indicated in the first paragraph above would be unduly high compared with the pay of the Detaining Power's armed forces or would, for any reason, seriously embarrass the Detaining Power, then, pending the conclusion of a special agreement with the Power on which the prisoners depend to vary the amounts indicated above, the Detaining Power:

(*a*) shall continue to credit the accounts of the prisoners with the amounts indicated in the first paragraph above;

(*b*) may temporarily limit the amount made available from these advances of pay to prisoners of war for their own use, to sums which are reasonable, but which, for Category I, shall never be inferior to the amount that the Detaining Power gives to the members of its own armed forces.

The reasons for any limitations will be given without delay to the Protecting Power.

ARTICLE 61.

The Detaining Power shall accept for distribution as supplementary pay to prisoners of war sums which the Power on which the prisoners depend may forward to them, on condition that the sums to be paid shall be the same for each prisoner of the same category, shall be payable to all prisoners of that category depending on that Power, and shall be placed in their separate accounts, at the earliest opportunity, in accordance with the provisions of Article 64. Such supplementary pay shall not relieve the Detaining Power of any obligation under this Convention.

ARTICLE 62.

Prisoners of war shall be paid a fair working rate of pay by the detaining authorities direct. The rate shall be fixed by the said authorities, but shall at no time be less than one-fourth of one Swiss franc for a full working day. The Detaining Power shall inform prisoners of war, as well as the Power on which they depend, through the intermediary of the Protecting Power, of the rate of daily working pay that it has fixed.

Working pay shall likewise be paid by the detaining authorities to prisoners of war permanently detailed to duties or to a skilled or semi-skilled occupation in connection with the administration, installation or maintenance of camps, and to the prisoners who are required to carry out spiritual or medical duties on behalf of their comrades.

The working pay of the prisoners' representative, of his advisers, if any, and of his assistants, shall be paid out of the fund maintained by canteen profits. The scale of this working pay shall be fixed by the prisoners' representative and approved by the camp commander. If there is no such fund, the detaining authorities shall pay these prisoners a fair working rate of pay.

ARTICLE 63.

Prisoners of war shall be permitted to receive remittances of money addressed to them individually or collectively.

Every prisoner of war shall have at his disposal the credit balance of his account as provided for in the following Article, within the limits fixed by the Detaining Power, which shall make such payments as are requested. Subject to financial or monetary restrictions which the Detaining Power regards as essential, prisoners of war may also have payments made abroad. In this case payments addressed by prisoners of war to dependents shall be given priority.

In any event, and subject to the consent of the Power on which they depend, prisoners may have payments made in their own country, as follows: the Detaining Power shall send to the aforesaid Power through the Protecting Power, a notification giving all the necessary particulars concerning the prisoners of war, the beneficiaries of the payments, and the amount of the sums to be paid, expressed in the Detaining Power's currency. The said notification shall be signed by the prisoners and countersigned by the camp commander. The Detaining Power shall debit the prisoners' account by a corresponding amount; the sums thus debited shall be placed by it to the credit of the Power on which the prisoners depend.

To apply the foregoing provisions, the Detaining Power may usefully consult the Model Regulations in Annex V of the present Convention.

ARTICLE 64.

The Detaining Power shall hold an account for each prisoner of war, showing at least the following:

(1) The amounts due to the prisoner or received by him as advances of pay, as working pay or derived from any other source; the sums in the currency of the Detaining Power which were taken from him; the sums taken from him and converted at his request into the currency of the said Power.

(2) The payments made to the prisoner in cash, or in any other similar form; the payments made on his behalf and at his request; the sums transferred under Article 63, third paragraph.

ARTICLE 65.

Every item entered in the account of a prisoner of war shall be countersigned or initialled by him, or by the prisoners' representative acting on his behalf.

Prisoners of war shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts, which may likewise be inspected by the representatives of the Protecting Powers at the time of visits to the camp.

When prisoners of war are transferred from one camp to another, their personal accounts will follow them. In case of transfer from one Detaining Power to another, the monies which are their property and are not in the currency of the Detaining Power will follow them. They shall be given certificates for any other monies standing to the credit of their accounts.

The Parties to the conflict concerned may agree to notify to each other at specific intervals through the Protecting Power, the amount of the accounts of the prisoners of war.

ARTICLE 66.

On the termination of captivity, through the release of a prisoner of war or his repatriation, the Detaining Power shall give him a statement, signed by an authorized officer of that Power, showing the credit balance then due to him. The Detaining Power shall also send through the Protecting Power to the government upon which the prisoner of war depends, lists giving all appropriate particulars of all prisoners of war whose captivity has been terminated by repatriation, release, escape, death or any other means, and showing the amount of their credit balances. Such lists shall be certified on each sheet by an authorized representative of the Detaining Power.

Any of the above provisions of this Article may be varied by mutual agreement between any two Parties to the conflict.

The Power on which the prisoner of war depends shall be responsible for settling with him any credit balance due to him from the Detaining Power on the termination of his captivity.

ARTICLE 67.

Advances of pay, issued to prisoners of war in conformity with Article 60, shall be considered as made on behalf of the Power on which they depend. Such advances of pay, as well as all payments made by the said Power under Article 63, third paragraph, and Article 68, shall form the subject of arrangements between the Powers concerned, at the close of hostilities.

ARTICLE 68.

Any claim by a prisoner of war for compensation in respect of any injury or other disability arising out of work shall be referred to the Power on which he depends, through the Protecting Power. In

accordance with Article 54, the Detaining Power will, in all cases, provide the prisoner of war concerned with a statement showing the nature of the injury or disability, the circumstances in which it arose and particulars of medical or hospital treatment given for it. This statement will be signed by a responsible officer of the Detaining Power and the medical particulars certified by a medical officer.

Any claim by a prisoner of war for compensation in respect of personal effects monies or valuables impounded by the Detaining Power under Article 18 and not forthcoming on his repatriation, or in respect of loss alleged to be due to the fault of the Detaining Power or any of its servants, shall likewise be referred to the Power on which he depends. Nevertheless, any such personal effects required for use by the prisoners of war whilst in captivity shall be replaced at the expense of the Detaining Power. The Detaining Power will, in all cases, provide the prisoner of war with a statement, signed by a responsible officer, showing all available information regarding the reasons why such effects, monies or valuables have not been restored to him. A copy of this statement will be forwarded to the Power on which he depends through the Central Prisoners of War Agency provided for in Article 123.

SECTION V.

Relations of Prisoners of War With the Exterior.

Article 69.

Immediately upon prisoners of war falling into its power, the Detaining Power shall inform them and the Powers on which they depend, through the Protecting Power, of the measures taken to carry out the provisions of the present Section. They shall likewise inform the parties concerned of any subsequent modifications of such measures.

Article 70.

Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write direct to his family, on the one hand, and to the Central Prisoners of War Agency provided for in Article 123, on the other hand, a card similar, if possible, to the model annexed to the present Convention, informing his relatives of his capture, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

Article 71.

Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number

shall not be less than two letters and four cards monthly, exclusive of the capture cards provided for in Article 70, and conforming as closely as possible to the models annexed to the present Convention. Further limitations may be imposed only if the Protecting Power is satisfied that it would be in the interests of the prisoners of war concerned to do so owing to difficulties of translation caused by the Detaining Power's inability to find sufficient qualified linguists to carry out the necessary censorship. If limitations must be placed on the correspondence addressed to prisoners of war, they may be ordered only by the Power on which the prisoners depend, possibly at the request of the Detaining Power. Such letters and cards must be conveyed by the most rapid method at the disposal of the Detaining Power; they may not be delayed or retained for disciplinary reasons.

Prisoners of war who have been without news for a long period, or who are unable to receive news from their next of kin or to give them news by the ordinary postal route, as well as those who are at a great distance from their homes, shall be permitted to send telegrams, the fees being charged against the prisoners of war's accounts with the Detaining Power or paid in the currency at their disposal. They shall likewise benefit by this measure in cases of urgency.

As a general rule, the correspondence of prisoners of war shall be written in their native language. The Parties to the conflict may allow correspondence in other languages.

Sacks containing prisoner of war mail must be securely sealed and labelled so as clearly to indicate their contents, and must be addressed to offices of destination.

ARTICLE 72.

Prisoners of war shall be allowed to receive by post or by any other means individual parcels or collective shipments containing, in particular, foodstuffs, clothing, medical supplies and articles of a religious, educational or recreational character which may meet their needs, including books, devotional articles, scientific equipment, examination papers, musical instruments, sports outfits and materials allowing prisoners of war to pursue their studies or their cultural activities.

Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

The only limits which may be placed on these shipments shall be those proposed by the Protecting Power in the interest of the prisoners themselves, or by the International Committee of the Red Cross or any other organization giving assistance to the prisoners, in respect of their own shipments only, on account of exceptional strain on transport or communications.

The conditions for the sending of individual parcels and collective relief shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the prisoners of relief supplies. Books may not be included in parcels of clothing and foodstuffs. Medical supplies shall, as a rule, be sent in collective parcels.

ARTICLE 73.

In the absence of special agreements between the Powers concerned on the conditions for the receipt and distribution of collective relief shipments, the rules and regulations concerning collective shipments, which are annexed to the present Convention, shall be applied.

The special agreements referred to above shall in no case restrict the right of prisoners' representatives to take possession of collective relief shipments intended for prisoners of war, to proceed to their distribution or to dispose of them in the interest of the prisoners.

Nor shall such agreements restrict the right of representatives of the Protecting Power, the International Committee of the Red Cross or any other organization giving assistance to prisoners of war and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

ARTICLE 74.

All relief shipments for prisoners of war shall be exempt from import, customs and other dues.

Correspondence, relief shipments and authorized remittances of money addressed to prisoners of war or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 122 and the Central Prisoners of War Agency provided for in Article 123, shall be exempt from any postal dues, both in the countries of origin and destination, and in intermediate countries.

If relief shipments intended for prisoners of war cannot be sent through the post office by reason of weight or for any other cause, the cost of transportation shall be borne by the Detaining Power in all the territories under its control. The other Powers party to the Convention shall bear the cost of transport in their respective territories.

In the absence of special agreements between the Parties concerned, the costs connected with transport of such shipments, other than costs covered by the above exemption, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the rates charged for telegrams sent by prisoners of war, or addressed to them.

ARTICLE 75.

Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments referred to in Articles 70, 71, 72 and 77, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake to ensure the conveyance of such shipments by suitable means (railway wagons, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport and to allow its circulation, especially by granting the necessary safe-conducts.

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Such transport may also be used to convey:

(*a*) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 123 and the National Bureaux referred to in Article 122;

(*b*) correspondence and reports relating to prisoners of war which the Protecting Powers, the International Committee of the Red Cross or any other body assisting the prisoners, exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport, if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

In the absence of special agreements, the costs occasioned by the use of such means of transport shall be borne proportionally by the Parties to the conflict whose nationals are benefited thereby.

ARTICLE 76.

The censoring of correspondence addressed to prisoners of war or despatched by them shall be done as quickly as possible. Mail shall be censored only by the despatching State and the receiving State, and once only by each.

The examination of consignments intended for prisoners of war shall not be carried out under conditions that will expose the goods contained in them to deterioration; except in the case of written or printed matter, it shall be done in the presence of the addressee, or of a fellow-prisoner duly delegated by him. The delivery to prisoners of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by Parties to the conflict, either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

ARTICLE 77.

The Detaining Powers shall provide all facilities for the transmission, through the Protecting Power or the Central Prisoners of War Agency provided for in Article 123, of instruments, papers or documents intended for prisoners of war or despatched by them, especially powers of attorney and wills.

In all cases they shall facilitate the preparation and execution of such documents on behalf of prisoners of war; in particular, they shall allow them to consult a lawyer and shall take what measures are necessary for the authentication of their signatures.

SECTION VI.

Relations Between Prisoners of War and the Authorities.

Chapter I.

Complaints of Prisoners of War Respecting the Conditions of Captivity.

Article 78.

Prisoners of war shall have the right to make known to the military authorities in whose power they are, their requests regarding the conditions of captivity to which they are subjected.

They shall also have the unrestricted right to apply to the representatives of the Protecting Powers either through their prisoners' representative or, if they consider it necessary, direct, in order to draw attention to any points on which they may have complaints to make regarding their conditions of captivity.

These requests and complaints shall not be limited nor considered to be part of the correspondence quota referred to in Article 71. They must be transmitted immediately. Even if they are recognized to be unfounded, they may not give rise to any punishment.

Prisoners' representatives may send periodic reports on the situation in the camps and the needs of the prisoners of war to the representatives of the Protecting Powers.

Chapter II.

Prisoner of War Representatives.

Article 79.

In all places where there are prisoners of war, except in those where there are officers, the prisoners shall freely elect by secret ballot, every six months, and also in case of vacancies, prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. These prisoners' representatives shall be eligible for re-election.

In camps for officers and persons of equivalent status or in mixed camps, the senior officer among the prisoners of war shall be recognized as the camp prisoners' representative. In camps for officers, he shall be assisted by one or more advisers chosen by the officers; in mixed camps, his assistants shall be chosen from among the prisoners of war who are not officers and shall be elected by them.

Officer prisoners of war of the same nationality shall be stationed in labour camps for prisoners of war, for the purpose of carrying out the camp administration duties for which the prisoners of war are

responsible. These officers may be elected as prisoners' representatives under the first paragraph of this Article. In such a case the assistants to the prisoners' representatives shall be chosen from among those prisoners of war who are not officers.

Every representative elected must be approved by the Detaining Power before he has the right to commence his duties. Where the Detaining Power refuses to approve a prisoner of war elected by his fellow prisoners of war, it must inform the Protecting Power of the reason for such refusal.

In all cases the prisoners' representative must have the same nationality, language and customs as the prisoners of war whom he represents. Thus, prisoners of war distributed in different sections of a camp, according to their nationality, language or customs, shall have for each section their own prisoners' representative, in accordance with the foregoing paragraphs.

ARTICLE 80.

Prisoners' representatives shall further the physical, spiritual and intellectual well-being of prisoners of war.

In particular, where the prisoners decide to organize amongst themselves a system of mutual assistance, this organization will be within the province of the prisoners' representative, in addition to the special duties entrusted to him by other provisions of the present Convention.

Prisoners' representatives shall not be held responsible, simply by reason of their duties, for any offences committed by prisoners of war.

ARTICLE 81.

Prisoners' representatives shall not be required to perform any other work, if the accomplishment of their duties is thereby made more difficult.

Prisoners' representatives may appoint from amongst the prisoners such assistants as they may require. All material facilities shall be granted them, particularly a certain freedom of movement necessary for the accomplishment of their duties (inspection of labour detachments, receipt of supplies, etc.).

Prisoners' representatives shall be permitted to visit premises where prisoners of war are detained, and every prisoner of war shall have the right to consult freely his prisoners' representative.

All facilities shall likewise be accorded to the prisoners' representatives for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, the Mixed Medical Commissions and the bodies which give assistance to prisoners of war. Prisoners' representatives of labour detachments shall enjoy the same facilities for communication with the prisoners' representatives of the principal camp. Such communications shall not be restricted, nor considered as forming a part of the quota mentioned in Article 71.

Prisoners' representatives who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

In case of dismissal, the reasons therefor shall be communicated to the Protecting Power.

CHAPTER III.

Penal and Disciplinary Sanctions.

I. General Provisions.

Article 82.

A prisoner of war shall be subject to the laws, regulations and orders in force in the armed forces of the Detaining Power; the Detaining Power shall be justified in taking judicial or disciplinary measures in respect of any offence committed by a prisoner of war against such laws, regulations or orders. However, no proceedings or punishments contrary to the provisions of this Chapter shall be allowed.

If any law, regulation or order of the Detaining Power shall declare acts committed by a prisoner of war to be punishable, whereas the same acts would not be punishable if committed by a member of the forces of the Detaining Power, such acts shall entail disciplinary punishments only.

Article 83.

In deciding whether proceedings in respect of an offence alleged to have been committed by a prisoner of war shall be judicial or disciplinary, the Detaining Power shall ensure that the competent authorities exercise the greatest leniency and adopt, wherever possible, disciplinary rather than judicial measures.

Article 84.

A prisoner of war shall be tried only by a military court, unless the existing laws of the Detaining Power expressly permit the civil courts to try a member of the armed forces of the Detaining Power in respect of the particular offence alleged to have been committed by the prisoner of war.

In no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized, and, in particular, the procedure of which does not afford the accused the rights and means of defence provided for in Article 105.

Article 85.

Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention.

ARTICLE 86.

No prisoner of war may be punished more than once for the same act or on the same charge.

ARTICLE 87.

Prisoners of war may not be sentenced by the military authorities and courts of the Detaining Power to any penalties except those provided for in respect of members of the armed forces of the said Power who have committed the same acts.

When fixing the penalty, the courts or authorities of the Detaining Power shall take into consideration, to the widest extent possible, the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will. The said courts or authorities shall be at liberty to reduce the penalty provided for the violation of which the prisoner of war is accused, and shall therefore not be bound to apply the minimum penalty prescribed.

Collective punishment for individual acts, corporal punishment, imprisonment in premises without daylight and, in general, any form of torture or cruelty, are forbidden.

No prisoner of war may be deprived of his rank by the Detaining Power, or prevented from wearing his badges.

ARTICLE 88.

Officers, non-commissioned officers and men who are prisoners of war undergoing a disciplinary or judicial punishment, shall not be subjected to more severe treatment than that applied in respect of the same punishment to members of the armed forces of the Detaining Power of equivalent rank.

A woman prisoner of war shall not be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a woman member of the armed forces of the Detaining Power dealt with for a similar offence.

In no case may a woman prisoner of war be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a male member of the armed forces of the Detaining Power dealt with for a similar offence.

Prisoners of war who have served disciplinary or judicial sentences may not be treated differently from other prisoners of war.

II. Disciplinary Sanctions.

ARTICLE 89.

The disciplinary punishments applicable to prisoners of war are the following:

(1) A fine which shall not exceed 50 per cent of the advances of pay and working pay which the prisoner of war would otherwise receive under the provisions of Articles 60 and 62 during a period of not more than thirty days.

(2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
(3) Fatigue duties not exceeding two hours daily.
(4) Confinement.

The punishment referred to under (3) shall not be applied to officers.

In no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war.

ARTICLE 90.

The duration of any single punishment shall in no case exceed thirty days. Any period of confinement awaiting the hearing of a disciplinary offence or the award of disciplinary punishment shall be deducted from an award pronounced against a prisoner of war.

The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the same time when he is awarded punishment, whether such acts are related or not.

The period between the pronouncing of an award of disciplinary punishment and its execution shall not exceed one month.

When a prisoner of war is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

ARTICLE 91.

The escape of a prisoner of war shall be deemed to have succeeded when:

(1) he has joined the armed forces of the Power on which he depends, or those of an allied Power;
(2) he has left the territory under the control of the Detaining Power, or of an ally of the said Power;
(3) he has joined a ship flying the flag of the Power on which he depends, or of an allied Power, in the territorial waters of the Detaining Power, the said ship not being under the control of the last named Power.

Prisoners of war who have made good their escape in the sense of this Article and who are recaptured, shall not be liable to any punishment in respect of their previous escape.

ARTICLE 92.

A prisoner of war who attempts to escape and is recaptured before having made good his escape in the sense of Article 91 shall be liable only to a disciplinary punishment in respect of this act, even if it is a repeated offence.

A prisoner of war who is recaptured shall be handed over without delay to the competent military authority.

Article 88, fourth paragraph, notwithstanding, prisoners of war punished as a result of an unsuccessful escape may be subjected to special surveillance. Such surveillance must not affect the state of their health, must be undergone in a prisoner of war camp, and must not entail the suppression of any of the safeguards granted them by the present Convention.

ARTICLE 93.

Escape or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance if the prisoner of war is subjected to trial by judicial proceedings in respect of an offence committed during his escape or attempt to escape.

In conformity with the principle stated in Article 83, offences committed by prisoners of war with the sole intention of facilitating their escape and which do not entail any violence against life or limb, such as offences against public property, theft without intention of self-enrichment, the drawing up or use of false papers, or the wearing of civilian clothing, shall occasion disciplinary punishment only.

Prisoners of war who aid or abet an escape or an attempt to escape shall be liable on this account to disciplinary punishment only.

ARTICLE 94.

If an escaped prisoner of war is recaptured, the Power on which he depends shall be notified thereof in the manner defined in Article 122, provided notification of his escape has been made.

ARTICLE 95.

A prisoner of war accused of an offence against discipline shall not be kept in confinement pending the hearing unless a member of the armed forces of the Detaining Power would be so kept if he were accused of a similar offence, or if it is essential in the interests of camp order and discipline.

Any period spent by a prisoner of war in confinement awaiting the disposal of an offence against discipline shall be reduced to an absolute minimum and shall not exceed fourteen days.

The provisions of Articles 97 and 98 of this Chapter shall apply to prisoners of war who are in confinement awaiting the disposal of offences against discipline.

ARTICLE 96.

Acts which constitute offences against discipline shall be investigated immediately.

Without prejudice to the competence of courts and superior military authorities, disciplinary punishment may be ordered only by an officer having disciplinary powers in his capacity as camp commander, or by a responsible officer who replaces him or to whom he has delegated his disciplinary powers.

In no case may such powers be delegated to a prisoner of war or be exercised by a prisoner of war.

Before any disciplinary award is pronounced, the accused shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced to the accused prisoner of war and to the prisoners' representative.

A record of disciplinary punishments shall be maintained by the camp commander and shall be open to inspection by representatives of the Protecting Power.

ARTICLE 97.

Prisoners of war shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

All premises in which disciplinary punishments are undergone shall conform to the sanitary requirements set forth in Article 25. A prisoner of war undergoing punishment shall be enabled to keep himself in a state of cleanliness, in conformity with Article 29.

Officers and persons of equivalent status shall not be lodged in the same quarters as non-commissioned officers or men.

Women prisoners of war undergoing disciplinary punishment shall be confined in separate quarters from male prisoners of war and shall be under the immediate supervision of women.

ARTICLE 98.

A prisoner of war undergoing confinement as a disciplinary punishment, shall continue to enjoy the benefits of the provisions of this Convention except in so far as these are necessarily rendered inapplicable by the mere fact that he is confined. In no case may he be deprived of the benefits of the provisions of Articles 78 and 126.

A prisoner of war awarded disciplinary punishment may not be deprived of the prerogatives attached to his rank.

Prisoners of war awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, on their request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the camp infirmary or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money however, may be withheld from them until the completion of the punishment; they shall meanwhile be entrusted to the prisoners' representative, who will hand over to the infirmary the perishable goods contained in such parcels.

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III. Judicial Proceedings.

ARTICLE 99.

No prisoner of war may be tried or sentenced for an act which is not forbidden by the law of the Detaining Power or by international law, in force at the time the said act was committed.

No moral or physical coercion may be exerted on a prisoner of war in order in induce him to admit himself guilty of the act of which he is accused.

No prisoner of war may be convicted without having had an opportunity to present his defence and the assistance of a qualified advocate or counsel.

ARTICLE 100.

Prisoners of war and the Protecting Powers shall be informed as soon as possible of the offences which are punishable by the death sentence under the laws of the Detaining Power.

Other offences shall not thereafter be made punishable by the death penalty without the concurrence of the Power on which the prisoners of war depend.

The death sentence cannot be pronounced on a prisoner of war unless the attention of the court has, in accordance with Article 87, second paragraph, been particularly called to the fact that since the accused is not a national of the Detaining Power, he is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will.

ARTICLE 101.

If the death penalty is pronounced on a prisoner of war, the sentence shall not be executed before the expiration of a period of at least six months from the date when the Protecting Power receives, at an indicated address, the detailed communication provided for in Article 107.

ARTICLE 102.

A prisoner of war can be validly sentenced only if the sentence has been pronounced by the same courts according to the same procedure as in the case of members of the armed forces of the Detaining Power, and if, furthermore, the provisions of the present Chapter have been observed.

ARTICLE 103.

Judicial investigations relating to a prisoner of war shall be conducted as rapidly as circumstances permit and so that his trial shall take place as soon as possible. A prisoner of war shall not be confined while awaiting trial unless a member of the armed forces of the Detaining

Power would be so confined if he were accused of a similar offence, or if it is essential to do so in the interests of national security. In no circumstances shall this confinement exceed three months.

Any period spent by a prisoner of war in confinement awaiting trial shall be deducted from any sentence of imprisonment passed upon him and taken into account in fixing any penalty.

The provisions of Articles 97 and 98 of this Chapter shall apply to a prisoner of war whilst in confinement awaiting trial.

Article 104.

In any case in which the Detaining Power has decided to institute judicial proceedings against a prisoner of war, it shall notify the Protecting Power as soon as possible and at least three weeks before the opening of the trial. This period of three weeks shall run as from the day on which such notification reaches the Protecting Power at the address previously indicated by the latter to the Detaining Power.

The said notification shall contain the following information:

(1) Surname and first names of the prisoner of war, his rank, his army, regimental, personal or serial number, his date of birth, and his profession or trade, if any;
(2) Place of internment or confinement;
(3) Specification of the charge or charges on which the prisoner of war is to be arraigned, giving the legal provisions applicable;
(4) Designation of the court which will try the case, likewise the date and place fixed for the opening of the trial.

The same communication shall be made by the Detaining Power to the prisoners' representative.

If no evidence is submitted, at the opening of a trial, that the notification referred to above was received by the Protecting Power, by the prisoner of war and by the prisoners' representative concerned, at least three weeks before the opening of the trial, then the latter cannot take place and must be adjourned.

Article 105.

The prisoner of war shall be entitled to assistance by one of his prisoner comrades, to defence by a qualified advocate or counsel of his own choice, to the calling of witnesses and, if he deems necessary, to the services of a competent interpreter. He shall be advised of these rights by the Detaining Power in due time before the trial.

Failing a choice by the prisoner of war, the Protecting Power shall find him an advocate or counsel, and shall have at least one week at its disposal for the purpose. The Detaining Power shall deliver to the said Power, on request, a list of persons qualified to present the defence. Failing a choice of an advocate or counsel by the prisoner of war or the Protecting Power, the Detaining Power shall appoint a competent advocate or counsel to conduct the defence.

The advocate or counsel conducting the defence on behalf of the prisoner of war shall have at his disposal a period of two weeks at least before the opening of the trial, as well as the necessary facilities to prepare the defence of the accused. He may, in particular, freely visit the accused and interview him in private. He may also confer with any witnesses for the defence, including prisoners of war. He shall have the benefit of these facilities until the term of appeal or petition has expired.

Particulars of the charge or charges on which the prisoner of war is to be arraigned, as well as the documents which are generally communicated to the accused by virtue of the laws in force in the armed forces of the Detaining Power, shall be communicated to the accused prisoner of war in a language which he understands, and in good time before the opening of the trial. The same communication in the same circumstances shall be made to the advocate or counsel conducting the defence on behalf of the prisoner of war.

The representatives of the Protecting Power shall be entitled to attend the trial of the case, unless, exceptionally, this is held *in camera* in the interest of State security. In such a case the Detaining Power shall advise the Protecting Power accordingly.

ARTICLE 106.

Every prisoner of war shall have, in the same manner as the members of the armed forces of the Detaining Power, the right of appeal or petition from any sentence pronounced upon him, with a view to the quashing or revising of the sentence or the reopening of the trial. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

ARTICLE 107.

Any judgment and sentence pronounced upon a prisoner of war shall be immediately reported to the Protecting Power in the form of a summary communication, which shall also indicate whether he has the right of appeal with a view to the quashing of the sentence or the reopening of the trial. This communication shall likewise be sent to the prisoners' representative concerned. It shall also be sent to the accused prisoner of war in a language he understands, if the sentence was not pronounced in his presence. The Detaining Power shall also immediately communicate to the Protecting Power the decision of the prisoner of war to use or to waive his right of appeal.

Furthermore, if a prisoner of war is finally convicted or if a sentence pronounced on a prisoner of war in the first instance is a death sentence, the Detaining Power shall as soon as possible address to the Protecting Power a detailed communication containing:

(1) the precise wording of the finding and sentence;

(2) a summarized report of any preliminary investigation and of the trial, emphasizing in particular the elements of the prosecution and the defence;

(3) notification, where applicable, of the establishment where the sentence will be served.

The communications provided for in the foregoing sub-paragraphs shall be sent to the Protecting Power at the address previously made known to the Detaining Power.

ARTICLE 108.

Sentences pronounced on prisoners of war after a conviction has become duly enforceable, shall be served in the same establishments and under the same conditions as in the case of members of the armed forces of the Detaining Power. These conditions shall in all cases conform to the requirements of health and humanity.

A woman prisoner of war on whom such a sentence has been pronounced shall be confined in separate quarters and shall be under the supervision of women.

In any case, prisoners of war sentenced to a penalty depriving them of their liberty shall retain the benefit of the provisions of Articles 78 and 126 of the present Convention. Furthermore, they shall be entitled to receive and despatch correspondence, to receive at least one relief parcel monthly, to take regular exercise in the open air, to have the medical care required by their state of health, and the spiritual assistance they may desire. Penalties to which they may be subjected shall be in accordance with the provisions of Article 87, third paragraph.

PART IV.

TERMINATION OF CAPTIVITY.

SECTION I.

DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES.

ARTICLE 109.

Subject to the provisions of the third paragraph of this Article, Parties to the conflict are bound to send back to their own country, regardless of number or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit to travel, in accordance with the first paragraph of the following Article.

Throughout the duration of hostilities, Parties to the conflict shall endeavour, with the cooperation of the neutral Powers concerned, to make arrangements for the accommodation in neutral countries of the sick and wounded prisoners of war referred to in the second paragraph of the following Article. They may, in addition, conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

No sick or injured prisoner of war who is eligible for repatriation under the first paragraph of this Article, may be repatriated against his will during hostilities.

ARTICLE 110.

The following shall be repatriated direct:

(1) Incurably wounded and sick whose mental or physical fitness seems to have been gravely diminished.

(2) Wounded and sick who, according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished.

(3) Wounded and sick who have recovered, but whose mental or physical fitness seems to have been gravely and permanently diminished.

The following may be accommodated in a neutral country:

(1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery.

(2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat.

The conditions which prisoners of war accommodated in a neutral country must fulfil in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned. In general, prisoners of war who have been accommodated in a neutral country, and who belong to the following categories, should be repatriated:

(1) Those whose state of health has deteriorated so as to fulfil the conditions laid down for direct repatriation;

(2) Those whose mental or physical powers remain, even after treatment, considerably impaired.

If no special agreements are concluded between the Parties to the conflict concerned, to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country, such cases shall be settled in accordance with the principles laid down in the Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war and in the Regulations concerning Mixed Medical Commissions annexed to the present Convention.

ARTICLE 111.

The Detaining Power, the Power on which the prisoners of war depend, and a neutral Power agreed upon by these two Powers, shall endeavour to conclude agreements which will enable prisoners of war to be interned in the territory of the said neutral Power until the close of hostilities.

ARTICLE 112.

Upon the outbreak of hostilities, Mixed Medical Commissions shall be appointed to examine sick and wounded prisoners of war, and to make all appropriate decisions regarding them. The appointment, duties and functioning of these Commissions shall be in conformity with the provisions of the Regulations annexed to the present Convention.

However, prisoners of war who, in the opinion of the medical authorities of the Detaining Power, are manifestly seriously injured or seriously sick, may be repatriated without having to be examined by a Mixed Medical Commission.

ARTICLE 113.

Besides those who are designated by the medical authorities of the Detaining Power, wounded or sick prisoners of war belonging to the categories listed below shall be entitled to present themselves for examination by the Mixed Medical Commissions provided for in the foregoing Article:

(1) Wounded and sick proposed by a physician or surgeon who is of the same nationality, or a national of a Party to the conflict allied with the Power on which the said prisoners depend, and who exercises his functions in the camp.

(2) Wounded and sick proposed by their prisoners' representative.

(3) Wounded and sick proposed by the Power on which they depend, or by an organization duly recognized by the said Power and giving assistance to the prisoners.

Prisoners of war who do not belong to one of the three foregoing categories may nevertheless present themselves for examination by Mixed Medical Commissions, but shall be examined only after those belonging to the said categories.

The physician or surgeon of the same nationality as the prisoners who present themselves for examination by the Mixed Medical Commission, likewise the prisoners' representative of the said prisoners, shall have permission to be present at the examination.

ARTICLE 114.

Prisoners of war who meet with accidents shall, unless the injury is self-inflicted, have the benefit of the provisions of this Convention as regards repatriation or accommodation in a neutral country.

ARTICLE 115.

No prisoner of war on whom a disciplinary punishment has been imposed and who is eligible for repatriation or for accommodation in a neutral country, may be kept back on the plea that he has not undergone his punishment.

Prisoners of war detained in connection with a judicial prosecution or conviction and who are designated for repatriation or accommodation in a neutral country, may benefit by such measures before the end of the proceedings or the completion of the punishment, if the Detaining Power consents.

Parties to the conflict shall communicate to each other the names of those who will be detained until the end of the proceedings or the completion of the punishment.

ARTICLE 116.

The cost of repatriating prisoners of war or of transporting them to a neutral country shall be borne, from the frontiers of the Detaining Power, by the Power on which the said prisoners depend.

ARTICLE 117.

No repatriated person may be employed on active military service.

SECTION II.

RELEASE AND REPATRIATION OF PRISONERS OF WAR AT THE CLOSE OF HOSTILITIES.

ARTICLE 118.

Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.

In the absence of stipulations to the above effect in any agreement concluded between the Parties to the conflict with a view to the cessation of hostilities, or failing any such agreement, each of the Detaining Powers shall itself establish and execute without delay a plan of repatriation in conformity with the principle laid down in the foregoing paragraph.

In either case, the measures adopted shall be brought to the knowledge of the prisoners of war.

The costs of repatriation of prisoners of war shall in all cases be equitably apportioned between the Detaining Power and the Power on which the prisoners depend. This apportionment shall be carried out on the following basis:

(*a*) If the two Powers are contiguous, the Power on which the prisoners of war depend shall bear the costs of repatriation from the frontiers of the Detaining Power.

(*b*) If the two Powers are not contiguous, the Detaining Power shall bear the costs of transport of prisoners of war over its own territory as far as its frontier or its port of embarkation nearest to the territory of the Power on which the prisoners of war depend. The Parties concerned shall agree between themselves as to the equitable appor-

tionment of the remaining costs of the repatriation. The conclusion of this agreement shall in no circumstances justify any delay in the repatriation of the prisoners of war.

ARTICLE 119.

Repatriation shall be effected in conditions similar to those laid down in Articles 46 to 48 inclusive of the present Convention for the transfer of prisoners of war, having regard to the provisions of Article 118 and to those of the following paragraphs.

On repatriation, any articles of value impounded from prisoners of war under Article 18, and any foreign currency which has not been converted into the currency of the Detaining Power, shall be restored to them. Articles of value and foreign currency which, for any reason whatever, are not restored to prisoners of war on repatriation, shall be despatched to the Information Bureau set up under Article 122.

Prisoners of war shall be allowed to take with them their personal effects, and any correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of repatriation so require, to what each prisoner can reasonably carry. Each prisoner shall in all cases be authorized to carry at least twenty-five kilograms.

The other personal effects of the repatriated prisoner shall be left in the charge of the Detaining Power which shall have them forwarded to him as soon as it has concluded an agreement to this effect, regulating the conditions of transport and the payment of the costs involved, with the Power on which the prisoner depends.

Prisoners of war against whom criminal proceedings for an indictable offence are pending may be detained until the end of such proceedings, and, if necessary, until the completion of the punishment. The same shall apply to prisoners of war already convicted for an indictable offence.

Parties to the conflict shall communicate to each other the names of any prisoners of war who are detained until the end of the proceedings or until punishment has been completed.

By agreement between the Parties to the conflict, commissions shall be established for the purpose of searching for dispersed prisoners of war and of assuring their repatriation with the least possible delay.

SECTION III.

DEATH OF PRISONERS OF WAR.

ARTICLE 120.

Wills of prisoners of war shall be drawn up so as to satisfy the conditions of validity required by the legislation of their country of origin, which will take steps to inform the Detaining Power of its requirements in this respect. At the request of the prisoner of war and,

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in all cases, after death, the will shall be transmitted without delay to the Protecting Power; a certified copy shall be sent to the Central Agency.

Death certificates, in the form annexed to the present Convention, or lists certified by a responsible officer, of all persons who die as prisoners of war shall be forwarded as rapidly as possible to the Prisoner of War Information Bureau established in accordance with Article 122. The death certificates or certified lists shall show particulars of identity as set out in the third paragraph of Article 17, and also the date and place of death, the cause of death, the date and place of burial and all particulars necessary to identify the graves.

The burial or cremation of a prisoner of war shall be preceded by a medical examination of the body with a view to confirming death and enabling a report to be made and, where necessary, establishing identity.

The detaining authorities shall ensure that prisoners of war who have died in captivity are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, suitably maintained and marked so as to be found at any time. Wherever possible, deceased prisoners of war who depended on the same Power shall be interred in the same place.

Deceased prisoners of war shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his express wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased.

In order that graves may always be found, all particulars of burials and graves shall be recorded with a Graves Registration Service established by the Detaining Power. Lists of graves and particulars of the prisoners of war interred in cemeteries and elsewhere shall be transmitted to the Power on which such prisoners of war depended. Responsibility for the care of these graves and for records of any subsequent moves of the bodies shall rest on the Power controlling the territory, if a Party to the present Convention. These provisions shall also apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

Article 121.

Every death or serious injury of a prisoner of war caused or suspected to have been caused by a sentry, another prisoner of war, or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. Statements shall be taken from witnesses, especially from those who are prisoners of war, and a report including such statements shall be forwarded to the Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all measures for the prosecution of the person or persons responsible.

PART V.

Information Bureaux and Relief Societies for Prisoners of War.

Article 122.

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall institute an official Information Bureau for prisoners of war who are in its power. Neutral or non-belligerent Powers who may have received within their territory persons belonging to one of the categories referred to in Article 4, shall take the same action with respect to such persons. The Power concerned shall ensure that the Prisoners of War Information Bureau is provided with the necessary accommodation, equipment and staff to ensure its efficient working. It shall be at liberty to employ prisoners of war in such a Bureau under the conditions laid down in the Section of the present Convention dealing with work by prisoners of war.

Within the shortest possible period, each of the Parties to the conflict shall give its Bureau the information referred to in the fourth, fifth and sixth paragraphs of this Article regarding any enemy person belonging to one of the categories referred to in Article 4, who has fallen into its power. Neutral or non-belligerent Powers shall take the same action with regard to persons belonging to such categories whom they have received within their territory.

The Bureau shall immediately forward such information by the most rapid means to the Powers concerned, through the intermediary of the Protecting Powers and likewise of the Central Agency provided for in Article 123.

This information shall make it possible quickly to advise the next of kin concerned. Subject to the provisions of Article 17, the information shall include, in so far as available to the Information Bureau, in respect of each prisoner of war, his surname, first names, rank, army, regimental, personal or serial number, place and full date of birth, indication of the Power on which he depends, first name of the father and maiden name of the mother, name and address of the person to be informed and the address to which correspondence for the prisoner may be sent.

The Information Bureau shall receive from the various departments concerned information regarding transfers, releases, repatriations, escapes, admissions to hospital, and deaths, and shall transmit such information in the manner described in the third paragraph above.

Likewise, information regarding the state of health of prisoners of war who are seriously ill or seriously wounded shall be supplied regularly, every week if possible.

The Information Bureau shall also be responsible for replying to all enquiries sent to it concerning prisoners of war, including those who have died in captivity; it will make any enquiries necessary to obtain the information which is asked for if this is not in its possession.

All written communications made by the Bureau shall be authenticated by a signature or a seal.

The Information Bureau shall furthermore be charged with collecting all personal valuables, including sums in currencies other than that of the Detaining Power and documents of importance to the next of kin, left by prisoners of war who have been repatriated or released, or who have escaped or died, and shall forward the said valuables to the Powers concerned. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full particulars of the identity of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Other personal effects of such prisoners of war shall be transmitted under arrangements agreed upon between the Parties to the conflict concerned.

ARTICLE 123.

A Central Prisoners of War Information Agency shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency.

The function of the Agency shall be to collect all the information it may obtain through official or private channels respecting prisoners of war, and to transmit it as rapidly as possible to the country of origin of the prisoners of war or to the Power on which they depend. It shall receive from the Parties to the conflict all facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross, or of the relief societies provided for in Article 125.

ARTICLE 124.

The national Information Bureaux and the Central Information Agency shall enjoy free postage for mail, likewise all the exemptions provided for in Article 74, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

ARTICLE 125.

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any

other organization assisting prisoners of war, shall receive from the said Powers, for themselves and their duly accredited agents, all necessary facilities for visiting the prisoners, for distributing relief supplies and material, from any source, intended for religious, educational or recreative purposes, and for assisting them in organizing their leisure time within the camps. Such societies or organizations may be constituted in the territory of the Detaining Power or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the effective operation of adequate relief to all prisoners of war.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

As soon as relief supplies or material intended for the abovementioned purposes are handed over to prisoners of war, or very shortly afterwards, receipts for each consignment, signed by the prisoners' representative, shall be forwarded to the relief society or organization making the shipment. At the same time, receipts for these consignments shall be supplied by the administrative authorities responsible for guarding the prisoners.

PART VI.

Execution of the Convention.

Section I.

General Provisions.

Article 126.

Representatives or delegates of the Protecting Powers shall have permission to go to all places where prisoners of war may be, particularly to places of internment, imprisonment and labour, and shall have access to all premises occupied by prisoners of war; they shall also be allowed to go to the places of departure, passage and arrival of prisoners who are being transferred. They shall be able to interview the prisoners, and in particular the prisoners' representatives, without witnesses, either personally or through an interpreter.

Representatives and delegates of the Protecting Powers shall have full liberty to select the places they wish to visit. The duration and frequency of these visits shall not be restricted. Visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure.

The Detaining Power and the Power on which the said prisoners of war depend may agree, if necessary, that compatriots of these prisoners of war be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall enjoy the same prerogatives. The appointment of such delegates shall be submitted to the approval of the Power detaining the prisoners of war to be visited.

ARTICLE 127.

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to all their armed forces and to the entire population.

Any military or other authorities, who in time of war assume responsibilities in respect of prisoners of war, must possess the text of the Convention and be specially instructed as to its provisions.

ARTICLE 128.

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

ARTICLE 129.

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the present Convention.

ARTICLE 130.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons

or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

ARTICLE 131.

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

ARTICLE 132.

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

SECTION II.

FINAL PROVISIONS.

ARTICLE 133.

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

ARTICLE 134.

The present Convention replaces the Convention of July 27, 1929, in relations between the High Contracting Parties.

ARTICLE 135.

In the relations between the Powers which are bound by the Hague Convention respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and which are parties to the present Convention, this last Convention shall be complementary to Chapter II of the Regulations annexed to the above-mentioned Conventions of the Hague.

ARTICLE 136.

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Convention of July 27, 1929.

ARTICLE 137.

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 138.

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

ARTICLE 139.

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

ARTICLE 140.

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 141.

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 142.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 143.

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

(Here follow the annexes and the signatures on behalf of the following countries: Afghanistan, People's Republic of Albania, Argentina, Australia, Austria, Belgium, Byelorussian Soviet Socialist Republic, Bolivia, Brazil, Bulgarian People's Republic, Canada, Ceylon, Chile, China, Colombia, Cuba, Denmark, Egypt, Ecuador, Spain, United States of America, Ethiopia, Finland, France, Greece, Guatemala, Hungarian People's Republic, India, Iran, Republic of Ireland, Israel, Italy, Lebanon, Liechtenstein, Luxemburg, Mexico, Principality of Monaco, Nicaragua, Norway, New Zealand, Pakistan, Paraguay, Netherlands, Peru, Republic of the Philippines, Poland, Portugal, Rumanian People's Republic, United Kingdom of Great Britain and Northern Ireland, Holy See, El Salvador, Sweden, Switzerland, Syria, Czechoslovakia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Federal People's Republic of Yugoslavia.)

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SCHEDULE IV.

Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949.

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of establishing a Convention for the Protection of Civilian Persons in Time of War, have agreed as follows:

PART I.

General Provisions.

Article I.

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

Article 2.

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(*a*) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(*b*) taking of hostages;

(*c*) outrages upon personal dignity, in particular humiliating and degrading treatment;

(*d*) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

ARTICLE 4.

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The Provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, or by the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall not be considered as protected persons within the meaning of the present Convention.

ARTICLE 5.

Where, in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or

engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such persons shall nevertheless be treated with humanity, and in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

ARTICLE 6.

The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

ARTICLE 7.

In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by the present Convention, nor restrict the rights which it confers upon them.

Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

ARTICLE 8.

Protected persons may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

ARTICLE 9.

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

ARTICLE 10.

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief.

ARTICLE 11.

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

The provisions of this Article shall extend and be adapted to cases of nationals of a neutral State who are in occupied territory or who find themselves in the territory of a belligerent State in which the State of which they are nationals has not normal diplomatic representation.

Article 12.

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for protected persons, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

PART II.

General Protection of Populations Against Certain Consequences of War.

Article 13.

The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.

ARTICLE 14.

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital and safety zones and localities.

ARTICLE 15.

Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction:

(*a*) wounded and sick combatants or non-combatants;

(*b*) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralization of the zone.

ARTICLE 16.

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

ARTICLE 17.

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

ARTICLE 18.

Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict.

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, but only if so authorized by the State.

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces in order to obviate the possibility of any hostile action.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

ARTICLE 19.

The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants and not yet handed to the proper service, shall not be considered to be acts harmful to the enemy.

ARTICLE 20.

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected.

In occupied territory and in zones of military operations, the above personnel shall be recognizable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armlet which they shall wear on the left arm while carrying out their duties. This armlet shall be issued by the State and

shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armlet, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

ARTICLE 21.

Convoys of vehicles or hospital trains on land or specially provided vessels on sea, conveying wounded and sick civilians, the infirm and maternity cases, shall be respected and protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

ARTICLE 22.

Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases, or for the transport of medical personnel and equipment, shall not be attacked, but shall be respected while flying at heights, times and on routes specifically agreed upon between all the Parties to the conflict concerned.

They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Such aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

ARTICLE 23.

Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

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The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing:

(*a*) that the consignments may be diverted from their destination,

(*b*) that the control may not be effective, or

(*c*) that a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods.

The Power which allows the passage of the consignments indicated in the first paragraph of this Article may make such permission conditional on the distribution to the persons benefited thereby being made under the local supervision of the Protecting Powers.

Such consignments shall be forwarded as rapidly as possible, and the Power which permits their free passage shall have the right to prescribe the technical arrangements under which such passage is allowed.

ARTICLE 24.

The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

ARTICLE 25.

All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay.

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the Parties to the conflict concerned shall apply to a neutral intermediary, such as

the Central Agency provided for in Article 140, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, in particular with the cooperation of the National Red Cross (Red Crescent, Red Lion and Sun) Societies.

If the Parties to the conflict deem it necessary to restrict family correspondence, such restrictions shall be confined to the compulsory use of standard forms containing twenty-five freely chosen words, and to the limitation of the number of these forms despatched to one each month.

Article 26.

Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organizations engaged on this task provided they are acceptable to it and conform to its security regulations.

PART III.

Status and Treatment of Protected Persons.

Section I.

Provisions Common to the Territories of the Parties to the Conflict and to Occupied Territories.

Article 27.

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

ARTICLE 28.

The presence of a protected person may not be used to render certain points or areas immune from military operations.

ARTICLE 29.

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

ARTICLE 30.

Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization that might assist them.

These several organizations shall be granted all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 143, the Detaining or Occupying Powers shall facilitate as much as possible visits to protected persons by the representatives of other organizations whose object is to give spiritual aid or material relief to such persons.

ARTICLE 31.

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

ARTICLE 32.

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

ARTICLE 33.

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

ARTICLE 34.

The taking of hostages is prohibited.

SECTION II.

ALIENS IN THE TERRITORY OF A PARTY TO THE CONFLICT.

ARTICLE 35.

All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interests of the State. The applications of such persons to leave shall be decided in accordance with regularly established procedures and the decision shall be taken as rapidly as possible. Those persons permitted to leave may provide themselves with the necessary funds for their journey and take with them a reasonable amount of their effects and articles of personal use.

If any such person is refused permission to leave the territory, he shall be entitled to have such refusal reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose.

Upon request, representatives of the Protecting Power shall, unless reasons of security prevent it, or the persons concerned object, be furnished with the reasons for refusal of any request for permission to leave the territory and be given, as expeditiously as possible, the names of all persons who have been denied permission to leave.

ARTICLE 36.

Departures permitted under the foregoing Article shall be carried out in satisfactory conditions as regards safety, hygiene, sanitation and food. All costs in connection therewith, from the point of exit in the territory of the Detaining Power, shall be borne by the country of destination, or, in the case of accommodation in a neutral country, by the Power whose nationals are benefited. The practical details of such movements may, if necessary, be settled by special agreements between the Powers concerned.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

ARTICLE 37.

Protected persons who are confined pending proceedings or serving a sentence involving loss of liberty, shall during their confinement be humanely treated.

As soon as they are released, they may ask to leave the territory in conformity with the foregoing Articles.

ARTICLE 38.

With the exception of special measures authorized by the present Convention, in particular by Articles 27 and 41 thereof, the situation of protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in time of peace. In any case, the following rights shall be granted to them:

(1) They shall be enabled to receive the individual or collective relief that may be sent to them.

(2) They shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned.

(3) They shall be allowed to practise their religion and to receive spiritual assistance from ministers of their faith.

(4) If they reside in an area particularly exposed to the dangers of war, they shall be authorized to move from that area to the same extent as the nationals of the State concerned.

(5) Children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned.

ARTICLE 39.

Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to find paid employment. That opportunity shall, subject to security considerations and to the provisions of Article 40, be equal to that enjoyed by the nationals of the Power in whose territory they are.

Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially if such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependents.

Protected persons may in any case receive allowances from their home country, the Protecting Power, or the relief societies referred to in Article 30.

ARTICLE 40.

Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are.

If protected persons are of enemy nationality, they may only be compelled to do work which is normally necessary to ensure the feeding, sheltering, clothing, transport and health of human beings and which is not directly related to the conduct of military operations.

In the cases mentioned in the two preceding paragraphs, protected persons compelled to work shall have the benefit of the same working conditions and of the same safeguards as national workers, in particular as regards wages, hours of labour, clothing and equipment, previous training and compensation for occupational accidents and diseases.

If the above provisions are infringed, protected persons shall be allowed to exercise their right of complaint in accordance with Article 30.

ARTICLE 41.

Should the Power in whose hands protected persons may be consider the measures of control mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that of assigned residence or internment, in accordance with the provisions of Articles 42 and 43.

In applying the provisions of Article 39, second paragraph, to the cases of persons required to leave their usual places of residence by virtue of a decision placing them in assigned residence elsewhere, the Detaining Power shall be guided as closely as possible by the standards of welfare set forth in Part III, Section IV of this Convention.

ARTICLE 42.

The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary, he shall be interned by the Power in whose hands he may be.

ARTICLE 43.

Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case with a view to the favourable amendment of the initial decision, if circumstances permit.

Unless the protected persons concerned object, the Detaining Power shall, as rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence, or who have been released from internment or assigned residence. The decisions of the courts or boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power.

ARTICLE 44.

In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality *de jure* of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

ARTICLE 45.

Protected persons shall not be transferred to a Power which is not a party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with.

In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law.

ARTICLE 46.

In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities.

Restrictive measures affecting their property shall be cancelled, in accordance with the law of the Detaining Power, as soon as possible after the close of hostilities.

SECTION III.

OCCUPIED TERRITORIES.

ARTICLE 47.

Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the

occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

ARTICLE 48.

Protected persons who are not nationals of the Power whose territory is occupied, may avail themselves of the right to leave the territory subject to the provisions of Article 35, and decisions thereon shall be taken according to the procedure which the Occupying Power shall establish in accordance with the said Article.

ARTICLE 49.

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

ARTICLE 50.

The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

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Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

A special section of the Bureau set up in accordance with Article 136 shall be responsible for taking all necessary steps to identify children whose identity is in doubt. Particulars of their parents or other near relatives should always be recorded if available.

The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care and protection against the effects of war, which may have been adopted prior to the occupation in favour of children under fifteen years, expectant mothers, and mothers of children under seven years.

ARTICLE 51.

The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted.

The Occupying Power may not compel protected persons to work unless they are over eighteen years of age, and then only on work which is necessary either for the needs of the army of occupation, or for the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country. Protected persons may not be compelled to undertake any work which would involve them in the obligation of taking part in military operations. The Occupying Power may not compel protected persons to employ forcible means to ensure the security of the installations where they are performing compulsory labour.

The work shall be carried out only in the occupied territory where the persons whose services have been requisitioned are. Every such person shall, so far as possible, be kept in his usual place of employment. Workers shall be paid a fair wage and the work shall be proportionate to their physical and intellectual capacities. The legislation in force in the occupied country concerning working conditions, and safeguards as regards, in particular, such matters as wages, hours of work, equipment, preliminary training and compensation for occupational accidents and diseases, shall be applicable to the protected persons assigned to the work referred to in this Article.

In no case shall requisition of labour lead to a mobilization of workers in an organization of a military or semi-military character.

ARTICLE 52.

No contract, agreement or regulation shall impair the right of any worker, whether voluntary or not and wherever he may be, to apply to the representatives of the Protecting Power in order to request the said Power's intervention.

All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.

ARTICLE 53.

Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

ARTICLE 54.

The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

This prohibition does not prejudice the application of the second paragraph of Article 51. It does not affect the right of the Occupying Power to remove public officials from their posts.

ARTICLE 55.

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.

ARTICLE 56.

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory,

with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.

If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in Article 18. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21.

In adopting measures of health and hygiene and in their implementation, the Occupying Power shall take into consideration the moral and ethical susceptibilities of the population of the occupied territory.

ARTICLE 57.

The Occupying Power may requisition civilian hospitals only temporarily and only in cases of urgent necessity for the care of military wounded and sick, and then on condition that suitable arrangements are made in due time for the care and treatment of the patients and for the needs of the civilian population for hospital accommodation.

The material and stores of civilian hospitals cannot be requisitioned so long as they are necessary for the needs of the civilian population.

ARTICLE 58.

The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.

ARTICLE 59.

If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied

through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

ARTICLE 60.

Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59. The Occupying Power shall in no way whatsoever divert relief consignments from the purpose for which they are intended, except in cases of urgent necessity, in the interests of the population of the occupied territory and with the consent of the Protecting Power.

ARTICLE 61.

The distribution of the relief consignments referred to in the foregoing Articles shall be carried out with the cooperation and under the supervision of the Protecting Power. This duty may also be delegated, by agreement between the Occupying Power and the Protecting Power, to a neutral Power, to the International Committee of the Red Cross or to any other impartial humanitarian body.

Such consignments shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory. The Occupying Power shall facilitate the rapid distribution of these consignments.

All Contracting Parties shall endeavour to permit the transit and transport, free of charge, of such relief consignments on their way to occupied territories.

ARTICLE 62.

Subject to imperative reasons of security, protected persons in occupied territories shall be permitted to receive the individual relief consignments sent to them.

ARTICLE 63.

Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power:

(*a*) recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions;

(*b*) the Occupying Power may not require any changes in the personnel or structure of these societies, which would prejudice the aforesaid activities.

The same principles shall apply to the activities and personnel of special organizations of a non-military character, which already exist or which may be established, for the purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organization of rescues.

ARTICLE 64.

The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

ARTICLE 65.

The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

ARTICLE 66.

In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country.

ARTICLE 67.

The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in particular the principle that the penalty shall be proportionate to the offence. They shall take into consideration the fact that the accused is not a national of the Occupying Power.

ARTICLE 68.

Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or administration,

nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment shall, for such offences, be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 66 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

The penal provisions promulgated by the Occupying Power in accordance with Articles 64 and 65 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

The death penalty may not be pronounced against a protected person unless the attention of the court has been particularly called to the fact that since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

In any case, the death penalty may not be pronounced against a protected person who was under eighteen years of age at the time of the offence.

ARTICLE 69.

In all cases, the duration of the period during which a protected person accused of an offence is under arrest awaiting trial or punishment shall be deducted from any period of imprisonment awarded.

ARTICLE 70.

Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

Nationals of the Occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences committed after the outbreak of hostilities, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace.

ARTICLE 71.

No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing, in a language which they understand, of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

The notification to the Protecting Power, as provided for in the second paragraph above, shall be sent immediately, and shall in any case reach the Protecting Power three weeks before the date of the first hearing. Unless, at the opening of the trial, evidence is submitted that the provisions of this Article are fully complied with, the trial shall not proceed. The notification shall include the following particulars:

(*a*) description of the accused;
(*b*) place of residence or detention;
(*c*) specification of the charge or charges (with mention of the penal provisions under which it is brought);
(*d*) designation of the court which will hear the case;
(*e*) place and date of the first hearing.

ARTICLE 72.

Accused persons shall have the right to present evidence necessary to their defence and may, in particular, call witnesses. They shall have the right to be assisted by a qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

Failing a choice by the accused, the Protecting Power may provide him with an advocate or counsel. When an accused person has to meet a serious charge and the Protecting Power is not functioning, the Occupying Power, subject to the consent of the accused, shall provide an advocate or counsel.

Accused persons shall, unless they freely waive such assistance, be aided by an interpreter, both during preliminary investigation and during the hearing in court. They shall have the right at any time to object to the interpreter and to ask for his replacement.

ARTICLE 73.

A convicted person shall have the right of appeal provided for by the laws applied by the court. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

The penal procedure provided in the present Section shall apply, as far as it is applicable, to appeals. Where the laws applied by the Court

make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power.

ARTICLE 74.

Representatives of the Protecting Power shall have the right to attend the trial of any protected person, unless the hearing has, as an exceptional measure, to be held *in camera* in the interests of the security of the Occupying Power, which shall then notify the Protecting Power. A notification in respect of the date and place of trial shall be sent to the Protecting Power.

Any judgment involving a sentence of death, or imprisonment for two years or more, shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power. The notification shall contain a reference to the notification made under Article 71, and, in the case of sentences of imprisonment, the name of the place where the sentence is to be served. A record of judgments other than those referred to above shall be kept by the court and shall be open to inspection by representatives of the Protecting Power. Any period allowed for appeal in the case of sentences involving the death penalty, or imprisonment of two years or more, shall not run until notification of judgment has been received by the Protecting Power.

ARTICLE 75.

In no case shall persons condemned to death be deprived of the right of petition for pardon or reprieve.

No death sentence shall be carried out before the expiration of a period of at least six months from the date of receipt by the Protecting Power of the notification of the final judgment confirming such death sentence, or of an order denying pardon or reprieve.

The six months period of suspension of the death sentence herein prescribed may be reduced in individual cases in circumstances of grave emergency involving an organized threat to the security of the Occupying Power or its forces, provided always that the Protecting Power is notified of such reduction and is given reasonable time and opportunity to make representations to the competent occupying authorities in respect of such death sentences.

ARTICLE 76.

Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.

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They shall receive the medical attention required by their state of health.

They shall also have the right to receive any spiritual assistance which they may require.

Women shall be confined in separate quarters and shall be under the direct supervision of women.

Proper regard shall be paid to the special treatment due to minors.

Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143.

Such persons shall have the right to receive at least one relief parcel monthly.

Article 77.

Protected persons who have been accused of offences or convicted by the courts in occupied territory, shall be handed over at the close of occupation, with the relevant records, to the authorities of the liberated territory.

Article 78.

If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.

Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions of the present Convention. This procedure shall include the right of appeal for the parties concerned. Appeals shall be decided with the least possible delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power.

Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article 39 of the present Convention.

SECTION IV.

Regulations for the Treatment of Internees.

Chapter I.

General Provisions.

Article 79.

The Parties to the conflict shall not intern protected persons, except in accordance with the provisions of Articles 41, 42, 43, 68 and 78.

ARTICLE 80.

Internees shall retain their full civil capacity and shall exercise such attendant rights as may be compatible with their status.

ARTICLE 81.

Parties to the conflict who intern protected persons shall be bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health.

No deduction from the allowances, salaries or credits due to the internees shall be made for the repayment of these costs.

The Detaining Power shall provide for the support of those dependent on the internees, if such dependents are without adequate means of support or are unable to earn a living.

ARTICLE 82.

The Detaining Power shall, as far as possible, accommodate the internees according to their nationality, language and customs. Internees who are nationals of the same country shall not be separated merely because they have different languages.

Throughout the duration of their internment, members of the same family, and in particular parents and children, shall be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment or health or for the purposes of enforcement of the provisions of Chapter IX of the present Section. Internees may request that their children who are left at liberty without parental care shall be interned with them.

Wherever possible, interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life.

CHAPTER II.

PLACES OF INTERNMENT.

ARTICLE 83.

The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war.

The Detaining Power shall give the enemy Powers, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of places of internment.

Whenever military considerations permit, internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. The Powers concerned may, however, agree upon any other system of marking. No place other than an internment camp shall be marked as such.

ARTICLE 84.

Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

ARTICLE 85.

The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas, or in districts the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is in an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit.

The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex, and state of health of the internees.

Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning.

Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory.

ARTICLE 86.

The Detaining Power shall place at the disposal of interned persons, of whatever denomination, premises suitable for the holding of their religious services.

ARTICLE 87.

Canteens shall be installed in every place of internment, except where other suitable facilities are available. Their purpose shall be to enable internees to make purchases, at prices not higher than local

market prices, of foodstuffs and articles of everyday use, including soap and tobacco, such as would increase their personal well-being and comfort.

Profits made by canteens shall be credited to a welfare fund to be set up for each place of internment, and administered for the benefit of the internees attached to such place of internment. The Internee Committee provided for in Article 102 shall have the right to check the management of the canteen and of the said fund.

When a place of internment is closed down, the balance of the welfare fund shall be transferred to the welfare fund of a place of internment for internees of the same nationality, or, if such a place does not exist, to a central welfare fund which shall be administered for the benefit of all internees remaining in the custody of the Detaining Power. In case of a general release, the said profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

Article 88.

In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed. In case of alarms, the internees shall be free to enter such shelters as quickly as possible, excepting those who remain for the protection of their quarters against the aforesaid hazards. Any protective measures taken in favour of the population shall also apply to them.

All due precautions must be taken in places of internment against the danger of fire.

CHAPTER III.

Food and Clothing.

Article 89.

Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees.

Internees shall also be given the means by which they can prepare for themselves any additional food in their possession.

Sufficient drinking water shall be supplied to internees. The use of tobacco shall be permitted.

Internees who work shall receive additional rations in proportion to the kind of labour which they perform.

Expectant and nursing mothers, and children under fifteen years of age, shall be given additional food, in proportion to their physiological needs.

ARTICLE 90.

When taken into custody, internees shall be given all facilities to provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies if required. Should any internees not have sufficient clothing, account being taken of the climate, and be unable to procure any, it shall be provided free of charge to them by the Detaining Power.

The clothing supplied by the Detaining Power to internees and the outward markings placed on their own clothes shall not be ignominious nor expose them to ridicule.

Workers shall receive suitable working outfits, including protective clothing, whenever the nature of their work so requires.

CHAPTER IV.

HYGIENE AND MEDICAL ATTENTION.

ARTICLE 91.

Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as an appropriate diet. Isolation wards shall be set aside for cases of contagious or mental diseases.

Maternity cases and internees suffering from serious diseases, or whose condition requires special treatment, a surgical operation or hospital care, must be admitted to any institution where adequate treatment can be given and shall receive care not inferior to that provided for the general population.

Internees shall, for preference, have the attention of medical personnel of their own nationality.

Internees may not be prevented from presenting themselves to the medical authorities for examination. The medical authorities of the Detaining Power shall, upon request, issue to every internee who has undergone treatment an official certificate showing the nature of his illness or injury, and the duration and nature of the treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article 140.

Treatment, including the provision of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other artificial appliances and spectacles, shall be free of charge to the internee.

ARTICLE 92.

Medical inspections of internees shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of internees, and to detect contagious diseases, especially tuberculosis, malaria, and venereal

diseases. Such inspections shall include, in particular, the checking of weight of each internee and, at least once a year, radioscopic examination.

Chapter V.

Religious, Intellectual and Physical Activities.

Article 93.

Internees shall enjoy complete latitude in the exercise of their religious duties, including attendance at the services of their faith, on condition that they comply with the disciplinary routine prescribed by the detaining authorities.

Ministers of religion who are interned shall be allowed to minister freely to the members of their community. For this purpose, the Detaining Power shall ensure their equitable allocation amongst the various places of internment in which there are internees speaking the same language and belonging to the same religion. Should such ministers be too few in number, the Detaining Power shall provide them with the necessary facilities, including means of transport, for moving from one place to another, and they shall be authorized to visit any internees who are in hospital. Ministers of religion shall be at liberty to correspond on matters concerning their ministry with the religious authorities in the country of detention and, as far as possible, with the international religious organizations of their faith. Such correspondence shall not be considered as forming a part of the quota mentioned in Article 107. It shall, however, be subject to the provisions of Article 112.

When internees do not have at their disposal the assistance of ministers of their faith, or should these latter be too few in number, the local religious authorities of the same faith may appoint, in agreement with the Detaining Power, a minister of the internees' faith or, if such a course is feasible from a denominational point of view, a minister of similar religion or a qualified layman. The latter shall enjoy the facilities granted to the ministry he has assumed. Persons so appointed shall comply with all regulations laid down by the Detaining Power in the interests of discipline and security.

Article 94.

The Detaining Power shall encourage intellectual, educational and recreational pursuits, sports and games amongst internees, whilst leaving them free to take part in them or not. It shall take all practicable measures to ensure the exercise thereof, in particular by providing suitable premises.

All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.

Internees shall be given opportunities for physical exercise, sports and outdoor games. For this purpose, sufficient open spaces shall be set aside in all places of internment. Special playgrounds shall be reserved for children and young people.

ARTICLE 95.

The Detaining Power shall not employ internees as workers, unless they so desire. Employment which, if undertaken under compulsion by a protected person not in internment, would involve a breach of Articles 40 or 51 of the present Convention, and employment on work which is of a degrading or humiliating character are in any case prohibited.

After a working period of six weeks, internees shall be free to give up work at any moment, subject to eight days' notice.

These provisions constitute no obstacle to the right of the Detaining Power to employ interned doctors, dentists and other medical personnel in their professional capacity on behalf of their fellow internees, or to employ internees for administrative and maintenance work in places of internment and to detail such persons for work in the kitchens or for other domestic tasks, or to require such persons to undertake duties connected with the protection of internees against aerial bombardment or other war risks. No internee may, however, be required to perform tasks for which he is, in the opinion of a medical officer, physically unsuited.

The Detaining Power shall take entire responsibility for all working conditions, for medical attention, for the payment of wages, and for ensuring that all employed internees receive compensation for occupational accidents and diseases. The standards prescribed for the said working conditions and for compensation shall be in accordance with the national laws and regulations, and with the existing practice; they shall in no case be inferior to those obtaining for work of the same nature in the same district. Wages for work done shall be determined on an equitable basis by special agreements between the internees, the Detaining Power, and, if the case arises, employers other than the Detaining Power, due regard being paid to the obligation of the Detaining Power to provide for free maintenance of internees and for the medical attention which their state of health may require. Internees permanently detailed for categories of work mentioned in the third paragraph of this Article, shall be paid fair wages by the Detaining Power. The working conditions and the scale of compensation for occupational accidents and diseases to internees thus detailed, shall not be inferior to those applicable to work of the same nature in the same district.

ARTICLE 96.

All labour detachments shall remain part of and dependent upon a place of internment. The competent authorities of the Detaining Power and the commandant of a place of internment shall be responsible for the observance in a labour detachment of the provisions of the

present Convention. The commandant shall keep an up-to-date list of the labour detachments subordinate to him and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross and of other humanitarian organizations who may visit the places of internment.

Chapter VI.

Personal Property and Financial Resources.

Article 97.

Internees shall be permitted to retain articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except in accordance with established procedure. Detailed receipts shall be given therefor.

The amounts shall be paid into the account of every internee as provided for in Article 98. Such amounts may not be converted into any other currency unless legislation in force in the territory in which the owner is interned so requires or the internee gives his consent.

Articles which have above all a personal or sentimental value may not be taken away.

A woman internee shall not be searched except by a woman.

On release or repatriation, internees shall be given all articles, monies or other valuables taken from them during internment and shall receive in currency the balance of any credit to their accounts kept in accordance with Article 98, with the exception of any articles or amounts withheld by the Detaining Power by virtue of its legislation in force. If the property of an internee is so withheld, the owner shall receive a detailed receipt.

Family or identity documents in the possession of internees may not be taken away without a receipt being given. At no time shall internees be left without identity documents. If they have none, they shall be issued with special documents drawn up by the detaining authorities, which will serve as their identity papers until the end of their internment.

Internees may keep on their persons a certain amount of money, in cash or in the shape of purchase coupons, to enable them to make purchases.

Article 98.

All internees shall receive regular allowances, sufficient to enable them to purchase goods and articles, such as tobacco, toilet requisites, etc. Such allowances may take the form of credits or purchase coupons.

Furthermore, internees may receive allowances from the Power to which they owe allegiance, the Protecting Powers, the organizations which may assist them, or their families, as well as the income on their

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property in accordance with the law of the Detaining Power. The amount of allowances granted by the Power to which they owe allegiance shall be the same for each category of internees (infirm, sick, pregnant women, etc.), but may not be allocated by that Power or distributed by the Detaining Power on the basis of discriminations between internees which are prohibited by Article 27 of the present Convention.

The Detaining Power shall open a regular account for every internee, to which shall be credited the allowances named in the present Article, the wages earned and the remittances received, together with such sums taken from him as may be available under the legislation in force in the territory in which he is interned. Internees shall be granted all facilities consistent with the legislation in force in such territory to make remittances to their families and to other dependants. They may draw from their accounts the amounts necessary for their personal expenses, within the limits fixed by the Detaining Power. They shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts. A statement of accounts shall be furnished to the Protecting Power on request, and shall accompany the internee in case of transfer.

Chapter VII.

Administration and Discipline.

Article 99.

Every place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment must have in his possession a copy of the present Convention in the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application.

The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee.

Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of internment, in a language which they understand.

Every order and command addressed to internees individually, must likewise, be given in a language which they understand.

Article 100.

The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include

regulations imposing on internees any physical exertion dangerous to their health or involving physical or moral victimization. Identification by tattooing or imprinting signs or markings on the body, is prohibited.

In particular, prolonged standing and roll-calls, punishment drill, military drill and manoeuvres, or the reduction of food rations, are prohibited.

ARTICLE 101.

Internees shall have the right to present to the authorities in whose power they are, any petition with regard to the conditions of internment to which they are subjected.

They shall also have the right to apply without restriction through the Internee Committee or, if they consider it necessary, direct to the representatives of the Protecting Power, in order to indicate to them any points on which they may have complaints to make with regard to the conditions of internment.

Such petitions and complaints shall be transmitted forthwith and without alteration, and even if the latter are recognized to be unfounded, they may not occasion any punishment.

Periodic reports on the situation in places of internment and as to the needs of the internees, may be sent by the Internee Committees to the representatives of the Protecting Powers.

ARTICLE 102.

In every place of internment, the internees shall freely elect by secret ballot every six months, the members of a Committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. The members of the Committee shall be eligible for re-election.

Internees so elected shall enter upon their duties after their election has been approved by the detaining authorities. The reasons for any refusals or dismissals shall be communicated to the Protecting Powers concerned.

ARTICLE 103.

The Internee Committees shall further the physical, spiritual and intellectual well-being of the internees.

In case the internees decide, in particular, to organize a system of mutual assistance amongst themselves, this organization would be within the competence of the Committees in addition to the special duties entrusted to them under other provisions of the present Convention.

ARTICLE 104.

Members of Internee Committees shall not be required to perform any other work, if the accomplishment of their duties is rendered more difficult thereby.

Members of Internee Committees may appoint from amongst the internees such assistants as they may require. All material facilities shall be granted to them, particularly a certain freedom of movement necessary for the accomplishment of their duties (visits to labour detachments, receipt of supplies, etc.).

All facilities shall likewise be accorded to members of Internee Committees for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, and with the organizations which give assistance to internees. Committee members in labour detachments shall enjoy similar facilities for communication with their Internee Committee in the principal place of internment. Such communications shall not be limited, nor considered as forming a part of the quota mentioned in Article 107.

Members of Internee Committees who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

CHAPTER VIII.

RELATIONS WITH THE EXTERIOR.

ARTICLE 105.

Immediately upon interning protected persons, the Detaining Powers shall inform them, the Power to which they owe allegiance and their Protecting Power of the measures taken for executing the provisions of the present Chapter. The Detaining Powers shall likewise inform the Parties concerned of any subsequent modifications of such measures.

ARTICLE 106.

As soon as he is interned, or at the latest not more than one week after his arrival in a place of internment, and likewise in cases of sickness or transfer to another place of internment or to a hospital, every internee shall be enabled to send direct to his family, on the one hand, and to the Central Agency provided for by Article 140, on the other, an internment card similar, if possible, to the model annexed to the present Convention, informing his relatives of his detention, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any way.

ARTICLE 107.

Internees shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each internee, the said number shall not be less than two letters and four cards monthly; these shall be drawn up so as to conform as closely as possible to the models annexed to the present Convention. If limitations must be placed on the correspondence addressed to internees, they may be ordered only by the Power to which such internees owe allegiance, possibly at the request of the Detaining Power. Such letters and cards must be conveyed with reasonable despatch; they may not be delayed or retained for disciplinary reasons.

Internees who have been a long time without news, or who find it impossible to receive news from their relatives, or to give them news by the ordinary postal route, as well as those who are at a considerable distance from their homes, shall be allowed to send telegrams, the charges being paid by them in the currency at their disposal. They shall likewise benefit by this provision in cases which are recognized to be urgent.

As a rule, internees' mail shall be written in their own language. The Parties to the conflict may authorize correspondence in other languages.

ARTICLE 108.

Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medical supplies, as well as books and objects of a devotional, educational or recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

Should military necessity require the quantity of such shipments to be limited, due notice thereof shall be given to the Protecting Power and to the International Committee of the Red Cross, or to any other organization giving assistance to the internees and responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the internees of relief supplies. Parcels of clothing and foodstuffs may not include books. Medical relief supplies shall, as a rule, be sent in collective parcels.

ARTICLE 109.

In the absence of special agreements between Parties to the conflict regarding the conditions for the receipt and distribution of collective relief shipments, the regulations concerning collective relief which are annexed to the present Convention shall be applied.

The special agreements provided for above shall in no case restrict the right of Internee Committees to take possession of collective relief shipments intended for internees, to undertake their distribution and to dispose of them in the interests of the recipients.

Nor shall such agreements restrict the right of representatives of the Protecting Powers, the International Committee of the Red Cross, or any other organization giving assistance to internees and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

ARTICLE 110.

All relief shipments for internees shall be exempt from import, customs and other dues.

All matter sent by mail, including relief parcels sent by parcel post and remittances of money, addressed from other countries to internees or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 136 and the Central Information Agency provided for in Article 140, shall be exempt from all postal dues both in the countries of origin and destination and in intermediate countries. To this end, in particular, the exemption provided by the Universal Postal Convention of 1947 and by the agreements of the Universal Postal Union in favour of civilians of enemy nationality detained in camps or civilian prisons, shall be extended to the other interned persons protected by the present Convention. The countries not signatory to the above-mentioned agreements shall be bound to grant freedom from charges in the same circumstances.

The cost of transporting relief shipments which are intended for internees and which, by reason of their weight or any other cause, cannot be sent through the post office, shall be borne by the Detaining Power in all the territories under its control. Other Powers which are Parties to the present Convention shall bear the cost of transport in their respective territories.

Costs connected with the transport of such shipments, which are not covered by the above paragraphs, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the charges for telegrams sent by internees, or addressed to them.

ARTICLE 111.

Should military operations prevent the Powers concerned from fulfilling their obligation to ensure the conveyance of the mail and relief shipments provided for in Articles 106, 107, 108 and 113, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake the conveyance of such shipments by suitable means (rail, motor vehicles, vessels or aircraft; etc.). For this

purpose, the High Contracting Parties shall endeavour to supply them with such transport, and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

(*a*) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 140 and the National Bureaux referred to in Article 136;

(*b*) correspondence and reports relating to internees which the Protecting Powers, the International Committee of the Red Cross or any other organization assisting the internees exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

The costs occasioned by the use of such means of transport shall be borne, in proportion to the importance of the shipments, by the Parties to the conflict whose nationals are benefited thereby.

ARTICLE 112.

The censoring of correspondence addressed to internees or despatched by them shall be done as quickly as possible.

The examination of consignments intended for internees shall not be carried out under conditions that will expose the goods contained in them to deterioration. It shall be done in the presence of the addressee, or of a fellow-internee duly delegated by him. The delivery to internees of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by the Parties to the conflict either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

ARTICLE 113.

The Detaining Powers shall provide all reasonable facilities for the transmission, through the Protecting Power or the Central Agency provided for in Article 140, or as otherwise required, of wills, powers of attorney, letters of authority, or any other documents intended for internees or despatched by them.

In all cases the Detaining Powers shall facilitate the execution and authentication in due legal form of such documents on behalf of internees, in particular by allowing them to consult a lawyer.

ARTICLE 114.

The Detaining Power shall afford internees all facilities to enable them to manage their property, provided this is not incompatible with

the conditions of internment and the law which is applicable. For this purpose, the said Power may give them permission to leave the place of internment in urgent cases and if circumstances allow.

Article 115.

In all cases where an internee is a party to proceedings in any court, the Detaining Power shall, if he so requests, cause the court to be informed of his detention and shall, within legal limits, ensure that all necessary steps are taken to prevent him from being in any way prejudiced, by reason of his internment, as regards the preparation and conduct of his case or as regards the execution of any judgment of the court.

Article 116.

Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible.

As far as is possible, internees shall be permitted to visit their homes in urgent cases, particularly in cases of death or serious illness of relatives.

Chapter IX.

Penal and Disciplinary Sanctions.

Article 117.

Subject to the provisions of the present Chapter, the laws in force in the territory in which they are detained will continue to apply to internees who commit offences during internment.

If general laws, regulations or orders declare acts committed by internees to be punishable, whereas the same acts are not punishable when committed by persons who are not internees, such acts shall entail disciplinary punishments only.

No internee may be punished more than once for the same act, or on the same count.

Article 118.

The courts or authorities shall in passing sentence take as far as possible into account the fact that the defendant is not a national of the Detaining Power. They shall be free to reduce the penalty prescribed for the offence with which the internee is charged and shall not be obliged, to this end, to apply the minimum sentence prescribed.

Imprisonment in premises without daylight and, in general, all forms of cruelty without exception are forbidden.

Internees who have served disciplinary or judicial sentences shall not be treated differently from other internees.

The duration of preventive detention undergone by an internee shall be deducted from any disciplinary or judicial penalty involving confinement to which he may be sentenced.

Internee Committees shall be informed of all judicial proceedings instituted against internees whom they represent, and of their result.

ARTICLE 119.

The disciplinary punishments applicable to internees shall be the following:

(1) A fine which shall not exceed 50 per cent of the wages which the internee would otherwise receive under the provisions of Article 95 during a period of not more than thirty days.
(2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
(3) Fatigue duties, not exceeding two hours daily, in connection with the maintenance of the place of internment.
(4) Confinement.

In no case shall disciplinary penalties be inhuman, brutal or dangerous for the health of internees. Account shall be taken of the internee's age, sex and state of health.

The duration of any single punishment shall in no case exceed a maximum of thirty consecutive days, even if the internee is answerable for several breaches of discipline when his case is dealt with, whether such breaches are connected or not.

ARTICLE 120.

Internees who are recaptured after having escaped or when attempting to escape, shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

Article 118, paragraph 3, notwithstanding, internees punished as a result of escape or attempt to escape, may be subjected to special surveillance, on condition that such surveillance does not affect the state of their health, that it is exercised in a place of internment and that it does not entail the abolition of any of the safeguards granted by the present Convention.

Internees who aid and abet an escape or attempt to escape, shall be liable on this count to disciplinary punishment only.

ARTICLE 121.

Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance in cases where an internee is prosecuted for offences committed during his escape.

The Parties to the conflict shall ensure that the competent authorities exercise leniency in deciding whether punishment inflicted for an offence shall be of a disciplinary or judicial nature, especially in respect of acts committed in connection with an escape, whether successful or not.

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ARTICLE 122.

Acts which constitute offences against discipline shall be investigated immediately. This rule shall be applied, in particular, in cases of escape or attempt to escape. Recaptured internees shall be handed over to the competent authorities as soon as possible.

In case of offences against discipline, confinement awaiting trial shall be reduced to an absolute minimum for all internees, and shall not exceed fourteen days. Its duration shall in any case be deducted from any sentence of confinement.

The provisions of Articles 124 and 125 shall apply to internees who are in confinement awaiting trial for offences against discipline.

ARTICLE 123.

Without prejudice to the competence of courts and higher authorities, disciplinary punishment may be ordered only by the commandant of the place of internment, or by a responsible officer or official who replaces him, or to whom he has delegated his disciplinary powers.

Before any disciplinary punishment is awarded, the accused internee shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced in the presence of the accused and of a member of the Internee Committee.

The period elapsing between the time of award of a disciplinary punishment and its execution shall not exceed one month.

When an internee is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

A record of disciplinary punishments shall be maintained by the commandant of the place of internment and shall be open to inspection by representatives of the Protecting Power.

ARTICLE 124.

Internees shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements; they shall in particular be provided with adequate bedding. Internees undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Women internees undergoing disciplinary punishment shall be confined in separate quarters from male internees and shall be under the immediate supervision of women.

ARTICLE 125.

Internees awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, if they so request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the infirmary of the place of internment or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may be withheld from them until the completion of their punishment; such consignments shall meanwhile be entrusted to the Internee Committee, who will hand over to the infirmary the perishable goods contained in the parcels.

No internee given a disciplinary punishment may be deprived of the benefit of the provisions of Articles 107 and 143 of the present Convention.

ARTICLE 126.

The provisions of Articles 71 to 76 inclusive shall apply, by analogy, to proceedings against internees who are in the national territory of the Detaining Power.

CHAPTER X.

TRANSFERS OF INTERNEES.

ARTICLE 127.

The transfer of internees shall always be effected humanely. As a general rule, it shall be carried out by rail or other means of transport, and under conditions at least equal to those obtaining for the forces of the Detaining Power in their changes of station. If, as an exceptional measure, such removals have to be effected on foot, they may not take place unless the internees are in a fit state of health, and may not in any case expose them to excessive fatigue.

The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, and also with the necessary clothing, adequate shelter and the necessary medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during transfer, and shall establish before their departure a complete list of all internees transferred.

Sick, wounded or infirm internees and maternity cases shall not be transferred if the journey would be seriously detrimental to them, unless their safety imperatively so demands.

If the combat zone draws close to a place of internment, the internees in the said place shall not be transferred unless their removal can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

When making decisions regarding the transfer of internees, the Detaining Power shall take their interests into account and, in particular, shall not do anything to increase the difficulties of repatriating them or returning them to their own homes.

Article 128.

In the event of transfer, internees shall be officially advised of their departure and of their new postal address, Such notification shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited if the conditions of transfer so require, but in no case to less than twenty-five kilograms per internee.

Mail and parcels addressed to their former place of internment shall be forwarded to them without delay.

The commandant of the place of internment shall take, in agreement with the Internee Committee, any measures needed to ensure the transport of the internees' community property and of the luggage the internees are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph.

Chapter XI.

Deaths.

Article 129.

The wills of internees shall be received for safe-keeping by the responsible authorities; and in the event of the death of an internee his will shall be transmitted without delay to a person whom he has previously designated.

Deaths of internees shall be certified in every case by a doctor, and a death certificate shall be made out, showing the causes of death and the conditions under which it occurred.

An official record of the death, duly registered, shall be drawn up in accordance with the procedure relating thereto in force in the territory where the place of internment is situated, and a duly certified copy of such record shall be transmitted without delay to the Protecting Power as well as to the Central Agency referred to in Article 140.

Article 130.

The detaining authorities shall ensure that internees who die while interned are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, properly maintained, and marked in such a way that they can always be recognized.

Deceased internees shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his expressed wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased. The ashes shall be retained for safe-keeping by the detaining authorities and shall be transferred as soon as possible to the next of kin on their request.

As soon as circumstances permit, and not later than the close of hostilities, the Detaining Power shall forward lists of graves of deceased internees to the Powers on whom the deceased internees depended, through the Information Bureaux provided for in Article 136. Such lists shall include all particulars necessary for the identification of the deceased internees, as well as the exact location of their graves.

Article 131.

Every death or serious injury of an internee, caused or suspected to have been caused by a sentry, another internee or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. The evidence of any witnesses shall be taken, and a report including such evidence shall be prepared and forwarded to the said Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all necessary steps to ensure the prosecution of the person or persons responsible.

Chapter XII.

Release, Repatriation and Accommodation in Neutral Countries.

Article 132.

Each interned person shall be released by the Detaining Power as soon as the reasons which necessitated his internment no longer exist.

The Parties to the conflict shall, moreover, endeavour during the course of hostilities, to conclude agreements for the release, the repatriation, the return to places of residence or the accommodation in

a neutral country of certain classes of internees, in particular children, pregnant women and mothers with infants and young children, wounded and sick, and internees who have been detained for a long time.

ARTICLE 133.

Internment shall cease as soon as possible after the close of hostilities.

Internees in the territory of a Party to the conflict against whom penal proceedings are pending for offences not exclusively subject to disciplinary penalties, may be detained until the close of such proceedings and, if circumstances require, until the completion of the penalty. The same shall apply to internees who have been previously sentenced to a punishment depriving them of liberty.

By agreement between the Detaining Power and the Powers concerned, committees may be set up after the close of hostilities, or of the occupation of territories, to search for dispersed internees.

ARTICLE 134.

The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to ensure the return of all internees to their last place of residence, or to facilitate their repatriation.

ARTICLE 135.

The Detaining Power shall bear the expense of returning released internees to the places where they were residing when interned, or, if it took them into custody while they were in transit or on the high seas, the cost of completing their journey or of their return to their point of departure.

Where a Detaining Power refuses permission to reside in its territory to a released internee who previously had his permanent domicile therein, such Detaining Power shall pay the cost of the said internee's repatriation. If, however, the internee elects to return to his country on his own responsibility or in obedience to the Government of the Power to which he owes allegiance, the Detaining Power need not pay the expenses of his journey beyond the point of his departure from its territory. The Detaining Power need not pay the costs of repatriation of an internee who was interned at his own request.

If internees are transferred in accordance with Article 45, the transferring and receiving Powers shall agree on the portion of the above costs to be borne by each.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

SECTION V.

Information Bureaux and Central Agency.

Article 136.

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall establish an official Information Bureau responsible for receiving and transmitting information in respect of the protected persons who are in its power.

Each of the Parties to the conflict shall, within the shortest possible period, give its Bureau information of any measure taken by it concerning any protected persons who are kept in custody for more than two weeks, who are subjected to assigned residence or who are interned. It shall, furthermore, require its various departments concerned with such matters to provide the aforesaid Bureau promptly with information concerning all changes pertaining to these protected persons, as, for example, transfers, releases, repatriations, escapes, admittances to hospitals, births and deaths.

Article 137.

Each national Bureau shall immediately forward information concerning protected persons by the most rapid means to the Powers of whom the aforesaid persons are nationals, or to Powers in whose territory they resided, through the intermediary of the Protecting Powers and likewise through the Central Agency provided for in Article 140. The Bureaux shall also reply to all enquiries which may be received regarding protected persons.

Information Bureaux shall transmit information concerning a protected person unless its transmission might be detrimental to the person concerned or to his or her relatives. Even in such a case, the information may not be withheld from the Central Agency which, upon being notified of the circumstances, will take the necessary precautions indicated in Article 140.

All communications in writing made by any Bureau shall be authenticated by a signature or a seal.

Article 138.

The information received by the national Bureau and transmitted by it shall be of such a character as to make it possible to identify the protected person exactly and to advise his next of kin quickly. The information in respect of each person shall include at least his surname, first names, place and date of birth, nationality, last residence and distinguishing characteristics, the first name of the father and the maiden name of the mother, the date, place and nature of the action taken with regard to the individual, the address at which correspondence may be sent to him and the name and address of the person to be informed.

Likewise, information regarding the state of health of internees who are seriously ill or seriously wounded shall be supplied regularly and if possible every week.

ARTICLE 139.

Each national Information Bureau shall, furthermore, be responsible for collecting all personal valuables left by protected persons mentioned in Article 136, in particular those who have been repatriated or released, or who have escaped or died; it shall forward the said valuables to those concerned, either direct, or, if necessary, through the Central Agency. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full identity particulars of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Detailed records shall be maintained of the receipt and despatch of all such valuables.

ARTICLE 140.

A Central Information Agency for protected persons, in particular for internees, shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency, which may be the same as that provided for in Article 123 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

The function of the Agency shall be to collect all information of the type set forth in Article 136 which it may obtain through official or private channels and to transmit it as rapidly as possible to the countries of origin or of residence of the persons concerned, except in cases where such transmission might be detrimental to the persons whom the said information concerns, or to their relatives. It shall receive from the Parties to the conflict all reasonable facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross and of the relief societies described in Article 142.

ARTICLE 141.

The national Information Bureaux and the Central Information Agency shall enjoy free postage for all mail, likewise the exemptions provided for in Article 110, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

PART IV.

EXECUTION OF THE CONVENTION.

SECTION I.

GENERAL PROVISIONS.

ARTICLE 142.

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organizations assisting the protected persons, shall receive from these Powers, for themselves or their duly accredited agents, all facilities for visiting the protected persons, for distributing relief supplies and material from any source, intended for educational, recreational or religious purposes, or for assisting them in organizing their leisure time within the places of internment. Such societies or organizations may be constituted in the territory of the Detaining Power, or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the supply of effective and adequate relief to all protected persons.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

ARTICLE 143.

Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work.

They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

Such visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.

Such representatives and delegates shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the Protecting Power and when occasion arises the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall also enjoy the above prerogatives. The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties.

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ARTICLE 144.

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population.

Any civilian, military, police or other authorities, who in time of war assume responsibilities in respect of protected persons, must possess the text of the Convention and be specially instructed as to its provisions.

ARTICLE 145.

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

ARTICLE 146.

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

ARTICLE 147.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person,

compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

ARTICLE 148.

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

ARTICLE 149.

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

SECTION II.

FINAL PROVISIONS.

ARTICLE 150.

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

ARTICLE 151.

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949.

ARTICLE 152.

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 153.

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

ARTICLE 154.

In the relations between the Powers who are bound by The Hague Conventions respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and who are parties to the present Convention, this last Convention shall be supplementary to Sections II and III of the Regulations annexed to the above mentioned Conventions of The Hague.

ARTICLE 155.

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

ARTICLE 156.

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 157.

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 158.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until

peace has been concluded, and until after operations connected with the release, repatriation and re-establishment of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 159.

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August, 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

(Here follow the annexes and the signatures on behalf of the following countries: Afghanistan, People's Republic of Albania, Argentina, Australia, Austria, Belgium, Byelorussian Soviet Socialist Republic, Bolivia, Brazil, Bulgarian People's Republic, Canada, Chile, China, Colombia, Cuba, Denmark, Egypt, Ecuador, Spain, United States of America, Ethiopia, Finland, France, Greece, Guatemala, Hungarian People's Republic, India, Iran, Republic of Ireland, Israel, Italy, Lebanon, Liechtenstein, Luxemburg, Mexico, Principality of Monaco, Nicaragua, Norway, New Zealand, Pakistan, Paraguay, Netherlands, Peru, Republic of the Philippines, Poland, Portugal, Rumanian People's Republic, United Kingdom of Great Britain and Northern Ireland, Holy See, El Salvador, Sweden, Switzerland, Syria, Czechoslovakia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Federal People's Republic of Yugoslavia.)

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-26.

An Act respecting the Commission established to administer the Roosevelt Campobello International Park.

AS PASSED BY THE SENATE, 28th MAY, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

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2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-26.

An Act respecting the Commission established to administer the Roosevelt Campobello International Park.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

Short title.

1. This Act may be cited as the *Roosevelt Campobello International Park Commission Act.*

INTERPRETATION.

Definitions.

2. In this Act,

"Agreement."

(*a*) "Agreement" means the Agreement between the Government of the United States of America and the Government of Canada relating to the establishment of the Roosevelt Campobello International Park Commission set out in the Schedule hereto;

"Commission."

(*b*) "Commission" means the Roosevelt Campobello International Park Commission established pursuant to the Agreement;

"Minister."

(*c*) "Minister" means the Secretary of State for External Affairs; and

"Park."

(*d*) "Park" means the Roosevelt Campobello International Park at Campobello, New Brunswick.

POWERS AND EXEMPTIONS OF THE COMMISSION.

Powers of Commission.

3. The Commission has in Canada the legal powers and capacities of a body corporate, including those set out in section 30 of the *Interpretation Act.*

Property of Commission exempt from attachment, etc.

4. All property of the Commission in Canada is exempt from attachment, seizure or execution under any writ or order of any court, or of a judge of any court, established by Parliament.

Commission exempt from customs or excise duties.

5. No duty or tax payable under any Act of Parliament relating to customs or excise is payable on any property imported into Canada by the Commission for use in connection with the Park.

Commission charitable organization.

6. The Commission shall be deemed to be a charitable organization in Canada

(*a*) as described in paragraph (*e*) of subsection (1) of section 62 of the *Income Tax Act*, for the purposes of that Act; and

(*b*) as described in subparagraph (i) of paragraph (*d*) of subsection (1) of section 7 of the *Estate Tax Act*, for the purposes of that Act.

Report to Parliament.

Report to Parliament.

7. The Commission shall, within three months after the termination of each year, submit to the Minister a report of the affairs of the Commission for that year, including the financial statement of the Commission and the report of its auditors thereon, and the Minister shall cause the report to be laid before Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Coming into Force.

Coming into force.

8. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

SCHEDULE.

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA RELATING TO THE ESTABLISHMENT OF THE ROOSEVELT CAMPOBELLO INTERNATIONAL PARK.

THE GOVERNMENTS OF CANADA AND THE UNITED STATES OF AMERICA

Noting the generous offer by the Hammer family of the summer home of President Franklin Delano Roosevelt on Campobello Island, New Brunswick, Canada, with the intention that it be opened to the general public as a memorial to President Roosevelt, and the acceptance in principle of this offer by Prime Minister Lester B. Pearson and President John F. Kennedy at Hyannis Port in May 1963; and

Recognizing the many intimate associations of President Roosevelt with the summer home on Campobello Island; and

Desiring to take advantage of this unique opportunity to symbolize the close and neighbourly relations between the peoples of Canada and the United States of America by the utilization of the gift to establish a Canadian-United States memorial park;

Agree as follows:

ARTICLE 1.

There shall be established a joint Canadian-United States commission, to be called the "Roosevelt Campobello International Park Commission", which shall have as its functions:

(*a*) to accept title from the Hammer family to the former Roosevelt estate comprising the Roosevelt home and other grounds on Campobello Island;

(*b*) to take the necessary measures to restore the Roosevelt home as closely as possible to its condition when it was occupied by President Roosevelt;

(*c*) to administer as a memorial the "Roosevelt Campobello International Park" comprising the Roosevelt estate and such other lands as may be acquired.

SCHEDULE—*Continued*

ARTICLE 2.

The Commission shall have juridical personality and all powers and capacity necessary or appropriate for the purpose of performing its functions under this Agreement including, but not by way of limitation, the following powers and capacity:

(*a*) to acquire and dispose of personal and real property, excepting the power to dispose of the Roosevelt home and the tract of land on which it is located;

(*b*) to enter into contracts;

(*c*) to sue or be sued in either Canada or the United States;

(*d*) to appoint a staff, including an Executive Secretary who shall act as secretary at meetings of the Commission, and to fix the terms and conditions of their employment and remuneration;

(*e*) to delegate to the Executive Secretary or other officials such authority respecting the employment and direction of staff and the other responsibilities of the Commission as it deems desirable and appropriate;

(*f*) to adopt such rules of procedure as it deems desirable to enable it to perform the functions set forth in this Agreement;

(*g*) to charge admission fees for entrance to the Park should the Commission consider such fees desirable; however, such fees shall be set at a level which will make the facilities readily available to visitors;

(*h*) to grant concessions if deemed desirable;

(*i*) to accept donations, bequests or devises intended for furthering the functions of the Commission and to use such donations, bequests or devises as may be provided in the terms thereof.

ARTICLE 3.

The Commission shall consist of six members, of whom three shall be appointed by the Government of Canada and three appointed by the Government of the United States. One of the Canadian members shall be nominated by the Government of New Brunswick and one of the United States members shall be nominated by the Government of Maine. Alternates may be appointed for each member of the Commission in the same manner as the members. The Commission shall elect a chairman and a vice-chairman from among its members, each of whom shall hold office for a term of two years, in such a manner that members of the same nationality shall never simultaneously serve as chairman and vice-chairman. The chairmanship shall alternate

SCHEDULE—*Continued*

between members of Canadian nationality and United States nationality every two years. A quorum shall consist of at least four members of the Commission or their alternates, including always two from Canada and two from the United States. The affirmative vote of at least two Canadian and two United States members or their respective alternates shall be required for any decision to be taken by the Commission.

ARTICLE 4.

The Commission may employ both Canadian and United States citizens. Their employment shall be subject to the relevant Canadian labour and other laws, and the Government of Canada agrees to take such measures as may be necessary to permit United States citizens to accept employment with the Commission on a similar basis to Canadian citizens.

ARTICLE 5.

The Commission shall maintain insurance in reasonable amounts, including, but not limited to, liability and property insurance.

ARTICLE 6.

The Commission shall hold at least one meeting every calendar year and shall submit an annual report to the Canadian and United States Governments on or before March 31 of each year, including a general statement of the operations for the previous year and an audited statement of the financial operations of the Commission. The Commission shall permit inspection of its records by the accounting agencies of both Governments.

ARTICLE 7.

All property belonging to the Commission shall be exempt from attachment, execution, or other processes for satisfaction of claims, debts or judgments.

ARTICLE 8.

The Commission shall not be subject to Federal, State, Provincial or local taxation in Canada or the United States on any real or personal property held by it or on any gift, bequest or devise to it of any personal

SCHEDULE—*Continued*

or real property, or on its income, whether from Governmental appropriations, admission fees, concessions or donations. All personal property imported or introduced into Canada by the Commission for use in connection with the Park shall be free from customs duties. Further consideration shall be given to granting exemption from other taxes the imposition of which would be inconsistent with the functioning of the Commission.

ARTICLE 9.

Arrangements may be made with the competent agencies of Canada and the United States for rendering, without reimbursement, such services as the Commission may request for the orderly development, maintenance and operation of the Park.

ARTICLE 10.

The Commission shall take appropriate measures to emphasize the international nature of the Park.

ARTICLE 11.

1. The Governments of Canada and the United States shall share equally the costs of developing the Roosevelt Campobello International Park and the annual cost of operating and maintaining the Park.

2. Any revenues derived from admission fees or concession operations of the Commission shall be transmitted in equal shares to the two Governments within 60 days of the end of the Commission's fiscal year. Other funds received by the Commission may be used to further the purposes of the Commission, in accordance with the provisions of this Agreement.

3. The Commission shall submit annually to the Canadian and United States Governments a budget covering total anticipated expenditures to be financed from all sources, and shall conduct its operations in accordance with the budget as approved by the two Governments.

4. The Commissioners shall receive no remuneration from the Commission; however, they may be paid reasonable per diem and travel expenses by the Commission.

SCHEDULE—*Concluded*

ARTICLE 12.

This Agreement requires implementation by legislation in each country; it shall come into effect after the enactment of such legislation on a date to be fixed by an exchange of notes between the two Governments.

Done in duplicate at Washington, this 22nd day of January 1964.

FOR THE GOVERNMENT OF CANADA:

(Sgd.) LESTER B. PEARSON

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

(Sgd.) LYNDON B. JOHNSON
1/22/64
Washington, D.C.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-27.

An Act respecting The Bell Telephone Company of Canada.

Read a first time, Tuesday, 26th May, 1964.

Honourable Senator BOUFFARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20722

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-27.

An Act respecting The Bell Telephone Company of Canada.

Preamble.
1880, c. 67;
1882, c. 95;
1884, c. 88;
1892, c. 67;
1894, c. 108;
1902, c. 41;
1906, c. 61;
1920, c. 100;
1929, c. 93;
1948, c. 81;
1957-58, c. 39.

WHEREAS The Bell Telephone Company of Canada has by its petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 8 of chapter 67 of the statutes of 1880 is repealed and the following substituted therefor:

Number of directors.

"**8.** The business of the Company shall be managed by a board of not less than five nor more than twenty directors, as may from time to time be determined by resolution of the shareholders, and each such director shall be the proprietor of at least ten shares in the capital stock of the Company, or such other additional number of shares, not exceeding forty additional shares, as the shareholders shall by any resolution passed at any annual general meeting, or special general meeting, from time to time determine; and the said Board of Directors shall be elected and hold office as hereinafter provided; and a majority of the said directors shall be residents of Canada."

Explanatory Notes.

The sole purpose of Clause 1 is to provide for an increase in the maximum number of directors from fifteen to twenty.

Section 8 of Chapter 67 of the statutes of 1880 now reads as follows:

> "8. The business of the Company shall be managed by a board of not less than five nor more than fifteen Directors, as may from time to time be determined by resolution of the shareholders, and each such Director shall be the proprietor of at least ten shares in the capital stock of the Company, or such other additional number of shares, not exceeding forty additional shares, as the shareholders shall by any resolution passed at any annual general meeting, or special general meeting, from time to time determine; and the said Board of Directors shall be elected and hold office as hereinafter provided; and a majority of the said Directors shall be residents of Canada."

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-28.

An Act respecting The Quebec Board of Trade.

AS PASSED BY THE SENATE, 11th JUNE, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20794

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-28.

An Act respecting The Quebec Board of Trade.

Preamble. 1841 (Prov. of Canada), c. 92; 1845 (Prov. of Canada), c. 67; 1889, c. 99.

WHEREAS The Quebec Board of Trade, and, in French, Le Bureau de Commerce de Quebec, hereinafter called "the Corporation", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name in English and French.

1. (1) The name of the Corporation, in English, is hereby changed to Board of Trade of Metropolitan Quebec, and, in French, to Chambre de Commerce de Quebec Metropolitain.

(2) The Corporation may use, in the conduct of its business and the management of its affairs, either of the names mentioned in section (1), as and when it so elects. It may sue or be sued in either of such names, and any transaction, contract or obligation entered into or incurred by the Corporation in either of such names shall be valid and binding on the Corporation.

(3) Nothing contained in subsections (1) and (2) shall in any way impair, alter or affect the rights or liabilities of the Corporation, except as therein expressly provided, or in any way affect any proceeding or judgment now pending, either by or in favour of or against the Corporation, which, notwithstanding the provisions of subsections (1) and (2), may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Head office.

2. The head office of the Corporation shall be at the city of Quebec, in the province of Quebec.

Explanatory Notes.

The purposes of the present bill are to modernize and consolidate the corporate structure of the Corporation, to change its name, in English and in French, and to provide that its jurisdiction shall extend to the metropolitan area of Quebec.

All the former statutes relating to the Corporation are repealed, and the present bill, while preserving the continuous existence of the Corporation, amounts in effect to a re-statement of its organization, functions, duties and powers.

Objects.

3. The objects of the Corporation are to promote the development of any lawful trade or industry, and to foster the economic and social welfare, of the city and metropolitan area of Quebec in particular, and of the province of Quebec and Canada in general; and, without restricting the generality of the foregoing,

(*a*) to defend and promote the professional and economic interests of its members and to promote social intercourse and mutual co-operation among them;

(*b*) to acquire appropriate office accommodation and meeting rooms in the city of Quebec;

(*c*) to organize, if necessary, a stock exchange and to promote the centralization of the grain, produce, provision and other trades in the city and metropolitan area of Quebec;

(*d*) to promote uniformity and conformity with legal rules and requirements in the transaction of the businesses of its members and in their relations with those with whom they deal;

(*e*) to adjust, settle and determine disputes, controversies and misunderstandings arising between persons engaged in the same trade or business, or which may be submitted to arbitration as hereinafter provided;

(*f*) to assume an initiative in publicity, advertising and the promotion of tourism; and

(*g*) to publish such pamphlets, periodicals, magazines, statistical summaries and other publications as the Corporation may deem in the interests of the Corporation or any of its members.

Acquisition and disposal of property.

4. The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy any estate whatsoever, real or personal, movable or immovable, may alienate, sell, convey, lease or otherwise dispose of the same or any part thereof from time to time, and as occasion may require may acquire any other such estate in lieu thereof or in addition thereto.

By-laws, rules and regulations.

5. (1) The by-laws, rules and regulations of the Corporation existing on the day on which this Act comes into force shall continue in force until amended or repealed, on the recommendation of the board of directors, by a majority vote at a general meeting of members duly called for that purpose.

(2) The affairs of the Corporation shall be managed by the board of directors, which may at any time make, repeal, amend or reinstate by-laws, rules and regulations concerning:

(*a*) the fees payable by members;

(*b*) the recovery of moneys or other obligations owing to the Corporation;

(*c*) the affiliation of the Corporation with other similar associations or bodies which pursue objects wholly or partially of a nature analogous to those of the Corporation;

(*d*) the terms of office of directors, which shall not exceed three years;

(*e*) the quorum of the board of directors, which shall be not less than five;

(*f*) the dismissal of directors and the procedure for filling any vacancies;

(*g*) the duties of the officers of the Corporation;

(*h*) the compensation and relief from liability of the officers and members of the board of the Corporation;

(*i*) the certification of documents and the keeping of the records of the Corporation;

(*j*) the auditing of accounts and the appointment of auditors;

(*k*) the calling and holding of meetings of the board and of general meetings of the members of the Corporation, the notices to be given therefor, the procedure to be followed thereat and the quorum, which, in the case of general meetings, shall be not less than fifteen;

(*l*) the appointment, dismissal, duties and functions of any officers, servants, agents or other functionaries of the Corporation, including the bonds required of and the remuneration to be paid to such persons; and

(*m*) any other matter incidental to carrying out the objects and powers of the Corporation.

(3) Any by-law, rule or regulation made pursuant to subsection (2), other than one relating to the servants, agents or other functionaries of the Corporation, shall, unless approved in the meantime by majority vote at a special general meeting of members duly called for such purpose, be valid only until the next annual general meeting of the members. If it is not ratified by a majority vote at such annual general meeting it shall thenceforth cease to have effect.

(4) When authorized by a by-law made by the board of directors and approved by at least two-thirds of the votes cast at a special general meeting of the members of the Corporation duly called to examine such by-law, the Corporation shall have the same borrowing powers, and powers of guaranteeing loans by way of mortgages, bonds or otherwise, as those granted to companies incorporated under the *Companies Act*.

R.S., c. 53.

Investment of funds.

6. (1) The property of the Corporation shall be used solely for the purposes of the Corporation and its funds may be invested in such securities as are permitted to insurance companies under the *Canadian and British Insurance Companies Act*.

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13.

(2) Nothing in subsection (1) shall be construed as preventing the Corporation from acquiring real or immovable property or from erecting buildings for the purposes of the Corporation, or from participating in pension plans for the benefit of its employees, or from granting gratuities or annuities to such employees.

Membership.

7. (1) The members of the Corporation on the day on which this Act comes into force shall continue as such, and thereafter the membership shall consist of those who continue to be members together with those who are admitted to membership from time to time pursuant to this Act.

(2) The Corporation may admit as members persons, firms, partnerships or associations in such manner and on such terms as may be provided for by by-law, and may expel, fine or suspend any member, or debar any member from the privileges incidental to membership, for such reasons and in such manner as the by-laws may determine.

Board of directors continue in office.

8. (1) The members of the board of directors in office on the day on which this Act comes into force shall continue as such until the first election held pursuant to this Act and until then shall have all the powers assigned to the board of directors by this Act.

(2) The board of directors shall be composed of not less than eighteen and not more than thirty-five members, as determined by the by-laws of the Corporation, which shall also provide for the manner of their appointment or election.

Officers.

9. (1) The officers, servants, agents and other functionaries of the Corporation on the day on which this Act comes into force shall continue as such until replaced in accordance with this Act.

(2) The officers of the Corporation shall consist of a president, one or more vice-presidents, an honorary secretary, an honorary treasurer, and such other officers as may be provided for in the by-laws of the Corporation, and the said officers shall be elected or appointed in accordance with and shall have the powers and duties provided for in such by-laws.

(3) Before assuming their duties, the officers of the Corporation shall take and subscribe before the mayor of the city of Quebec, or before a justice of the peace, the oath referred to in section 14 of *The Boards of Trade Act*.

R.S., c. 18.

Executive committee.

10. The board of directors of the Corporation may appoint an executive committee composed of at least three of its members, including the president and all vice-presidents, and may delegate to such committee such of its powers and duties as the board deems fit.

General meetings.

11. (1) An annual general meeting of the members of the Corporation shall be called and held each year on a day, not later than June 30th, to be determined by by-law.

(2) If no such meeting is called or held: (a) the Corporation shall remain in existence and the directors whose terms of office have expired shall remain in office until replaced in accordance with the by-laws of the Corporation; and (b) the Superior Court of the district of Quebec may, at the request of any member of the Corporation, call or order the calling of such a meeting.

(3) Special general meetings shall be held when the board of directors so determines or at the request of at least ten members of the Corporation.

Presiding officer.

12. At all meetings of the board of directors and at all general meetings of the Corporation, the president, or in his absence the senior vice-president, or in the absence of the president and all vice-presidents a member of the board of directors selected for the occasion, shall preside and be entitled to vote at such meetings, and shall also have a casting vote in the event of a tie.

Arbitration.

R.S., c. 18.

13. The Corporation may, pursuant to by-law, elect to function in accordance with sections 32 to 37, both inclusive, of *The Boards of Trade Act*, and in such event shall be bound as therein provided.

The responsibility of members limited.

14. A member or holder of an office shall not be thereby responsible for any action, default or obligation of the Corporation, nor for any commitment, claim, payment, loss, harm, transaction, matter or anything related to or connected with the Corporation, beyond any amount in dues or otherwise he owes to the Corporation.

Repeal.

15. (1) Chapter 92 of the statutes of the province of Canada, 1841; that part of chapter 67 of the statutes of the province of Canada, 1845, relating to The Quebec Board of Trade, and chapter 99 of the statutes of 1889, are repealed.

Proviso.

(2) Notwithstanding subsection (1), the Corporation shall be deemed to have had a continuous corporate existence since March 19th, 1842.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-29.

An Act to repeal the Dissolution and Annulment of Marriages Act.

Read a first time, Wednesday, 27th May, 1964.

Honourable Senator POULIOT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20885

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-29.

An Act to repeal the Dissolution and Annulment of Marriages Act.

1963, c. 10.

HER Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:

1. The *Dissolution and Annulment of Marriages Act* is repealed.

Explanatory Note.

The purpose of this bill is to repeal the *Dissolution and Annulment of Marriages Act*, 1963, c. 10, under which the Senate is empowered to dissolve or annul the marriages upon petition of persons domiciled in Quebec or Newfoundland. Prior to the enactment of the said Act divorces were granted by Act of the Parliament of Canada to persons domiciled in Quebec and Newfoundland.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-30.

An Act respecting The Dominion of Canada General Insurance Company.

AS PASSED BY THE SENATE, 11th June, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20841

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-30.

An Act respecting The Dominion of Canada General Insurance Company.

Preamble. 1887, c. 105; 1893, c. 80; 1898, c. 102; 1899, c. 108; 1929, c. 77; 1955, c. 68.

WHEREAS The Dominion of Canada General Insurance Company, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name in French.

1. The Company may use, in the transaction of its business, either the name The Dominion of Canada General Insurance Company or the name Dominion of Canada, Compagnie d'Assurance Générale, in either of which names it may sue or be sued, and any transaction, contract or obligation entered into or incurred by the Company in either of the said names shall be valid and binding on the Company.

Existing rights saved.

2. Nothing contained in section 1 of this Act shall in any way impair, alter or affect the rights or liabilities of the Company, except as therein expressly provided, nor in any way affect any suit or proceeding now pending or judgment existing, either by or in favour of or against the Company, which, notwithstanding the provisions of section 1 of this Act, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Explanatory Note

The sole purpose of this bill is to add a French version to the name of The Dominion of Canada General Insurance Company.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-31.

An Act respecting The Casualty Company of Canada.

AS PASSED BY THE SENATE, 11th JUNE, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20837

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-31.

An Act respecting The Casualty Company of Canada.

Preamble. 1911, c 63; 1913, c. 100; 1915, c. 62.

WHEREAS The Casualty Company of Canada, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name in French.

1. The Company may use, in the transaction of its business, either the name The Casualty Company of Canada or the name La Casualty, Compagnie d'Assurance du Canada, in either of which names it may sue or be sued, and any transaction, contract or obligation entered into or incurred by the Company in either of the said names shall be valid and binding on the Company.

Existing rights saved.

2. Nothing contained in section 1 of this Act shall in any way impair, alter or affect the rights or liabilities of the Company, except as therein expressly provided, nor in any way affect any suit or proceeding now pending or judgment existing, either by or in favour of or against the Company, which, notwithstanding the provisions of section 1 of this Act, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Explanatory Note.

The sole purpose of this bill is to add a French version to the name of The Casualty Company of Canada.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-32.

An Act to incorporate World Mortgage Corporation.

AS PASSED BY THE SENATE, 17th JUNE, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20958

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-32.

An Act to incorporate World Mortgage Corporation.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

1. John William Blain, solicitor, John Barker Lawson, solicitor, Thomas Albert Boyles, executive, Charles William Jameson, executive, Howard Wanless Hunter, investment dealer, and Edgar Stuart Miles, investment dealer, all of the city of Toronto, in the province of Ontario, are incorporated under the name of World Mortgage Corporation, and, in French, La Corporation Mondiale d'Hypotheques, hereinafter called "the Company".

Provisional directors.

2. The persons named in section 1 shall be the provisional directors of the Company.

Capital stock.

3. The capital stock of the Company shall be twenty million dollars, which may be increased to forty million dollars.

Amount to be subscribed before general meeting.

4. The amount to be subscribed before the provisional directors may call a general meeting of the shareholders shall be one million dollars.

Amount to be subscribed and paid before commencement.

5. The Company shall not commence business until four million dollars of the capital stock has been subscribed and one million dollars paid thereon.

Head office.

6. The head office of the Company shall be in the city of Toronto, in the province of Ontario.

Explanatory Notes.

The purpose of this bill is to incorporate World Mortgage Corporation pursuant to the provisions of the *Loan Companies Act.*

Sections 7, 8 and 9 of the bill depart from the form of the Model Bill set forth in the Act. Section 7 will permit the Company to invest in shares of Eastern & Chartered Trust Company beyond the limit prescribed by section 60(1)(*e*) of the Act. Section 8 provides for a limitation on the amount of such investment. The departure in section 9 is consequential upon sections 7 and 8.

Exception.

R.S., c. 170; 1952-53, c. 5; 1958, c. 35; 1960-61, c. 51.

1893, c. 84; 1899, c. 110; 1908, c. 103; 1948, c. 88.

1905, c. 162; 1915, c. 70; 1929, c. 75; 1949, c. 29.

7. Notwithstanding anything contained in the *Loan Companies Act*, the Company may, subject to section 8 hereof, purchase or otherwise acquire, and may exchange shares of the Company for, all or any portion of the outstanding shares of Eastern & Chartered Trust Company, a company resulting from an amalgamation of The Eastern Trust Company and the Chartered Trust Company, approved by Order in Council P.C. 1963-1729, 26th November, 1963, and may purchase or otherwise acquire, and may exchange shares of the Company for, all or any additional shares of Eastern & Chartered Trust Company which may from time to time be issued, or all or any of the shares of a company formed by the amalgamation of Eastern & Chartered Trust Company with one or more other trust companies; and the reserve of the Company as that term is used in section 81 of the *Loan Companies Act* may be so invested: Provided that nothing in this Act shall be deemed to permit the exchange of unissued shares of the Company for any unissued shares of Eastern & Chartered Trust Company or of any company formed by the amalgamation of Eastern & Chartered Trust Company with one or more other trust companies.

Proviso.

Limitations.

8. No investment, including an investment made by way of an exchange of shares of the Company, shall be made by the Company under the authority of section 7 hereof if, after the making of such investment, the aggregate cost to the Company of investments so made and then held by the Company would exceed the aggregate of the Company's then unimpaired paid-up capital and reserve, as that term is used in section 81 of the *Loan Companies Act*.

Powers.

9. The Company has all of the powers, privileges and immunities conferred by and, except as otherwise provided herein, is subject to all the limitations, liabilities and provisions of, the *Loan Companies Act*.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-33.

An Act to incorporate the Ottawa Terminal Railway Company.

Read a first time, Thursday, 4th June, 1964.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20970—1

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-33.

An Act to incorporate the Ottawa Terminal Railway Company.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

1. This Act may be cited as the *Ottawa Terminal Railway Company Act.*

Incorporation.

2. (1) Donald Gordon, Norman John MacMillan, Robert H. Tarr, Norris R. Crump, Robert A. Emerson and Howard C. Reid, all railway company executives, of the City of Montreal, together with such persons as become shareholders in the Company are incorporated under the name of

(*a*) "Ottawa Terminal Railway Company", in English; and

(*b*) "Compagnie de chemin de fer du terminus d'Ottawa", in French;

hereinafter called the "Company".

English and French form of Company's name.

(2) The Company may from time to time use, and it may be legally designated by, either the English form or the French form of its name or both forms.

Provisional directors.

3. The persons named in section 2 are the provisional directors of the Company.

Capital stock.

4. The capital stock of the Company shall be thirty million dollars.

Head office.

5. The head office of the Company shall be in the City of Ottawa, in the Province of Ontario.

Explanatory Note.

The purpose of this Bill is to implement, with regard to the incorporation of a terminal railway company, the agreement for the relocation of railways in the Ottawa area dated October 17, 1963, between the National Capital Commission, the Canadian Pacific Railway Company and the Canadian National Railway Company.

General meetings.

6. (1) General meetings of the shareholders, whether annual or special, may be held at such place within Canada, including the head office of the Company, as may be determined by by-law.

Annual meeting.

(2) The annual meeting of the shareholders shall be held on the first Tuesday in the month of April in each year, or on such other day as may be determined by resolution of the Board of Directors.

Number of directors.

7. The number of directors shall be not less than six nor more than ten, any one or more of whom may be officers in the employ of the Company.

Executive committee of directors.

8. (1) An executive committee with such powers and duties as may be fixed by by-law may be established by resolution of the directors.

Numbers of members.

(2) The executive committee shall be composed of either two or four members as prescribed by by-law.

Composition.

(3) The President of the Company is *ex officio* a member of the executive committee, and the other member or members of the executive committee shall be appointed by the directors from among themselves.

Undertaking.

9. (1) The Company may acquire, construct and operate a railway and related facilities in or about the City of Ottawa for the purpose of providing a transportation terminal.

Company may carry out proposals of Memorandum in Schedule.

(2) Without limiting the generality of any other provision of this Act, the Company may do all such things as it is contemplated by the Memorandum of Understanding set out in the Schedule that the proposed company therein referred to as the "Terminal Railway" shall do.

Powers of Company.

10. For the purposes of its undertaking, the Company may, in accordance with and subject to the provisions of the *Railway Act*,

Acquire property.

(*a*) acquire such lands or any interest therein, and rights and easements, as are considered requisite or desirable for the construction, maintenance and operation of the railway and related facilities;

Provide terminal facilities.

(*b*) acquire, construct, provide, modify, improve, renew, maintain and operate such buildings, structures, tracks, sidings, connections, yards, roads, parking areas, equipment, facilities for the supply, generation and distribution of heat, water and power and such other property and facilities of like or different kind as are suitable or advantageous for the receiving,

loading, carrying, delivery, storage, handling or interchange of goods and passengers of such companies as desire to use the Company's railway and related facilities, and generally for the provision of railway service in the vicinity of the City of Ottawa;

Receive grants and bonuses.

(*c*) receive, take and hold all voluntary grants and donations of lands or other property or any bonus of money or debentures, or other benefit of any sort, made to it for the purpose of aiding in the construction, maintenance and operation of the railway and related facilities; but the same shall be held and used for the purpose of such grants or donations only;

Dispose of property and services not required.

(*d*) alienate, sell, lease or otherwise dispose of, as may be deemed expedient, any lands or other property, and any heat, water, power or other facilities or services that are surplus to or unnecessary for the requirements of its undertaking;

Hotels, warehouses, etc.

(*e*) acquire, erect, manage, operate or control hotels, restaurants, offices, shops, warehouses, storage and other rooms and conveniences and in connection therewith or any portion thereof, grant leases, licences or concessions;

Telegraphs, etc.

(*f*) enter into agreements with any telecommunications, telegraph or telephone companies respecting the installation of their apparatus on property of the Company, the provision of services to such companies, and the carrying on of the business of any such companies on such property; and

Transfer service.

(*g*) establish and operate for hire a service for the conveyance and transfer of goods and passengers by means of trucks, buses, cabs, or other highway vehicles, or other means of conveyance, and acquire, hold, guarantee, pledge and dispose of shares in any company having for one of its objects the establishment or operation of such a service.

National Railways may convey to the Company lands, buildings, etc. in the City of Ottawa.

11. A company comprised in the National Railways as defined in the *Canadian National Railways Act* (in this section called a "comprised company") may sell, assign, transfer and convey to the Company, upon such terms and conditions and for such considerations as are agreed upon between the comprised company and the Company, so much of any lands, interest in lands, buildings, structures,

tracks, sidings, connections, yards, equipment and other facilities in and about the City of Ottawa owned by the comprised company, or such right, title or interest therein or thereto held or enjoyed by the comprised company, as the Company deems expedient and advisable to acquire for the purposes of the undertaking of the Company.

Canadian Pacific Railway Company may convey to the Company lands, buildings, etc. in the City of Ottawa.

12. The Canadian Pacific Railway Company may sell, assign, transfer and convey to the Company, upon such terms and conditions and for such considerations as are agreed upon between the Canadian Pacific Railway Company and the Company, so much of any lands, interest in lands, buildings, structures, tracks, sidings, connections, yards, equipment and other facilities in and about the City of Ottawa owned by Canadian Pacific Railway Company, or such right, title or interest therein or thereto held or enjoyed by the Canadian Pacific Railway Company as the Company deems expedient and advisable to acquire for the purposes of the undertaking of the Company.

Agreement for use of Company's undertaking.

13. Without limiting the generality of any other provision of this Act, the Company may enter into agreements with

(*a*) the Canadian National Railway Company and the Canadian Pacific Railway Company, or either of them, and

(*b*) any other corporation incorporated under any law of Canada or of any province,

for the operation, use and maintenance of the whole or any part of the undertaking and property of the Company, upon and subject to such terms and conditions as may be determined and agreed upon between the parties to any such agreement; and the Canadian National Railway Company and the Canadian Pacific Railway Company are hereby respectively empowered to enter into such agreements with the Company.

Issue of securities.

14. The Company may issue bonds, debentures or other securities to an amount not exceeding in the aggregate twenty million dollars and may secure the same by a mortgage upon the whole or any part of the property, assets and revenues of the Company.

C.N.R. and C.P.R. may acquire stock of the Company and guarantee principal and interest of securities.

15. The Canadian National Railway Company and the Canadian Pacific Railway Company may from time to time

(*a*) subscribe for, take and hold shares of the capital stock of the Company to the extent of one-half each of the total of such capital stock from time to time issued; and

(*b*) jointly or severally, on such terms and conditions as the directors of the said companies and the Company respectively agree upon, guarantee the payment of the principal and interest of any bonds, debentures or other securities that are from time to time issued by the Company for the purposes of its undertaking.

By-laws and regulations and management of terminal.

16. The Company may, subject to the *Railway Act*, make all such by-laws, rules and regulations as the directors of the Company deem necessary and proper for the control, management, operation and use of its railway and related facilities and of any other premises and property of the Company, including the use thereof by the public, and for the regulation and control of all vehicular traffic to, from and at the said railway and related facilities.

Time for construction.

17. The construction of the railway and related facilities shall be completed on or before the first day of January, 1967, or such later date as may from time to time be determined or sanctioned by the Board of Transport Commissioners for Canada.

Application of *Railway Act*.

18. The *Railway Act* applies to the Company and its undertaking.

19. The works and undertaking of the Company are hereby declared to be works for the general advantage of Canada.

SCHEDULE.

THIS MEMORANDUM OF UNDERSTANDING made in triplicate this 17th day of October, 1963.

BETWEEN:

THE NATIONAL CAPITAL COMMISSION, hereinafter called the "Commission",

of the First Part,

AND: CANADIAN PACIFIC RAILWAY COMPANY, hereinafter called the "Pacific Railway",

of the Second Part,

AND: CANADIAN NATIONAL RAILWAY COMPANY, hereinafter called the "National Railways",

of the Third Part.

WHEREAS for many years the Government of Canada has advocated a complete and comprehensive relocation of railway lines in the Ottawa area;

AND WHEREAS the Commission has prepared a National Capital Commission Railway Relocation Plan (hereinafter referred to as the Relocation Plan) involving the relocation of railways in the Ottawa area;

AND WHEREAS according to the Relocation Plan certain railway tracks and structures of the Pacific Railway and National Railways are to be abandoned or relocated;

AND WHEREAS also according to the Relocation Plan a new railway station and other railway yards, tracks and structures are to be constructed by the Commission;

THEREFORE, it is mutually understood by the parties hereto as follows:

PART I.

1. The National Railways and the Pacific Railway will jointly use their best efforts to effect the incorporation of a Company (hereinafter referred to as the Terminal Railway) with share capital with such power and objects as the aforesaid Railways deem necessary but including among such objects that of acquiring from the National Railways, the Pacific Railway and the Commission those railway lands and facilities as hereinafter referred to.

2. (1) The National Railways and the Pacific Railway will participate equally in the incorporation of the said Terminal Railway and it is intended that each should be the owner of one-half of all shares of the capital stock of the Terminal Railway as may be issued from time to time.

(2) The shares of the Terminal Railway are being issued to the railway companies in consideration of properties transferred by the railway companies to the Terminal Railway and for properties which the Commission is under agreement with the railway companies transferring to the Terminal Railway.

(3) Subject to the provisions of the separate agreement mentioned in clause 11 of this Memorandum, the consideration for the property which, under this Memorandum, is to be vested in the National Railways (i.e., the property referred to in clauses 13 and 18 and the shares in the Terminal Railway) is the property which is to be conveyed by the National Railways to the Commission and the Terminal Railway.

(4) The consideration for the property which, under this Memorandum, is to be vested in the Pacific Railway (i.e. the property referred to in clause 9 and the shares in the Terminal Railway) is the property which, under this Memorandum, is to be conveyed by the Pacific Railway to the Commission and to the Terminal Railway.

3. The name of the Terminal Railway is to be "The Ottawa Terminal Railway Company" if that name is lawfully available or such other name as may be agreed upon by the parties hereto.

4. After the incorporation of the Terminal Railway, the National Railways and the Pacific Railway, as the intended or actual owners of all the shares of capital stock of the Terminal Railway, will procure that the Terminal Railway shall enter into such agreement or agreements as they may deem necessary to carry out the intent of this Memorandum.

5. The Terminal Railway area shall generally comprise the land bounded on the north by the south bank of the Ottawa River; on the west by a line due north of mileage 12.4 of the Beachburg Subdivision of the National Railways to the south bank of the Ottawa River; on the south by the most southerly boundary of the Beachburg Subdivision of the National Railways from approximately mileage 12.4 to Wass, the southerly boundary of the Walkely Line of the Commission from Wass to Hawthorne (including connections to the Alexandria Subdivision of the National Railways to approximately mileage 72.4) and a line from Hawthorne to approximately mileage 82.5 of the Montreal and Ottawa Subdivision of the Pacific Railway; and on the east by the most easterly boundary of the Montreal and Ottawa Subdivision of the Pacific Railway from approximately mileage 82.5 to the Rideau River, thence along the Rideau River to the Ottawa River; which are shown on the Commission Railway Relocation Plan, Schedule A, dated November 15, 1962, attached hereto and forming part of this Memorandum.

6. All industrial tracks, yard tracks and sidings, together with facilities used therewith (including land used or required in conjunction therewith) owned by the parties hereto or in which they have any interest (excepting that which is to be transferred to the Commission by the terms of this Memorandum and excepting further therefrom

lands where only tracks and facilities are to be transferred to the Commission), which are on the date of the execution of this Memorandum, or subsequently, located in or adjacent to the Terminal Railway area and that lead from trackage that is to be transferred to the Terminal Railway as set out in this Memorandum shall be transferred to the Terminal Railway and form part thereof except that the land and facilities forming the Merchandising Terminal, at Hurdman, of the Pacific Railway, and the Merchandising Terminal, at Hurdman, of the National Railways shall not be included in or form part of the facilities of the Terminal Railway.

PART II.

For the purpose of implementing the understandings set out in Part I of this Memorandum, the parties hereto have mutually agreed as follows:

7. The Pacific Railway will transfer to the Commission all its estate, title and interest in the following properties and facilities, which the Commission agrees to accept, subject to the rights of third parties under lease, licence, agreement, easement or otherwise:

(*a*) the land forming all that part of the Carleton Place Subdivision from mileage 0.0 of this Subdivision to the proposed connection of that Subdivision with the Beachburg Subdivision of the National Railways near Bells Corners, at approximately mileage 8.1 of the said Carleton Place Subdivision;

(*b*) the land forming all that part of the Sussex Street Subdivision from the most westerly boundary of Bank Street to the end of that Subdivision at the most southerly boundary of Sussex Street;

(*c*) the land forming all that part of the Montreal and Ottawa Subdivision

(i) from Hurdman at approximately mileage 84.8 to Deep Cut at mileage 86.8,

(ii) from Union Station at mileage 87.7 to Hull at mileage 89.3 including the Interprovincial Bridge and the rail and highway approaches thereto, and

(iii) from mileage 91.25 to mileage 91.54; and

(*d*) the land forming the Ottawa West Yard including the Broad Street freight office and sheds.

8. The Pacific Railway will transfer to Terminal Railway all its estate, title and interest in the following properties and facilities, which the National Railways and the Pacific Railway will procure, as owners of all shares of the capital stock of the Terminal Railway, that the Terminal Railway will accept, subject to the rights of third parties under lease, licence, agreement, easement or otherwise:

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(*a*) the land forming all that part of the Prescott Subdivision from Ottawa West at mileage 0.0 to approximately mileage 5.25;

(*b*) the land forming all that part of the Sussex Street Subdivision from Ellwood at mileage 0.0 to the most westerly boundary of Bank Street; and

(*c*) the land forming all that part of the Montreal and Ottawa Subdivision from approximately mileage 82.5 to approximately mileage 84.8.

9. The Commission, at its own expense, will provide to the reasonable requirements of the Pacific Railway and thereupon transfer to the Pacific Railway good and clear title (subject only to the easements, licences and rights-of-way expressed in the document of transfer which do not impair the use of the land for railway purposes) in and to:

(*a*) a new merchandising terminal at Hurdman, including necessary land, trackage, roadways, piggyback yard, trucking area and other facilities (located as shown on Schedule D, dated December 3, 1962, attached hereto);

(*b*) new communication facilities to replace those which are altered or removed as a result of the Railway Relocation Plan, including new repeater stations and a new telegraph line between the Sparks Street offices of the Pacific Railway and the proposed union station at Hurdman, it being understood that the Commission will assure to the Pacific Railway the necessary rights-of-way and easements in perpetuity for these facilities, together with access thereto for maintenance and renewals of, and additions to the said facilities, but the lines and facilities provided under this paragraph shall be only those that are required due to the implementation of the said Relocation Plan;

(*c*) rights-of-way and easements, and necessary access for additions, maintenance and renewal work, in connection with communication lines and facilities on all former Pacific Railway and National Railways property including those lines on the Interprovincial Bridge and its approaches;

(*d*) other suitable rights-of-way and easements, and necessary access for additions, maintenance and renewal work for any of the lines referred to in paragraph (*c*) of this clause if the Commission or others require their removal or relocation (the cost of such removal or relocation to be paid by the Commission);

(*e*) all necessary railway tracks and related facilities together with necessary land to connect the Maniwaki Subdivision to the Lachute Subdivision, at approximately

mileage 116.3 of the Lachute Subdivision, if such a connection is required due to the implementation of the Relocation Plan; and

(*f*) such additions and alterations to station facilities, track layout and signal system of the Pacific Railway located on the Quebec side of the Ottawa River as may be made necessary by the abandonment of the railway line to Hull over the Interprovincial Bridge.

10. The Commission will pay to the Pacific Railway and the National Railways the cost to these railways of constructing any grade separation or crossing protection ordered or approved by the Board of Transport Commissioners for Canada at the crossings of tracks of either railway that are to be transferred to the Terminal Railway under this Memorandum where such grade separation or crossing protection is required due, in part, to the increase in train traffic resulting from the joint operation of such trackage by the Pacific Railway and the National Railways.

11. The National Railways is transferring to the Commission pursuant to the terms of a separate agreement to be entered into between the National Railways and the Commission, the Union Station, bridges, land and other facilities as more particularly set forth in the said separate agreement.

12. The National Railways will transfer to the Terminal Railway all its estate, title and interest in the following properties and facilities, which the National Railways and the Pacific Railway will procure, as owners of all shares of the capital stock of the Terminal Railway, that the Terminal Railway will accept, subject to the rights of third parties under lease, licence, agreement, easement or otherwise:

(*a*) the land forming all that part of the Beachburg Subdivision between approximately mileage 12.4 near Bells Corners and the intersection of that Subdivision with the most southerly boundary of the right-of-way of the proposed station line at approximately mileage 0.6 of that Subdivision; and

(*b*) the land forming all that part of the Alexandria Subdivision between mileage 72.4 near Hawthorne and the most easterly boundary of Alta Vista Drive at approximately mileage 76.3.

13. The Commission, at its own expense, will provide to the reasonable requirements of the National Railways and thereupon transfer to the National Railways good and clear title (subject only to easements, licences and rights-of-way expressed in the document of transfer which do not impair the use of the land for railway purposes) in and to:

(*a*) an addition to the existing Terminal Avenue freight shed building sufficient to accommodate the National Railways express and other Departments now located in Union

Station, modification of trackage serving the building, team tracks to replace those abandoned in Bank Street and Hurdman yards, together with necessary lands (located as shown on Schedule D, dated December 3, 1962, attached hereto);

(*b*) new communication facilities to replace those which are altered or removed as a result of the Railway Relocation Plan, including a new repeater station on Terminal Avenue, also new communication lines to replace the existing pole lines on those portions of the Alexandria Subdivision and the Beachburg Subdivision that are to be transferred to the Commission, together with a connecting communication line to the new union station;

(*c*) a new cable line between the new communications building on Terminal Avenue and the Communications office of the National Railways located at the corner of Sparks and Metcalfe Streets, where such new cable is required due to the implementation of the Relocation Plan;

(*d*) a cable line between the communications building of the National Railways on Terminal Avenue and the communications repeater office of the Pacific Railway on Terminal Avenue; and

(*e*) it is understood that the Commission will assure to the National Railways the necessary rights-of-way and easements in perpetuity required for the said new communication facilities, together with access thereto for maintenance and renewals of, and additions to the said facilities as outlined in paragraphs (*b*), (*c*) and (*d*) of this clause.

14. (1) The Commission will pay all the charges assessed by the Pacific Railway against the National Railways, for the use, by trains of the National Railways, of the Prescott Subdivision of the Pacific Railway between the Walkley Diamond and Ottawa West during the period between the date on which the Bank Street Line was abandoned, August 3, 1961, and the date when all track connections, Walkley Yard additions, new union station, merchandise terminals, signals, and other trackage have been completed and are ready for use, or the effective date of the transfer of this portion of the Prescott Subdivision to the Terminal Company, whichever is the first.

(2) The Commission shall pay all the charges assessed by one railway against the other for the use by the latter of the railway of the former in the event any other diversion or detour is made necessary in the carrying out of the provisions of this Memorandum, but such diversions or detours shall not be placed in operation without prior agreement of the parties hereto.

15. The Commission, at its own expense, will provide to the reasonable requirements of the National Railways and the Pacific Railway and transfer to the Terminal Railway, and the National Railways and the Pacific Railway will procure, as owners of all shares of the capital stock of the Terminal Railway, that the Terminal Railway will accept, good and clear title (subject only to easements, licences and rights-of-way expressed in the document of transfer which do not impair the use of the land for railway purposes) in and to:

(*a*) a new union station, trackage and associated facilities all completely equipped and furnished as an operating railway station, including offices and other accommodation for railway personnel together with necessary land at Hurdman;

(*b*) all necessary railway tracks and related facilities together with necessary land to make two connections between the Prescott Subdivision of the Pacific Railway and the Walkley Line at the Walkley Diamond;

(*c*) all necessary railway tracks and related facilities together with necessary land to make two connections between the Prescott Subdivision of the Pacific Railway and the Beachburg Subdivision of the National Railways at Ellwood Diamond;

(*d*) all necessary railway tracks and related facilities together with necessary land to make various railway trackage connections between the Montreal and Ottawa Subdivision of the Pacific Railway, the Alexandria Subdivision of the National Railways and the Walkley Line of the Commission at Hawthorne;

(*e*) all necessary railway tracks and related facilities together with necessary land to connect the Carleton Place Subdivision of the Pacific Railway and Beachburg Subdivision of the National Railways near Bells Corners, as well as such team tracks as may be required due to this connection;

(*f*) grade separations and all related track changes between Ottawa West and the Rideau River on the Prescott Subdivision of the Pacific Railway together with a new railway track and structure over or under the Rideau Canal, and if the railway grade is located under the Rideau Canal by means of a tunnel, the Commission will pay monthly to the Terminal Railway, Pacific Railway and the National Railways from the date on which the railway grade is first open for use, compensation in an amount based on the depreciation, operating and maintenance costs incurred by the Pacific Railway, the National Railways and the Terminal Railway in respect of the locating of the railway grade under the Rideau Canal less the depreciation, operating and

maintenance costs that would have been incurred had the railway grade remained as it is at the day of signing of this Memorandum, and at any time after the expiry of ten (10) years next following the completion date of any such track and structure, the Commission may capitalize on the basis of the average annual compensation paid during that ten (10) years at a rate of five per cent, the then future compensation payable and pay the said compensation in a lump sum to the Terminal Railway or other appropriate railway or railways;

(*g*) such alterations to the track and sidings in the area of the Broad Street Yard of the Pacific Railway and the Chaudiere Yard of the National Railways as may be required due to the implementation of the Relocation Plan;

(*h*) such additions and alterations as may be necessary to the existing centralized traffic control signal system for controlling train movements into, out of and within the Terminal Railway area occasioned by the implementation of the Relocation Plan;

(*i*) all necessary railway tracks and related facilities together with necessary land to make a direct railway trackage connection at Ottawa West between the Montreal and Ottawa Subdivision and the Prescott Subdivision both of the Pacific Railway including such new and adequate station buildings as may be necessary due to the relocation of trackage in the area of Ottawa West; and

(*j*) freight yards, including interchange trackage, diesel servicing and repair shop, car repair shop, addition to present yard office, and other associated facilities, all completely equipped and furnished ready to operate, together with necessary lands all at Walkley.

16. The Commission will pay to the Terminal Railway the cost to the Terminal Railway of constructing any grade separation or crossing protection ordered or approved by the Board of Transport Commissioners for Canada, prior to December 31, 1969, at crossings of tracks of the Terminal Railway where such grade separation or crossing protection is required due, in part, to the increase in train traffic resulting from the Relocation Plan.

17. The Commission will transfer to the Terminal Railway good and clear title (subject only to easements, licences and rights-of-way expressed in the document of transfer which do not impair the use of the land for railway purposes) in and to the following properties and facilities, which the National Railways and the Pacific Railway will procure, as owners of all shares of the capital stock of the Terminal Railway, that the Terminal Railway will accept:

(*a*) the land forming the Walkley Line from Wass to Hawthorne except the land owned by the Ontario Hydro Electric Power Commission at mileage 1.08 in respect of which excepted land, the Commission will transfer adequate operating or other rights, as may be required, in the form of a perpetual easement;

(*b*) the land required for any trackage built or to be built by the Commission on or adjacent to any portion of the Beachburg Subdivision of the National Railways that is to form part of the Terminal Railway; and

(*c*) the facilities forming the centralized traffic control signal system on that portion of the Beachburg Subdivision to be transferred to the Terminal Railway.

18. The Commission will make such alterations as may be required in the centralized traffic control signal system on that part of the Beachburg Subdivision of the National Railways between approximately mileage 12.4 and Nepean, occasioned by the implementation of the Relocation Plan, and thereafter transfer to the National Railways such altered signal system.

19. When the Commission obtains ownership of any or all of the lands of the Pacific Railway's Carleton Place Subdivision from mileage 0.0 to 3.0, the Pacific Railway's Ottawa West yards, and the National Railways' Chaudiere Spur and Yards, it will permit, with the consent of the Pacific Railway, the National Railways or the Terminal Railway, each of the Pacific Railway, the National Railways or the Terminal Railway to retain the use of all or parts of the land transferred by it to the Commission, for so long as industry remains and desires rail service and to operate thereon without any charge being made against any such Railway, subject to the conditions that:

(*a*) the Commission will assume all taxes levied during its ownership and will receive all rents from leases, agreements, licences and term easements pertaining to said lands;

(*b*) the Pacific Railway, the National Railways or the Terminal Railway, as the case may be, will pay for all maintenance of railway facilities which it is permitted to use.

20. Effective on the signing of this Memorandum, the National Railways and the Pacific Railway agree to the following conditions respecting the Pacific Railway's Carleton Place Subdivision, mileage 0.0 to 3.0, the Pacific Railway's Ottawa West Yard, and the National Railways' Chaudiere Spur and Yard:

(*a*) there will be no extension of trackage serving industries on these lines without prior approval of the Commission;

(*b*) no additional industries will be permitted to locate on these lines without prior approval of the Commission; and

(*c*) no leases will be granted or renewed on these lines without prior approval of the Commission.

21. (1) The Commission will, in the case of any industry that is now served by a private siding trackage that is to be removed or relocated as a result of the Relocation Plan, afford that industry the opportunity to purchase for relocation purposes only land owned by the Commission at a price which is twenty per cent less than the market value of the land as set by the Commission (said market value to reflect the Commission's cost of acquisition and development of the land); or to lease that land at a rental based on that price and for a term of years compatible with the life expectancy of any facilities erected or installed at the new site.

(2) The Commission will provide to the National Railways, the Pacific Railway or the Terminal Railway, for the use of an industry that is now served by private siding trackage that is removed as a result of the Relocation Plan, trackage of equal serviceable capacity at the new location at no installation cost to the industry, but subject to the usual railway private siding agreement between the railway and such industry.

(3) Subject to provincial and municipal law, the Commission has developed or will carry out the development, at no cost to the Terminal Railway, on land owned by the Commission in the area contiguous to the Belfast Road, to the Walkley Line between Bank Street and the National Railways main line at Hawthorne which is not required for direct railway operating purposes, and to the new line connecting the Alexandria Subdivision of the National Railways and the Montreal and Ottawa Subdivision of the Pacific Railway, sites on which industry can locate.

(4) The Commission will, except as may be otherwise agreed to between the parties hereto,

(*a*) offer to the industries described in sub-clause (1) first opportunity to choose and acquire sites on which to relocate in the areas developed as industrial sites; and

(*b*) in the event new industries or industries other than as described in subclause (1) hereof desire to locate in the industrial sites outlined in subclause (3) hereof, the Commission will give priority to acquire land to those desiring rail service over those not desiring such service (this priority to apply only should two industries be interested in the same site at the same time).

(5) The Commission will, subject to provincial and municipal law, provide team track and related facilities at the following locations:

(*a*) in the Pacific Railway Merchandise Terminal Area, for a capacity of 25 cars;

(*b*) in the National Railways Merchandise Terminal Area, for a capacity of 56 cars;

(*c*) in Walkley, for a capacity of 10 cars in addition to the existing capacity of 18;

(*d*) in Bells Corners, for a capacity of 4 cars in addition to the existing capacity of 12;

(*e*) in Merivale Road, for a capacity of 15 cars in addition to the existing capacity of 10; and

(*f*) in Ottawa West by leaving sufficient track for a capacity of 16 cars.

(6) The Commission will use its best efforts to encourage industries now being served by private siding trackage to continue to do so within the Terminal Area.

22. The Commission will pay all costs and expenses incurred by the National Railways, Pacific Railway and Terminal Railway

(*a*) in development and preparation of plans, specifications, deeds, surveys, descriptions, applications and agreements;

(*b*) in effecting the transfers of land referred to in this Memorandum including registration fees and land transfer taxes and municipal taxes that have been paid for any period after the land has been vacated or operations thereon abandoned by the railway whichever is the earlier; and

(*c*) in carrying out any other work that the said Railway Companies may be required to do as a result of this Memorandum or that the Commission may lawfully require the said Railway Companies to perform in order to implement the Relocation Plan, where such work has been requested or approved by the Commission.

23. Where any new track or facility is constructed pursuant to this Memorandum, the Commission will, for the three-year period commencing on the date on which that track or facility is first opened to regular train operations or use, pay the National Railways, Pacific Railway or the Terminal Railway the maintenance costs incurred by those Companies by reason of any subsidence or settlement of that track or facility during that three-year period.

24. It is understood that this Memorandum has been prepared before final plans, specifications, estimates and mileages have been established and that minor variations or changes in the exact particulars of this Memorandum may be necessary.

25. (1) The parties hereto agree that they will, as soon as possible after the execution of this Memorandum, collaborate in the preparation and finalization of

(*a*) a submission to the Parliament of Canada requesting the passing of an Act to incorporate the Terminal Railway;

(*b*) applications to the Board of Transport Commissioners for Canada and to any other appropriate authority for permission to construct, maintain and operate the new

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railway lines and facilities referred to in this Memorandum, and for permission to abandon the other railway lines and facilities referred to in this Memorandum and for permission to carry out any other matter or thing pertaining to this Memorandum;

(*c*) operating agreements between the National Railways, Pacific Railway and Terminal Railway; and

(*d*) adequate property descriptions and documents for the transfer of the land and facilities referred to in this Memorandum.

(2) No clause of this Memorandum is to be performed unless the permissions referred to in paragraph (*b*) of subclause (1) have been obtained in respect of that clause.

26. Except as otherwise expressly agreed to by the parties hereto, all transfers of land and facilities referred to in this Memorandum shall take place simultaneously on the second day of January, 1965. Where the transfer is one of those referred to in clause 7 all railway operations over the railway line and facilities included in such transfer shall be abandoned on or before the date of such transfer except as otherwise herein provided or except as the parties hereto may otherwise expressly agree.

27. Where the expression "land" is used in this Memorandum unless the context otherwise requires, that term shall include the right-of way, bridges, stations and other buildings, erections, structures and other railway facilities and appurtenances of whatsoever nature thereunto belonging or appertaining, as well as all main, passing, yard or other tracks, located upon, under or over the said right-of way of the Subdivision or line of railway in question.

28. The Commission covenants and agrees that it will at all times hereafter indemnify and save harmless the National Railways and the Pacific Railway and each of them from and against any and all claims, demands and damages including the costs and reasonable expenses incurred in defending any legal proceedings made against them or either of them and arising under the terms of any express or implied lease, licence, agreement, easement or understanding by reason of the transfer by the National Railways and the Pacific Railway or either of them of any lands to the Commission or by the Commission to the National Railways, the Pacific Railway or the Terminal Railway pursuant to the terms of this Memorandum.

29. The Commission covenants and agrees that it will at all times hereafter indemnify and save harmless the National Railways and the Pacific Railway and each of them from and against any and all claims, demands and damages including the costs and reasonable expenses incurred in defending any legal proceedings made against them or either of them which arise from the abandonment of any railway or inability to provide service now provided by them or either of them and which have resulted from the implementation of the Relocation Plan.

30. The Commission covenants and agrees that it will indemnify and save harmless the National Railways and Pacific Railway from and against any and all claims, demands and damages, including the cost and reasonable expenses incurred in any legal proceedings made against them or either of them that result from injuries or damages to any person or property including injuries resulting in death, and that arise from any work performed by the Commission, its servants or agents, pursuant to this Memorandum, provided that the liability of the Commission hereunder with respect to the construction of any railway facility shall not extend beyond the date of acceptance of such facility by either the National Railways, the Pacific Railway or the Terminal Railway, as the case may be, and provided further, that the Commission shall in no instance be liable hereunder where such injury or damage results from negligence on the part of one or more of the railway companies, their employees, servants or agents.

31. (1) Where any claim or demand is made in writing against either or both the National Railways and Pacific Railway, which is a claim or demand as described in clause 28, 29 or 30 hereof, such railway or railways shall, as soon as reasonably possible, notify the Commission in writing thereof and shall supply the Commission with all available details of the claim and any further information that the Commission may reasonably require.

(2) Upon receipt of notice and information mentioned in subclause (1) of this clause, the Commission may at any time and upon notice in writing to the railway or railways, in the name and on behalf of the railway or railways, negotiate a settlement thereof or defend any action or suit brought against the said railway or railways arising therefrom; and where the Commission pursuant to this subclause settles or defends a claim or demand it shall pay the amount of such settlement or any judgment against such railway or railways including the legal cost pertaining to the settlement or judgment.

(3) The railway or railways shall, at the expense of the Commission, co-operate fully with the Commission in any investigation, settlement or defence by the Commission pursuant to sublclause (2).

(4) The failure of the National Railways or the Pacific Railway to comply with subclause (1) of this clause will not relieve the Commission of liability to indemnify or save harmless such Railway from and against any such claim or demand unless the Commission is prejudiced by such failure.

32. The Commission will supply to the National Railways, Pacific Railway and the Terminal Railway details of the cost of acquiring the land and constructing the various facilities being provided to the said railways pursuant to this Memorandum.

33. The benefit and burden of the provisions of this Memorandum shall enure to and be binding upon the successors and assigns of all parties hereto.

34. In the event of any differences arising between the parties hereto in respect of any question of law or fact concerning any provision of this Memorandum, it is hereby agreed that such questions of law or fact shall be submitted to the Exchequer Court of Canada for determination pursuant to paragraph (g) of subsection (1) of section 18 of the Exchequer Court Act.

35. In order that the proposed Terminal Railway may receive every benefit from all agreements and covenants made for its benefit by the Commission, as it would were it a party to this Memorandum it is hereby understood, agreed and declared that the Pacific Railway and the National Railways execute this Memorandum to that purpose on behalf of the proposed Terminal Railway as well as on behalf of each of them and as trustees of the covenants and agreements of the Commission for and on behalf of the Terminal Railway and the benefits of such agreements and covenants contained herein shall be claimed and enforced by the Pacific Railway and the National Railways on behalf of the said Terminal Railway.

IN WITNESS WHEREOF the National Capital Commission has hereunto affixed its seal this third day of October, 1963.

(Sgd) "S. F. Clark"
Chairman

(Sgd) "Douglas L. McDonald"
Director of Planning and Property

AND IN WITNESS WHEREOF the Canadian National Railway Company has hereunto affixed its seal this 16th day of October, 1963.

(Sgd) "R. H. Tarr"
Vice-President & Executive Assistant

(Sgd) "J. M. Young"
Assistant Secretary

AND IN WITNESS WHEREOF the Canadian Pacific Railway Company has hereunto affixed its seal this 17th day of October, 1963.

(Sgd) "R. A. Emerson"

Vice-President

(Sgd) "P. N. Grant"

Assistant Secretary

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-34.

An Act to incorporate Nova Scotia Savings & Loan Company.

AS PASSED BY THE SENATE, 18th JUNE, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

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2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-34.

An Act to incorporate Nova Scotia Savings & Loan Company.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Walter Mitchell, executive, of the village of Chester, Walter deW. Barss, barrister-at-law, of the city of Dartmouth, Donald McInnes, barrister-at-law, Eric McN. Grant, executive, and George C. Piercey, barrister-at-law, of the city of Halifax, all in the province of Nova Scotia, together with such persons as become shareholders in the company, are incorporated under the name of Nova Scotia Savings & Loan Company, hereinafter called "the Company".

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act shall be the provisional directors of the Company.

Capital stock.

3. The capital stock of the Company shall be five million dollars, which may be increased to seven million five hundred thousand dollars.

Amount to be subscribed before general meeting.

4. The amount to be subscribed before the provisional directors may call a general meeting of the shareholders shall be twelve thousand five hundred dollars.

Commencement of business.

5. (1) The Company shall not commence business until twelve thousand five hundred dollars of the capital stock have been subscribed and twelve thousand five hundred dollars paid thereon.

(2) The Company shall not, prior to the amalgamation hereinafter referred to, carry on business as a loan company except such business as may be necessary to effect such amalgamation.

Head office.

6. The head office of the Company shall be in the city of Halifax, in the province of Nova Scotia.

Loan Companies Act to apply. R.S., c. 170; 1952-53, c. 5; 1958, c. 35; 1960-61, c. 51.

7. The Company has all the powers, privileges and immunities conferred by, and is subject to all the limitations, liabilities and provisions of, the *Loan Companies Act*.

Amalgamation.

8. The Company may as hereinafter provided merge and amalgamate with *Nova Scotia Savings, Loan and Building Society*, hereinafter called "the Society", a body corporate under the laws of the province of Nova Scotia, for the purpose of enabling them to continue thereafter as one corporate entity under the name of the Company and such corporate entity is hereinafter called "the Amalgamated Company".

Agreement.

9. The directors of the Company may under the seal of the Company enter provisionally into an agreement, hereinafter called "the Agreement", setting out

(*a*) the terms and conditions of the amalgamation;

(*b*) the number of directors of the Amalgamated Company which shall be not less than five nor more than thirty;

(*c*) the names, callings and places of residence of the first directors and officers of the Amalgamated Company who shall hold office until the first annual meeting thereof;

(*d*) that the capital stock of the Amalgamated Company shall be five million dollars divided into five hundred thousand shares of ten dollars each;

(*e*) the manner and terms of issuing shares of the Amalgamated Company to the shareholders of the amalgamating companies;

(*f*) that the head office of the Amalgamated Company shall be in the city of Halifax, in the province of Nova Scotia; and

(*g*) such other matters as the parties to the Agreement deem necessary to perfect the amalgamation and to provide for the subsequent management and working of the Amalgamated Company.

Submission of Agreement to shareholders.

10. (1) The Agreement shall be submitted to the shareholders of the Company at a meeting thereof duly called for the purpose.

Notice of meeting.

(2) Notice of the time and place of the meeting shall be sent by registered mail to every shareholder, addressed to his last known address as recorded in the books of the Company, together with a copy of the Agreement, at least six weeks before the date of such meeting, and notice of such meeting shall be given once a week for six successive weeks prior to the date of the meeting in a newspaper published in the city of Halifax, in the province of Nova Scotia.

Notice to Superintendent of Insurance.

(3) A like notice, together with two copies of the Agreement, shall be delivered to the Superintendent of Insurance at least six weeks before the date of the meeting.

Approval of Agreement by shareholders.

(4) If at a meeting of the shareholders at which the Agreement is submitted in accordance with this section, the Agreement is approved by resolution passed by the affirmative vote of at least three-fourths of such shares as are represented in person or by proxy and such affirmative vote represents at least fifty per cent of the issued capital stock of the Company, that fact shall be certified upon the Agreement by the secretary of the Company under the seal of the Company.

Copy to Superintendent of Insurance.

(5) If the Agreement is approved as aforesaid at the meeting, two copies thereof, certified by the secretary as aforesaid, shall be filed with the Superintendent of Insurance, and the Agreement may thereafter be submitted to the Governor in Council for approval.

Approval of Governor in Council.

11. (1) The Agreement shall have no force or effect until it has been approved by the Governor in Council.

(2) The Governor in Council shall not approve the Agreement unless

(*a*) the Treasury Board on the report of the Superintendent of Insurance recommends that the Agreement be approved;

(*b*) he is satisfied that the shareholders of the Company have approved the Agreement in accordance with section 10 hereof;

(*c*) the application for approval is made within six months from the date upon which the Agreement was approved by the shareholders of the Company;

(*d*) notice of the intention of the Company to apply to the Governor in Council for approval of the Agreement has been published at least once a week for a period of four consecutive weeks in the *Canada Gazette;* and

(*e*) he is satisfied

(i) that the requirements of *An Act respecting Nova Scotia Savings, Loan and Building Society*, chapter 109 of the Statutes of Nova Scotia, 1964, precedent to the submission of the Agreement by the Provincial Secretary to the Lieutenant Governor in Council of the Province of Nova Scotia for his approval, have been complied with;

(ii) that the Agreement has been submitted by the Provincial Secretary to the Lieutenant Governor in Council of the Province of Nova Scotia as required by the said Act; and

(iii) that the Lieutenant Governor in Council of the Province of Nova Scotia is prepared to give his approval to the Agreement pursuant to the said Act.

Effect of Agreement.

12. Upon approval of the Agreement by the Governor in Council and the subsequent approval of the Agreement by the Lieutenant Governor in Council of the Province of Nova Scotia,

(*a*) the Agreement shall have the force of law;

(*b*) the Amalgamated Company shall be vested with all the property, rights and interests, and shall be subject to all the duties, liabilities and obligations of the amalgamating companies, and all of the shareholders of the amalgamating companies immediately before the amalgamation shall be shareholders of the Amalgamated Company;

(*c*) the Company shall be merged and amalgamated with the Society and they shall continue thereafter as one corporate entity; and

(*d*) the Amalgamated Company shall be deemed to be a loan company incorporated by Special Act of the Parliament of Canada, and, subject to this Act and to the Agreement, shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of, the *Loan Companies Act*.

R.S., c. 170; 1952-53, c. 5; 1958, c. 35; 1960-61, c. 51.

Evidence of approval.

13. The approval of the Governor in Council of the Agreement shall be evidenced by an Order of the Governor in Council, and a copy of the Order purporting to have annexed thereto a true copy of the Agreement, certified by the Clerk or Assistant Clerk of the Privy

Council for Canada, shall, in all courts and for all purposes, be *prima facie* evidence of the Agreement, of the due execution thereof, of its approval by the Governor in Council and of the regularity of all proceedings in connection therewith.

Application of *Income Tax Act*. R.S., c. 148; 1952-53, c. 40; 1953-54, c. 57; 1955, cc. 54, 55, s. 1; 1956, c. 39; 1957, c. 29; 1957-58, c. 17; 1958, c. 32; 1959, c. 45; 1960, c. 43; 1960-61, cc. 17, 49; 1962-63, c. 8; 1963, c. 21 and c. 41, s. 3.

14. The amalgamation hereinbefore referred to shall be deemed to be an amalgamation within the provisions of section 85I of the *Income Tax Act*, and the members of the Society shall, for the purposes of the said *Income Tax Act*, be deemed to be holders of common shares of the Society immediately prior to the amalgamation.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-35.

An Act to amend the Corporations and Labour Unions Returns Act.

AS PASSED BY THE SENATE, 18th JUNE, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20984

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-35.

An Act to amend the Corporations and Labour Unions Returns Act.

1962, c. 26.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) Subsection (1) of section 5 of the *Corporations and Labour Unions Returns Act* is repealed and the following substituted therefor:

Relieving provision.

"**5.** (1) In the statement in duplicate comprised in Section A of a return required by this Part to be filed with the Dominion Statistician, the particulars described in subparagraphs (iv) to (xi) (other than subparagraphs (v) and (ix)) of paragraph (*a*) of section 4 shall be specified therein as of the last day of the reporting period for which the return is filed, and the particulars described in subparagraph (v) of paragraph (*a*) of section 4 shall be specified therein as of the last day of that reporting period or as of any earlier day specified by the corporation that is not more than three months before the last day of that period, except that where a corporation has filed a return for a reporting period specifying the particulars described in any such subparagraph as of any such day, the corporation is not bound, in filing a return under this Part for a subsequent reporting period, to specify the same particulars in the absence of any change therein as of the last day of that subsequent period."

(2) Subsections (2) and (3) of section 5 of the said Act are repealed and the following substituted therefor:

Explanatory Notes.

Clause 1: (1) The purpose of this amendment is to facilitate the preparation of the returns required by the Act to be filed by corporations, by permitting a corporation to report the distribution of its outstanding share capital as of any day not more than three months before the end of its fiscal year rather than as of the end of its fiscal year.

Subsection (1) at present reads as follows:

"**5.** (1) In the statement in duplicate comprised in Section A of a return required by this Part to be filed with the Dominion Statistician, the particulars described in subparagraphs (iv) to (xi) (other than subparagraph (ix)) of paragraph (*a*) of section 4 shall be specified therein as of the last day of the reporting period for which the return is filed, except that where a corporation has filed a return for a reporting period specifying the particulars described in any such subparagraph as of *the last day of that reporting period*, the corporation is not bound, in filing a return for a subsequent reporting period, to specify the same particulars in the absence of any change therein as of the last day of that subsequent period."

(2) The purpose of this amendment is to permit the same kind of verification of returns filed by corporations under the Act as is now permitted in the case of returns filed by corporations under the *Income Tax Act*.

Statements to be signed on behalf of corporation.

"(2) Each statement in duplicate and other statement comprised in a return required by this Part to be filed with the Dominion Statistician shall be signed on behalf of the corporation by the president, secretary or treasurer thereof or by any other officer or person thereunto duly authorized by the board of directors or other governing body of the corporation."

2. The said Act is further amended by adding thereto, immediately after section 5 thereof, the following section:

Where return filed with Minister of National Revenue.

"**5A.** Notwithstanding anything in this Part, where, for any reporting period of a corporation to which this Part applies, the corporation has filed with the Minister of National Revenue a return of its income in such form and containing such information as is prescribed by or under the *Income Tax Act*,

(*a*) the corporation is not bound, in filing a return under this Part for that period, to include in the statements comprised in Section B of such return a financial statement for that period as described in subparagraph (i) of paragraph (*b*) of section 4; and

(*b*) if the corporation has filed with the Minister of National Revenue, with the return of its income for that period, the return required by this Part to be filed by it for that period, it shall, for all purposes of this Act, be deemed to have filed with the Dominion Statistician the return required by this Part to be filed by it for that period."

3. Subsection (5) of section 14 of the said Act is repealed.

4. The said Act is further amended by adding thereto, immediately after section 14 thereof, the following section:

Return, etc. filed or made by corporation to be made available to Dominion Statistician.

"**14A.** The Dominion Statistician or any official described in subsection (4) of section 14 thereunto authorized by him is entitled to inspect and have access to any return, certificate, statement or other document filed or made by or on behalf of any corporation pursuant to the *Income Tax Act* or any regulation thereunder, and the Minister of National Revenue shall cause to be made available to the Dominion

Subsections (2) and (3) at present read as follows:

"(2) Each statement in duplicate and other statement comprised in a return required by this Part to be filed with the Dominion Statistician shall be *certified* by the president *or a vice-president* of the corporation and by the secretary or treasurer thereof, or by any of *such officers and by a director of the corporation, as having been examined by them and as being true, correct and complete.*

(3) Each statement comprised in Section B of a return required by this Part to be filed with the Dominion Statistician (other than the statement described in subparagraph (iii) of paragraph (*b*) of section 4) shall be accompanied by an auditor's report thereon signed by the auditor by whom the report was made."

Clause 2: New. This amendment would eliminate the reporting by corporations pursuant to the Act of certain financial information in cases where the same kind of information must also be included in the annual tax returns filed by corporations pursuant to the *Income Tax Act.* The amendment would further facilitate the filing of returns by corporations by providing that the filing requirements of the *Corporations and Labour Unions Returns Act* shall be deemed to have been complied with by a corporation if the corporation has filed the return required by that Act with the Minister of National Revenue at the same time as it filed its annual tax return with the Minister of National Revenue.

Clauses 3 and 4: The purposes of these clauses are

(*a*) to remove from the Act those provisions of section 14 which at present permit the communication of privileged information contained in returns for purposes relating to the determination of legislative policy, with the result that in future all such information will be subject to the same kind of safeguards as to secrecy as now apply in the case of tax returns; and

(*b*) in order to enable the Dominion Statistician to carry out his duties under the Act and to prepare more comprehensive statistical summaries and analyses relating to the financial affairs of corporations, to provide that the Dominion Statistician may have access to returns or other documents filed by corporations pursuant to the *Income Tax Act*, in addition

Statistician or any such official thereunto authorized by him upon request at any reasonable time any such return, certificate, statement or other document, in addition to any return filed with the Minister of National Revenue by any corporation pursuant to any regulation under this Act."

5. Section 17 of the said Act is repealed and the following substituted therefor:

Regulations.

"**17.** The Governor in Council may make regulations

(*a*) respecting the manner in which any return required by Part I to be filed by a corporation shall be filed by such corporation; and

(*b*) generally, for carrying into effect the purposes and provisions of this Act."

6. Subsection (1) of section 1 and section 4 are applicable in respect of any return, certificate, statement or other document filed or made before or after the coming into force of this Act, and subsection (2) of section 1 and sections 2 and 5 are applicable in respect of any return filed after the coming into force of this Act.

to the returns filed by corporations with the Minister of National Revenue pursuant to the *Corporations and Labour Unions Returns Act* under the new procedure contemplated by clause 2, and subject to the same safeguards as to secrecy.

Subsection (5) of section 14, which would be repealed by clause 3, reads as follows:

"(5) Any official or authorized person may, for any purpose relating to the determination of policy in connection with the formulation of any law of Canada or the ascertainment of any matter necessarily incidental thereto,

(*a*) communicate or allow to be communicated to any other such person any privileged information obtained under this Act, and

(*b*) allow any other such person to inspect or have access to any statement or other writing containing any privileged information obtained under this Act."

Clause 5: This amendment would enable effect to be given to the new procedure contemplated by clause 2 respecting the filing of returns by corporations with the Minister of National Revenue.

Section 17 at present reads as follows:

"**17.** The Governor in Council may make regulations for carrying into effect the purposes and provisions of this Act."

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-36.

An Act to incorporate the Association of Universities and Colleges of Canada.

Read a first time, Wednesday, 17th June, 1964.

Honourable Senator CAMERON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

21007

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-36.

An Act to incorporate the Association of Universities and Colleges of Canada.

Preamble.

WHEREAS the National Conference of Canadian Universities and Colleges, an unincorporated body, hereinafter called "the Conference", and the Canadian Universities Foundation, a company incorporated pursuant to the *Companies Act* by letters patent dated February 4th, 1959, hereinafter called "the Foundation", have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 53.

Incorporation.

1. The members of the Conference named in the Schedule to this Act, together with such other corporations, organizations or bodies as may become members of the corporation as hereinafter provided, are incorporated under the name of Association of Universities and Colleges of Canada, and, in French, Association des Universités et des Collèges du Canada, hereinafter called "the Association".

Objects.

2. The objects of the Association shall be to foster and promote the interests of higher education in Canada.

Membership.

3. (1) Subject to the by-laws which may be enacted from time to time pursuant to section 7, the membership of the Association shall be composed of the universities and colleges named in the Schedule to this Act, and such other corporations, organizations or bodies as are from time to time admitted to membership pursuant to this Act.

Proviso.

(2) Any member of the Association may withdraw therefrom and relinquish its rights therein: Provided that no member may withdraw therefrom unless the member has given notice in writing to the Association of its intention to do so at least six months prior to the end of a fiscal year of the Association, in which event the withdrawal shall take effect at the end of such fiscal year.

Board of directors.

4. (1) The affairs of the Association shall be managed by a board of directors elected or appointed in accordance with the by-laws of the Association.

(2) The members of the executive committee of the Conference and of the board of directors of the Foundation on the day on which this Act comes into force shall constitute the provisional board of directors of the Association.

Interim management.

5. Until by-laws have been enacted for the management of the affairs of the Association pursuant to this Act, the affairs of the Association shall be managed in accordance with the articles of the constitution of the Conference in effect on the day on which this Act comes into force, in so far as the articles are not contrary to law or to the provisions of this Act.

First general meeting.

Proviso.

6. The first general meeting of the Association shall be held at such time and place as the provisional board of directors may determine: Provided that such meeting shall be held not later than six months after the day on which this Act comes into force.

By-laws.

7. The Association may enact, amend and repeal by-laws for any and all purposes of the Association not inconsistent with the provisions of this Act, including the terms and conditions upon which a corporation, organization or body shall cease to be a member. No such by-law, repeal or amendment thereof shall take effect unless it is sanctioned by at least two-thirds of the votes cast at a meeting of the board of directors and by at least two-thirds of the votes cast at a general meeting of the Association duly called for considering the same.

Corporate powers.

8. In addition to the general powers accorded to it by law, the Association shall have power

(*a*) to purchase, lease, rent, hire, take in exchange, acquire by gift, legacy, devise or otherwise, and to own, possess, hold, control, administer and develop, any property or rights, real or personal, movable or immovable, or any

title, estate or interest therein, and to sell, exchange, alienate, administer, develop, mortgage, hypothecate, lease or otherwise deal therewith as it may deem advisable for the purposes of the Association;

(*b*) to borrow money for the purposes of the Association;

(*c*) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments;

(*d*) to invest and deal with the monies of the Association not immediately required in such manner as may be determined from time to time;

(*e*) to take, receive, accept or acquire subject to specific trust any property, rights or money, personal or real, movable or immovable, or any estate, title or interest therein, including any property or rights subject to a charge or incumbrance, and to keep, use, invest or dispose of such property, rights or money according to the terms of the specific trust; and

(*f*) to do all such lawful acts and things as are incidental to or conducive to the attainment of the object of and the exercise of the powers of the Association, or the exercise of any trust or trusts.

Investment.

9. Subject to the terms of any trust relating thereto or subject to the express terms of the donor making a donation, the Association may convert any trust property held by the Association and may invest and reinvest the proceeds thereof, and any other trust monies, property and rights:

(*a*) in any bonds or debentures of any municipality in Canada, or any public school corporation or of any other corporation whose securities are guaranteed by the Government of Canada or by any province;

(*b*) in any bonds or debentures of the Government of Canada or of any province; or

(*c*) in any investments in which life insurance companies are authorized from time to time by the Parliament of Canada to invest funds, subject to the limitations on investments in stocks, bonds, debentures and real estate mortgages set out in the *Canadian and British Insurance Companies Act*.

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13.

Official languages.

10. The official languages of the Association shall be English and French.

Head office.

11. (1) The head office of the Association shall be in the city of Ottawa, in the province of Ontario, or in such other place within Canada as may be decided upon from time to time by the Association.

(2) Notice in writing of any change in the location of the head office shall be given to the Secretary of State by the Association and such notice shall be published forthwith in the *Canada Gazette*.

Association vested with rights.

12. The Association is vested with all the property, rights and interests, and assumes all the obligations of the Foundation and the Conference.

Application of mortmain laws.

13. In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a licence in mortmain shall not be necessary for the exercise of powers granted by this Act, but otherwise the exercise of the said powers shall, in any province in Canada, be subject to the laws of such province.

Territorial powers.

14. The Association may exercise throughout Canada the rights and powers conferred upon it by this Act.

Coming into force.

15. This Act shall come into force on a day to be proclaimed by the Governor in Council.

SCHEDULE.

Acadia University,
Wolfville, N.S.

The Governors of the University of Alberta,
Edmonton and Calgary, Alta.

Bishop's University,
Lennoxville, P.Q.

Brandon College,
Brandon, Man.

University of British Columbia,
Vancouver 8, B.C.

Carleton University,
Ottawa, Ont.

The Governors of Dalhousie College and University,
Halifax, N.S.

University of Guelph,
Guelph, Ont.

Huron College,
London, Ont.

Collège Jean-de-Brébeuf,
Sainte-Catherine,
Montreal, P.Q.

University of King's College,
Halifax, N.S.

L'Université Laval,
Québec, P.Q.

Loyola College,
Sherbrooke St. W.,
Montreal, P.Q.

University of Manitoba,
Winnipeg, Man.

Marianopolis College,
Montreal 2, P.Q.

SCHEDULE—*Continued.*

McMaster University,
Hamilton, Ont.

Memorial University of Newfoundland,
St. John's, Nfld.

Université de Moncton,
Moncton, N.B.

Université de Montréal,
Montréal, P.Q.

Mount Allison University,
Sackville, N.B.

Mount Saint Vincent College,
Halifax, N.S.

University of New Brunswick,
Fredericton, N.B.

Nova Scotia Agricultural College,
Truro, N.S.

Nova Scotia Technical College,
Halifax, N.S.

Université d'Ottawa,
Ottawa, Ont.

Queen's University at Kingston,
Kingston, Ont.

The Royal Institution for the Advancement of Learning,
(McGill University)
Montreal, P.Q.

Royal Military College of Canada,
Kingston, Ont.

St. Dunstan's University,
Charlottetown, P.E.I.

The Governors of St. Francis Xavier University,
Antigonish, N.S.

Collège Sainte-Marie,
Montréal, P.Q.

SCHEDULE—*Concluded.*

Saint Mary's University,
Halifax, N.S.

University of St. Michael's College,
Toronto, Ont.

St. Paul's College Limited, Winnipeg,
Fort Garry,
Winnipeg, Man.

University of Saskatchewan,
Saskatoon and Regina, Sask.

Université de Sherbrooke,
Sherbrooke, P.Q.

Sir George Williams University,
Montreal, P.Q.

The Governors of the University of Toronto,
Toronto, Ont.

University of Trinity College,
Toronto, Ont.

United College,
Winnipeg, Man.

Victoria University,
Toronto, Ont.

University of Victoria,
Victoria, B.C.

University of Waterloo,
Waterloo, Ont.

Waterloo Lutheran University,
Waterloo, Ont.

The University of Western Ontario,
London, Ont.

University of Windsor,
Windsor, Ont.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-37.

An Act respecting The Guarantee Company of North America.

Read a first time, Wednesday, 17th June, 1964.

Honourable Senator GELINAS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20997

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-37.

An Act respecting The Guarantee Company of North America.

Preamble. 1851, c. 36, (Province of Canada); 1873, c. 22; 1880, c. 71; 1881, c. 57; 1913, c. 126.

WHEREAS The Guarantee Company of North America, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name in French.

1. The Company may use, in the transaction of its business, either the name The Guarantee Company of North America or the name La Garantie, Compagnie d'Assurance de l'Amérique du Nord, or both of such names, as and when it so elects. It may sue or be sued in either or both of such names, and any transaction, contract or obligation entered into or incurred by the Company in either or both of the said names shall be valid and binding on the Company.

Existing rights saved.

2. Nothing contained in section 1 of this Act shall in any way impair, alter or affect the rights or liabilities of the Company, except as therein expressly provided, or in any way affect any suit or proceeding now pending or judgment existing, either by or in favour of or against the Company, which, notwithstanding the provisions of section 1 of this Act, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Explanatory Note.

The sole purpose of this bill is to add a French version to the name of The Guarantee Company of North America.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-38.

An Act to incorporate Congregation of the Marist Sisters.

Read a first time, Thursday, 18th June, 1964.

Honourable Senator FOURNIER
(*Madawaska-Restigouche*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

21061

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-38.

An Act to incorporate Congregation of the Marist Sisters.

Preamble.

WHEREAS the Congregation of the Marist Sisters, hereinafter called "the Congregation", is a religious congregation in communion with the Roman Catholic Church; and whereas the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Helen Rynn (known in the Congregation as Reverend Mother Dominic), Bridie Woods (known in the Congregation as Reverend Sister Baptist Vianney), Geraldine Violette (known in the Congregation as Reverend Sister St. Fidele), Mary Spillane (known in the Congregation as Reverend Sister Pierre Chanel), and Gisele Marquis (known in the Congregation as Reverend Sister St. Lucien), all of the city of Edmundston, in the province of New Brunswick, and all who are or may become members of the Congregation, are hereby incorporated under the name of Congregation of the Marist Sisters, and, in French, La Congregation des Soeurs Maristes, hereinafter called "the Corporation".

Corporate name.

Directors.

2. The persons named in section 1 of this Act shall be the first directors of the Corporation and shall constitute the first board of directors of the Corporation.

Head office.

3. (1) The head office of the Corporation shall be in the city of Hull, in the province of Quebec, or at such other place in Canada, as may be designated by the Corporation.

Change of head office.

(2) Notice in writing shall be given to the Secretary of State by the Corporation of any change of the head office and a copy of such notice shall be published forthwith in the *Canada Gazette*.

Objects.

4. The objects of the Corporation, subject to the laws in force in Canada, shall be

(*a*) to provide educational facilities;

(*b*) to establish and maintain orphanages;

(*c*) to care for and treat sick, wounded, indigent and other persons requiring such care;

(*d*) to create, erect, organize, maintain, enlarge and operate, or direct and administer convents, hospitals and dispensaries for the sick and the the convalescents, the chronically ill and the incurables, orphanages, homes for the aged and poor, and hostels for young girls and unwed mothers;

(*e*) to create, erect, organize, maintain, enlarge and operate, or direct and administer teaching and educational institutions, such as colleges, schools, academies and kindergartens;

(*f*) to create, erect, organize, maintain, enlarge and operate, or direct and administer rest and retreat houses, social services, homes for young girls and unwed mothers and other persons, and other similar undertakings;

(*g*) to create, erect, organize, maintain, enlarge and operate, or direct and administer novitiates and scholasticates for the probation training and apprenticeship of suitable subjects to become members of the Congregation; and

(*h*) to do all such other things as are incidental or conducive to the attainment of the above objects.

Additional powers.

5. Subject to the laws in force in Canada, the Corporation may

(*a*) enter into agreements with school commissions, associations of teachers, governmental institutions and others; and

(*b*) acquire the real or personal property of any other corporation having objects similar to those of the Corporation on the assumption of all the obligations of such corporation.

Power to acquire and hold property.

6. (1) The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy property, real or personal, corporeal or incorporeal, and any or every estate or interest whatsoever given, granted, devised, mortgaged or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of the uses and purposes of the Corporation or to, for or in favour of any religious, educational, eleemosynary or other institution established or intended to be established by, under the management of, or in connection with, the uses or purposes of the Corporation.

(2) The Corporation may also hold such real property or estate therein as is bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered.

Investment in and disposal of property.

7. Subject always to the terms of any trust relating thereto, the Corporation may also sell, convey, exchange, alienate, mortgage, lease or demise any real or personal property, held by the Corporation whether by way of investment for the uses and purposes of the Corporation or not, and may also, from time to time, invest all or any of its funds or moneys and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property, and for the purposes of such investments may take, receive and accept mortgages, hypothecs or assignments thereof, whether made and executed directly to the Corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages, hypothecs or assignments either in whole or in part.

Application of mortmain laws.

8. In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a licence in mortmain shall not be necessary for the exercise of the powers granted by this Act, but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations in so far as this Act applies to the Corporation.

Board of directors.

9. (1) The powers of the Corporation shall be exercised by a board of directors, hereinafter called "the Board", which shall control and administer all the business and affairs of the Corporation.

(2) The Board shall consist of a president, a vice-president and three directors of the Corporation.

(3) The Board may make, amend and repeal such by-laws, rules, orders and regulations, not contrary to law, as the Board may deem appropriate for the conduct and government of the Corporation and its members, for the promotion of its objects and for the acquisition, management, supervision and disposal of its property.

(4) In particular, without limiting the generality of subsection (3), the Board may make, amend and repeal by-laws, rules, orders and regulations concerning

(*a*) the requirements for admission to and continuance in membership of the Corporation, and the rights and duties of such members;

(*b*) the duration of the tenure and the mode of appointment of the members of the Board and the filling of any vacancy occurring on the Board, whether such vacancy is caused by death, resignation or otherwise; and

(*c*) the calling and holding of meetings of the Board and fixing the quorum thereof.

10. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held in trust or otherwise for the uses and purposes of the Corporation, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property, or any part thereof, to the Corporation.

Disposition of property by gift or loan.

11. The Corporation may make a gift of or lend any of its property, whether real or personal, for or to assist in the erection or maintenance of any building or buildings deemed necessary or useful for any church, college, school, or hospital or for any other religious, charitable, educational, congregational or social purpose upon such terms and conditions as it may deem expedient.

Investment of funds.

12. The Corporation may invest its funds, or any portion thereof, either directly in the name of the Corporation or indirectly in the name of trustees, in the purchase of such securities as it may deem advisable, and also may lend its funds or any portion thereof on any such securities.

Borrowing powers.

13. (1) The Corporation may, from time to time, for the purposes of the Corporation

(*a*) borrow money upon the credit of the Corporation;

(*b*) limit or increase the amount to be borrowed;

(*c*) make, draw, accept, endorse or become party to promissory notes and bills of exchange; every such note or bill made, drawn, accepted or endorsed by the party thereto authorized by the by-laws of the Corporation and countersigned by the proper party thereto authorized by the by-laws, shall be binding upon the Corporation, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown; and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill;

(*d*) issue bonds or other securities of the Corporation;

(*e*) pledge or sell such bonds or other securities for such sums and at such prices as may be deemed expedient; and

(*f*) mortgage, hypothecate or pledge any property of the Corporation, real or personal, present or future, to secure the repayment of any money borrowed for the purposes of the Corporation.

Limitations.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note or bill payable to bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance.

R.S., c. 53.

14. The provisions of subsection (3) of section 147 of the *Companies Act* shall apply to the Corporation.

Incidental powers.

15. The Corporation may do all such lawful acts and things as are incidental or as may be conducive to the attainment of its objects.

Territorial powers.

16. The Corporation may pursue its objects and exercise its rights and powers in any part of Canada.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-39.

An Act to incorporate Meota Pipe Lines Ltd.

Read a first time, Wednesday, 15th July, 1964.

Honourable Senator ROBERTSON
(*Kenora-Rainy River*)

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20806

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-39.

An Act to incorporate Meota Pipe Lines Ltd.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Stanley Reesor Kaufman, executive, Eric Sherwood, executive, Isaac Sheldon Comfort, executive, Ernest Walter Straus, executive, Robert Charles Wharton, executive, all of the city of Edmonton, in the province of Alberta, together with such other persons as become shareholders in the Company, are incorporated under the name of Meota Pipe Lines Ltd., hereinafter called "the Company".

Corporate name.

Directors.

2. (1) The persons named in section 1 of this Act shall be the first directors of the Company.

(2) No person shall be elected as a director unless he is a shareholder owning shares absolutely in his own right, and not in arrear in respect of any call thereon; and the majority of the directors of the Company so chosen shall, at all times, be persons resident in Canada and Canadian citizens.

Capital stock.

3. The capital stock of the Company shall consist of four million shares without nominal or par value.

Head office and other offices.

4. (1) The head office of the Company shall be in the city of Edmonton, in the province of Alberta, which head office shall be the domicile of the Company in Canada, and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

(2) The Company may, by by-law, change the place where the head office is to be situate to any other place in Canada.

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the by-law, and a copy of the by-law certified under the seal of the Company has been filed with the Secretary of State and published in the *Canada Gazette*.

Pipe lines legislation to apply.

1959, c. 46; 1960-61, c. 52; 1963, c. 13.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of the *National Energy Board Act*, and any other general legislation relating to pipe lines enacted by Parliament.

Power to construct and operate pipe lines.

6. The Company, subject to the provisions of any general legislation relating to pipe lines enacted by Parliament, may

(*a*) within or outside Canada, construct, purchase, lease or otherwise acquire and hold, develop, operate, maintain, control, lease, mortgage, hypothecate, create liens or other security upon, sell, convey or otherwise dispose of and turn to account any and all interprovincial, extra-provincial and/or international pipe lines and all appurtenances relative thereto for the gathering, processing, refining, treating, transmitting, transporting, storing and delivering of gases, liquids and solids or any of them including, without limiting the generality of the foregoing, any natural and artificial gas and oil and hydrocarbons and related substances or any of them and any products or by-products thereof and all works relative thereto for use in connection with the said pipe lines; and buy or otherwise acquire, process, refine, treat, transmit, transport and sell or otherwise dispose of and distribute any natural and artificial gas and oil and hydrocarbons and related substances or any of them and any products or by-products thereof; and own, lease, sell, operate and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype, telegraph and microwave or television

R.S., c. 233; 1952-53, c. 48; 1953-54, c. 31; 1955, c. 57.

communication systems, and, subject to the *Radio Act*, and any other statute relating to radio, microwave or television, own, lease, operate and maintain interstation radio, microwave or television communication facilities;

Power to hold land.

(*b*) purchase, hold, lease, sell, improve, exchange or otherwise deal in any property, real or personal, movable or immovable, or any interest and rights therein, legal or equitable or otherwise howsoever, and deal with any portion of the lands and property so acquired, and may subdivide the same into building lots and generally lay the same out into lots, streets and building sites for residential purposes or otherwise, and may construct streets thereon and necessary sewerage and drainage systems and build upon the same for residential purposes or otherwise, and supply any buildings so erected, or other buildings erected upon such lands, with electric light, heat, gas, water or other requisites, and lease or sell the same, upon such terms and subject to such conditions as appear requisite, either to its employees or to others; and

Ancillary powers.

(*c*) exercise, as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs (*a*) to (*bb*) inclusive of subsection (1) of section 14 of the *Companies Act*.

R.S., c. 53.

Sections of the *Companies Act* to apply. R.S., c. 53.

7. The provisions of subsections (7), (8), (9), (10), (11), (12) and (13) of section 12, and subsection (2) of section 14, and section 15, and subsection (1) of section 20, and sections 35, 36, 37, 39, 40, 62, 63, 64, 65, 84, 87, 91, 94 and 96, and paragraph (*a*) of section 103, and subsection (6) of section 108, and section 110 of Part 1 of the *Companies Act* apply to the Company: Provided that wherever in the said sections and subsections the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

Proviso.

Sections of the *Companies Act* not to apply. R.S., c. 53.

8. Sections 153, 155, 162, 163, 167, 172, 180, 184, 189, 190, 193 and 194 of Part III of the *Companies Act* shall not be incorporated with this Act.

Share warrants.

9. The Company is authorized with respect to any fully paid shares to issue under the seal of the Company a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified with all the powers, privileges and immunities conferred by but subject to all the limitations and provisions of section 35 of Part I of the *Companies Act*.

R.S., c. 53.

Stock dividends.

10. For the amount of any dividend that the directors may lawfully declare payable in money they may issue therefor shares of the Company as fully paid up, or they may credit the amount of such dividend on the shares of the Company already issued but not fully paid up, and the liability of the holders of such shares thereon shall be reduced by the amount of such dividend, if the directors have been authorized to do so by a by-law that has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the same.

Commission on subscription.

11. The Company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares, bonds, debentures, debenture stock or other securities of the Company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom.

Proviso.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-40.

An Act to repeal certain Acts of the Province of Newfoundland respecting Harbours and Pilotage.

First reading, Wednesday, 15th July, 1964.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

21224

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-40.

An Act to repeal certain Acts of the Province of Newfoundland respecting Harbours and Pilotage.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Repeal of the Outport Pilots and Pilotage Acts.

1. *An Act respecting Outport Pilots and Pilotage*, Chapter 179 of the Consolidated Statutes of Newfoundland, 1916, and *The Outport Pilots and Pilotage Act*, Chapter 215 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed.

Repeal of the Management and Control of Harbours Acts.

2. *An Act respecting the Management and Control of Harbours*, No. 34 of the Statutes of Newfoundland, 1934, and *The Management and Control of Harbours Act*, Chapter 216 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed.

Repeal of the Port and Harbour of St. John's Acts.

3. *An Act respecting Pilotage and to provide for regulations for the Port and Harbour of St. John's*, No. 1 of the Statutes of Newfoundland, 1946 and *The Port and Harbour of St. John's Act*, Chapter 217 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed.

Repeal of the Port and Harbour of Port-aux-Basques Acts.

4. *An Act respecting the Management and Control of the Harbour of Port-aux-Basques*, Chapter 182 of the Consolidated Statutes of Newfoundland, 1916, and *The*

Explanatory Note.

The purpose of this Bill is to repeal certain Newfoundland Statutes respecting harbours and pilotage in that Province. The Acts being repealed come within the legislative jurisdiction of Parliament by virtue of Term 3 of the Terms of Union of Newfoundland with Canada.

Port and Harbour of Port-aux-Basques Act, Chapter 218 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed.

Coming into force.

5. This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-41.

An Act to incorporate Mountain Pacific Pipeline Ltd.

Read a first time, Tuesday, 11th August, 1964.

Honourable Senator LEONARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

21228

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-41.

An Act to incorporate Mountain Pacific Pipeline Ltd.

Preamble.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Peter Colwell Bawden, executive, Edgar Peter Lougheed, barrister, both of the city of Calgary, in the province of Alberta, and Gordon Fripp Henderson, barrister, of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of Mountain Pacific Pipeline Ltd., hereinafter called "the Company".

Corporate name.

Directors.

2. (1) The persons named in section 1 of this Act shall be the first directors of the Company.

(2) No person shall be elected as a director unless he is a shareholder owning shares absolutely in his own right, and not in arrear in respect of any call thereon; and the majority of the directors of the Company so chosen shall, at all times, be persons resident in Canada and Canadian citizens.

Capital stock.

3. (1) The capital stock of the Company shall consist of

(*a*) ten million common shares without nominal or par value, and

(*b*) two hundred and fifty thousand preferred shares of the par value of one hundred dollars per share.

(2) The Company may by by-law

(*a*) provide for the issue of preferred shares in one or more classes and/or in one or more series with such preferences, privileges, rights, restrictions, conditions or limitations attaching to each class and/or series whether with regard to dividends, voting, return of capital or otherwise as the by-law may declare, and

(*b*) subdivide or consolidate into shares of smaller or larger par value and reclassify into another or different class and/or series any unissued preferred shares, and amend, vary, alter or change any of the preferences, privileges, rights, restrictions, conditions or limitations which may have been attached to any unissued preferred shares:

Proviso. Provided that no such by-law shall be valid or acted upon until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the same, and until a certified copy of such by-law has been filed with the Secretary of State.

(3) The directors of the Company may by resolution prescribe, within the limit set forth in any by-law passed under subsection (2) of this section, the terms of issue and precise preferences, privileges, rights, restrictions, conditions or limitations, whether with regard to dividends, voting, return of capital or otherwise, of any class and/or series of preferred shares.

(4) Except to the extent that such rights may be provided by any by-law enacted under subsection (2) of this section, the holders of preferred shares of any class or series shall not as such have the right to vote or to receive notice of or to attend any meetings of the shareholders of the Company.

(5) The Company may at any time and from time to time pass a by-law or by-laws whereby the preferences, privileges, rights, restrictions, conditions or limitations which may have been attached to any class or series of issued preferred shares may be altered, amended or repealed or the application thereof suspended, but no such by-law shall be valid or acted upon until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for the purpose, and until it has been sanctioned by

at least two-thirds of the votes cast at a special general meeting of the holders of the issued and outstanding preferred shares of such class and/or series duly called for considering the same, and until a certified copy of such by-law has been filed with the Secretary of State.

(6) Where, in accordance with any right of redemption or purchase for cancellation reserved in favour of the Company in the provisions attaching to them, preferred shares are redeemed or purchased for cancellation by the Company, they shall be thereby cancelled, and the authorized and the issued capital of the Company shall be thereby decreased.

Head office and other offices.

4. (1) The head office of the Company shall be in the city of Calgary, in the province of Alberta, which head office shall be the domicile of the Company in Canada; and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

(2) The Company may, by by-law, change the place where the head office of the Company is to be situate to any other place in Canada.

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the by-law, and a copy of the by-law certified under the seal of the Company has been filed with the Secretary of State and published in the Canada Gazette.

Pipe lines legislation to apply. 1959, c. 46; 1960, c. 9; 1960-61, c. 52; 1963, c. 41.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of, the *National Energy Board Act* and any other general legislation relating to pipe lines enacted by Parliament.

6. The Company, subject to the provisions of any general legislation relating to pipe lines enacted by Parliament, may

(*a*) within or outside Canada construct, purchase, lease or otherwise acquire and hold, develop, operate, maintain, control, lease, mortgage, hypothecate, create liens or other security upon, sell, convey or otherwise dispose of and turn to account any and all inter-provincial,

extra-provincial and/or international pipe lines and all appurtenances relative thereto for the gathering, transmitting, transporting, storing and delivering of oil, gas, hydrocarbons and liquid or other products; including pumping stations, terminals, storage tanks or reservoirs and all works relative thereto for use in connection with the said pipe lines; and purchase, process, refine, treat, manufacture, transmit, transport and sell or otherwise dispose of and distribute oil, gas, hydrocarbons and liquid or other products; and own, lease, sell, operate and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype, telegraph and microwave or television communication systems and subject to the *Radio Act*, and any other statute relating to radio, microwave or television, own, lease, operate and maintain interstation radio, microwave or television communication facilities;

R.S., c. 233; 1952-53, c. 48; 1953-54, c. 31; 1955, c. 57.

Power to hold land.

(*b*) purchase, hold, lease, sell, improve, exchange or otherwise deal in any property, real or personal, movable or immovable, or any interest and rights therein, legal or equitable or otherwise howsoever, and deal with any portion of the lands and property so acquired, and may subdivide the same into building lots and generally lay the same out into lots, streets and building sites for residential purposes or otherwise, and may construct streets thereon and necessary sewerage and drainage systems and build upon the same for residential purposes or otherwise, and supply any buildings so erected, or other buildings erected upon such lands, with electric light, heat, gas, water or other requisites, and lease or sell the same, upon such terms and subject to such conditions as appear requisite, either to its employees or to others; and

Ancillary powers.

(*c*) exercise, as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs (a) to (bb) inclusive of subsection (1) of section 14 of the *Companies Act*.

R.S., c. 53.

Sections of the *Companies Act* to apply. R.S., c. 53.

7. The provisions of subsections (7), (8), (9), (10), (11), (12) and (13) of section 12, and subsection (2) of section 14, and section 15, and subsection (1) of section 20, and sections 35, 36, 37, 39, 40, 62, 63, 64, 65, 84, 87, 91, 94 and 96, and subsection (a) of section 103, and subsection (6) of section 108, and section 110 of Part I of the *Companies Act* apply to the Company: Provided that wherever in the said sections and subsections the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

Proviso.

Sections of the *Companies Act* not to apply. R.S., c. 53.

8. Sections 153, 155, 162, 163, 167, 172, 180, 184, 189, 190, 193 and 194 of Part III of the *Companies Act* shall not be incorporated with this Act.

Share warrants.

9. The Company is authorized with respect to any fully paid shares to issue under the seal of the Company a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified with all the powers, privileges and immunities conferred by but subject to all the limitations and provisions of section 35 of Part I of the *Companies Act*.

R.S., c. 53.

Stock dividends.

10. For the amount of any dividend that the directors may lawfully declare payable in money, they may issue therefor shares of the Company as fully paid up, or they may credit the amount of such dividend on the shares of the Company already issued but not fully paid up, and the liability of the holders of such shares thereon shall be reduced by the amount of such dividend, if the directors have been authorized to do so by a by-law that has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the same.

Commission on subscription.

11. The Company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares, bonds, debentures, debenture stock or other securities of the Company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom.

Proviso.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-42.

An Act respecting Interprovincial Pipe Line Company.

Read a first time, Wednesday, 14th October, 1964.

Honourable Senator MOLSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

21262

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-42.

An Act respecting Interprovincial Pipe Line Company.

Preamble. 1949, c. 34; 1952-53, c. 66.

WHEREAS Interprovincial Pipe Line Company, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Subdivision of capital stock.

1. Notwithstanding anything contained in section 3 of chapter 34 of the statutes of 1949 (1st session), as amended by chapter 66 of the statutes of 1952–53, each of the issued and unissued shares of the capital stock of the Company of the par value of five dollars is hereby subdivided into five shares of the par value of one dollar each, so that the capital stock of the Company shall be two hundred million dollars divided into two hundred million shares of the par value of one dollar each.

Rights of holders of present shares.

2. Every person holding a share or shares in the Company of the par value of five dollars each shall hereafter be deemed to be the holder of the same aggregate amount of stock divided into shares of one dollar each.

Explanatory Notes.

The purpose of this bill is to divide each of the 40,000,000 authorized shares of the par value of $5.00 each of the capital stock of the Company into five shares of a par value of $1.00 each.

The reason for the proposed subdivision is that the Company considers it desirable that the small Canadian investors be encouraged and given an opportunity to invest in the equity of a successful and growing Canadian company.

On June 10, 1964, the $5.00 par value shares of the Company had a market value of approximately $85.00 to $85.50 each. This relatively high market value discourages investment by small investors.

The Company recognizes that it is in the best interests of the Company and investors in its stock that employees be enabled to become shareholders so as to give employees a sense of ownership in the Company and active participation in its growth and profits. Some time ago the Company established a voluntary Employees' Savings Plan, to which the Company contributes. Under the terms of the Plan the employees have the option of investing their Plan savings in the stock of the Company at current market prices. It is felt that with a lower unit market price this option will be more attractive to them.

This bill, if enacted, will not increase or alter the authorized capital of the Company of two hundred million dollars.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-43.

An Act respecting Canadian-Montana Pipe Line Company.

Read a first time, Wednesday, 14th October, 1964.

Honourable Senator CAMERON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

21442

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-43.

An Act respecting Canadian-Montana Pipe Line Company.

Preamble. 1951, c. 87.

WHEREAS Canadian-Montana Pipe Line Company, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1951, c. 87. Repeal.

1. Subsection (*c*) of section 6 of chapter 87 of the statutes of 1951 is repealed and the following substituted therefor:

"(*c*) locate, purchase, lease, acquire by reservation, licence or otherwise, acquire and hold, develop and improve, sell, let or otherwise dispose of natural and artificial gas, oil and other hydrocarbons and related substances, or any of them, and any products or by-products thereof and any rights and interests therein;

(*d*) search and prospect for gas, oil and other hydrocarbons and related substances or any of them;

(*e*) drill for, extract and produce, store, refine, process, purchase, transport and distribute natural and artificial gas, oil and other hydrocarbons and related substances or any of them and any products or by-products thereof;

Ancillary powers.

(*f*) exercise as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs (*a*) to (*bb*) inclusive of subsection one of section fourteen of the *Companies Act*."

R.S. 1952, c. 53.

Explanatory Note.

Canadian-Montana Pipe Line Company was incorporated in 1951, at which time the general powers granted to pipe line companies by Special Act were somewhat more limited than those usually granted today. The purpose of this bill is to bring the powers of the Company into line with the powers granted to pipe line companies in recent years.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-44.

An Act to incorporate The Royal College of Dentists of Canada.

Read a first time, Friday, 16th October, 1964.

Honourable Senator SMITH (*Queens-Shelburne*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

21003

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-44.

An Act to incorporate The Royal College of Dentists of Canada.

Preamble. 1942, c. 38.

WHEREAS The Canadian Dental Association, hereinafter called "the Association", has by its petition prayed that it be enacted as hereinafter set forth, and whereas Her Majesty Queen Elizabeth II has been graciously pleased to grant permission to the College to use the title "Royal", and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

Definitions.

1. In this Act

(*a*) "College" means The Royal College of Dentists of Canada constituted a corporation under this Act;

(*b*) "Council" means the Council of the College;

(*c*) "Fellow" means a member of the College; and

(*d*) "Charter Fellow" means a member of the College who becomes such pursuant to section 2 upon the coming into force of this Act, or who is admitted pursuant to subsection (1) of section 6 of this Act.

Incorporation.

2. James Zimmerman, doctor of dental surgery, of the city of Calgary, in the province of Alberta, Remy Langlois, doctor of dental surgery, of the city of Quebec, in the province of Quebec, Philip Sinclair Christie, doctor of dental surgery, of the city of Halifax, in the province of Nova Scotia, Warren James Riley, doctor of dental surgery, of the city of Winnipeg, in the province of Manitoba, Wesley Pinkham Munsie, doctor of dental surgery, of the city of Vancouver, in the province of British Columbia, Michael Vincent Joseph Keenan, doctor of dental surgery, of the city of Sudbury, James Percival Coupland, doctor of dental

surgery, of the city of Ottawa, Donald Werden Gullett, doctor of dental surgery, of the city of Toronto, in the province of Ontario, together with such persons as become members of the College as hereinafter provided, are incorporated under the name of The Royal College of Dentists of Canada, and, in French, Le College Royal des Chirurgiens Dentistes du Canada.

Objects.

3. The objects of the College shall be

(*a*) to promote high standards of specialization in the dental profession;

(*b*) to set up qualifications for and provide for the recognition and designation of properly trained dental specialists;

(*c*) to encourage the establishment of training programs in the dental specialties in Canadian schools; and

(*d*) to provide for the recognition and designation of dentists who possess special qualifications in areas not recognized as specialties.

Provisional Council.

4. The persons named in section 2 shall constitute the provisional Council of the College and may exercise all the powers of the Council until the Council has been constituted.

Election of Council.

5. Within six months of the coming into force of this Act, the Secretary of the Association shall convene at the city of Toronto, in the province of Ontario, a meeting of the members of the provisional Council. It shall be their duty at this meeting to elect a Council. The elected Council shall hold office in accordance with the provisions of this Act and with the by-laws, rules and regulations of the College.

Charter Fellows.

6. (1) The Council may, after the coming into force of this Act, and without examination, select and admit as Fellows, dentists of distinction who are graduates of at least ten years' standing of a recognized university, who are domiciled in Canada and who, in the opinion of the Council, have given evidence of high ability in one of the branches of dentistry recognized as specialties by the Association. The initiative in such cases shall lie solely with the Council in co-operation with the national organizations of the recognized specialties. Applications from candidates themselves will not be considered.

(2) Other dentists, engaged in any of the specialties recognized by the Association, who hold provincial specialist certification upon the coming into force of this Act, and who are not admitted to fellowship under sections

2 or subsection (1) of section 6 of this Act may, within a reasonable time after the coming into force of this Act, such time to be determined by the first elected Council, apply for fellowship by examination.

7. The Council may, without examination, admit as Honourary Fellows such distinguished dentists or other persons, whether resident in Canada or not, as the Council may deem fit.

Admittance to Fellowship.

8. (1) Except as hereinbefore mentioned, no person shall be admitted as a Fellow of the College until he shall have fulfilled the requirements of the by-laws, rules and regulations of the College and passed such special examinations as the Council may prescribe.

(2) A candidate may elect to be examined in either the English or French language for fellowship in the College.

(3) The Council may, by by-law, provide for the organization of the College into divisions representing all dental specialties recognized, or which may from time to time become recognized, by the Association. A Fellow of any division shall be known as a Fellow of The Royal College of Dentists of Canada, or, in French, un membre du College Royal des Chirurgiens Dentistes du Canada.

Form of Diploma.

9. (1) The admittance of every Fellow or Honourary Fellow of the said College shall be by diploma under the seal of the said College in such form as the Council shall, from time to time, see fit. The diploma of each Fellow shall indicate the division of the College in which the fellowship is granted. Honourary fellowships shall be so designated on the diploma.

Register.

(2) The Council shall cause the name of every Fellow or Honourary Fellow to be entered, according to the priority of admittance or otherwise as the Council may direct, in a book or register to be kept at the headquarters of the College. Such book or register shall, subject to reasonable and proper regulations laid down by the Council, be open to inspection.

Administration of College.

10. (1) The business and affairs of the College shall be administered by a committee of the Fellows to be known as the Council.

(2) The Council shall include Fellows from all divisions of the College representing all of the dental specialties recognized by the Association.

(3) The Council shall have power to hold special examinations for candidates and may make such

by-laws, rules and regulations concerning such examinations and qualifications of candidates as the Council may deem expedient from time to time.

(4) The Council shall have power to grant special certificates to persons who shall have shown such a degree of proficiency in such examinations as the Council may consider entitles them to such special certificates: Provided that the granting of such special certificates shall not qualify such persons to be Fellows of the College.

Proviso.

By-laws.

11. The Council shall make such by-laws, rules and regulations, consistent with the provisions of this Act, as it may deem necessary or advisable for the government and management of its business and affairs; the classification, admission and expulsion of Fellows; the fees and dues which it may impose; the number of members of the Council, their qualifications and mode of election; the powers and duties of the Council, of any subcommittees thereof and of the officers of the College; and may from time to time alter or repeal such by-laws, rules and regulations as it may see fit.

Ownership of property.

12. The College may receive, acquire, accept and hold any real or personal estate or property by purchase, legacy, lease or otherwise, for the purpose of the College and may sell, lease, invest or otherwise dispose thereof in such a manner as it may deem advisable, and do all such other lawful acts as may be conducive to the attainment of the objects of the College.

No personal liability.

13. No Fellow of the College shall, by reason of such fellowship, be or become liable for any of its debts or obligations.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-45.

An Act to incorporate Canadian Institute of Actuaries.

Read a first time, Tuesday, 3rd November, 1964.

Honourable Senator McCUTCHEON, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

21522

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-45.

An Act to incorporate Canadian Institute of Actuaries.

Preamble.

WHEREAS the persons hereinafter named, on behalf of the unincorporated association known as the "Canadian Association of Actuaries" and hereinafter referred to as "the Association", have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Lloyd Grant Current, actuary, of the city of Waterloo, in the province of Ontario, Samuel Eckler, actuary, Edwin Sydney Jackson, actuary, Norman George Kirkland, actuary, David Alan Logie, actuary, Carl Lothian Wilcken, actuary, all of the city of Toronto, in the province of Ontario, Richard Humphrys, civil servant, of the city of Ottawa, in the province of Ontario, Carman Alfred Naylor, actuary, of the city of London, in the province of Ontario, Leon Mondoux, actuary, of the city of Montreal, in the province of Quebec, Yvan Pouliot, actuary, of the city of Quebec, in the province of Quebec, and John Edward Morrison, insurance executive, of the city of Winnipeg, in the province of Manitoba, being the governing body of the Association, and all other persons who are members of the Association immediately prior to the coming into force of this Act, together with such other persons as may from time to time become members of the corporation hereby incorporated, as herein provided, are incorporated under the name of Canadian Institute of Actuaries, and, in French, Institut Canadien des Actuaires, hereinafter called "the Institute".

Corporate name.

Purposes and objects.

2. The purposes and objects of the Institute shall be

(*a*) to advance and develop actuarial science;

(*b*) to promote the application of actuarial science to human affairs; and

(*c*) to establish, promote and maintain high standards of competence and conduct within the actuarial profession.

Head office.

3. The head office of the Institute shall be in the city of Toronto, in the province of Ontario, or at such other place in Canada as the Institute may determine by by-law from time to time.

Additional powers.

4. (1) In addition to the general powers accorded to it by law, the Institute shall have power

(*a*) to purchase, take on lease or in exchange, hire and otherwise acquire by gift, grant, legacy, devise or otherwise, and to own and hold any estate, property or rights, real or personal, movable or immovable, or any title or interest therein, and to sell, exchange, alienate, manage, develop, mortgage, hypothecate, lease or otherwise deal therewith as it may deem advisable for the purposes of the Institute;

(*b*) to borrow money for the purposes of the Institute;

(*c*) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments;

(*d*) to own, operate, print, publish and distribute journals, periodicals and publications for the professional advancement of the members of the Institute, and to own, hold, acquire, sell, dispose of and otherwise deal with the shares of any company which may own, operate, print, publish or distribute any such journal, periodical or publication, and in connection therewith to lend money to, to guarantee the contracts of, or otherwise assist any company, society, firm, committee, person or persons, which may be charged with the duty of owning, operating, printing, publishing or distributing such journal, periodical or publication;

(*e*) to establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit actuaries and their profession in any

way, and to subscribe or guarantee money for charitable or benevolent objects or for any exhibition or for any public, general or useful object;

(*f*) to invest and deal with the moneys of the Institute not immediately required, in such manner as may be determined from time to time; and

(*g*) to do all such lawful acts and things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Institute.

(2) Nothing in the preceding subsection shall be construed to authorize the Institute to issue any note or bill payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance.

Membership.

5. (1) The persons whose names are stated in section 1 and all other persons who are members of the Association immediately prior to the coming into force of this Act shall constitute the first members of the Institute, but otherwise, the number and qualifications of members, the various classifications of members, the voting and other rights attaching to each classification, the conditions of, circumstances and manner of entry into and termination of membership and generally the conditions, privileges and obligations attaching to membership in the Institute, shall be such as may be determined from time to time by its by-laws.

(2) Members of the Institute may designate their membership or class of membership therein by appending to their names such abbreviations, not contrary to law, as may be provided in the by-laws of the Institute.

Council.

6. (1) Subject to and in accordance with the by-laws of the Institute, the property, business and affairs of the Institute shall be managed by a Council, hereinafter referred to as the Council, elected or appointed in accordance with such by-laws.

First Council.

(2) The first Council shall consist of the persons whose names are stated in section 1 and unless their appointment is sooner terminated they shall hold office until their successors are elected or appointed by by-law under section 7.

Powers of Council.

7. (1) The Council may make such by-laws, rules and regulations, not contrary to law, as it deems necessary or advisable for the due carrying out of the purposes and objects of the Institute; and, without restricting the generality of the foregoing, may make by-laws, rules and regulations, not contrary to law, with respect to

(*a*) the adoption of a common seal;

(*b*) the appointment, functions, duties and removal of all officers, servants and agents of the Institute and their remuneration;

(*c*) the election or appointment of persons to the Council and their number and term of office;

(*d*) the time and place of the calling and holding of all meetings of the Council and of the members of the Institute, and the quorum and the procedure in all things to be followed at such meetings, and

(*e*) the conduct in all other particulars of the affairs of the Institute,

and may repeal, amend or re-enact any by-law, rule or regulation.

(2) Every by-law, rule and regulation and every repeal, amendment or re-enactment thereof shall have force and effect only until the next ensuing general meeting of the members of the Institute and in default of confirmation thereat shall at and from that time cease to have validity, force or effect.

8. This Act shall come into force on January 1, 1965, or on the day on which it is assented to, whichever is the later.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-46.

An Act to incorporate Settlers Savings and Mortgage Corporation.

Read a first time, Tuesday, 3rd November, 1964.

Honourable Senator THORVALDSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

21451

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-46.

An Act to incorporate Settlers Savings and Mortgage Corporation.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Vladimir Ferdinand Bachynski, physician, Ernest John Klassen, manufacturer, John Shanski, lumber merchant, Vsevolod John Swystun, barrister, and Victor James Thiessen, investor, all of the town of Tuxedo, in the province of Manitoba, and Alexander Hilliard Cottick, dentist, John Martin Hawryluk, school principal, and the Honourable Paul Yusyk, educationalist, all of the city of Winnipeg, in the province of Manitoba, and Joseph Slogan, dentist, of the town of Selkirk, in the province of Manitoba, together with such persons as become shareholders in the company, are incorporated under the name of Settlers Savings and Mortgage Corporation, and, in French, Settlers, Compagnie d'Epargne et Hypotheque, hereinafter called "the Company".

Corporate name.

Provisional directors.

2. The persons named in section 1 shall be the provisional directors of the Company.

Capital stock.

3. The capital stock of the Company shall be one million dollars, which may be increased to five million dollars.

Amount to be subscribed before general meeting.

4. The amount to be subscribed before the provisional directors may call a general meeting of the shareholders shall be five hundred thousand dollars.

Amount to be subscribed and paid before commencement of business.

5. The Company shall not commence business until five hundred thousand dollars of the capital stock has been subscribed and two hundred and fifty thousand dollars paid thereon.

Head office.

6. The head office of the Company shall be in the city of Winnipeg, in the province of Manitoba.

Powers and limitations.

R.S. c. 170.

7. The Company has all the powers, privileges and immunities conferred by, and is subject to all the limitations, liabilities and provisions of the *Loan Companies Act*.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-47.

An Act respecting The Burrard Inlet Tunnel and Bridge Company.

Read a first time, Tuesday, 3rd November, 1964.

Honourable Senator SMITH (*Kamloops*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

21455

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-47.

An Act respecting The Burrard Inlet Tunnel and Bridge Company.

Preamble.
1910, c. 74;
1913, c. 80;
1914, c. 73;
1916, c. 34;
1918, c. 61;
1920, c. 74;
1922, c. 54;
1924, c. 76;
1931, c. 63;
1952, c. 56;
1958, c. 45.

WHEREAS The Burrard Inlet Tunnel and Bridge Company, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1952, c. 296.

1. Notwithstanding anything contained in the *Winding-up Act* or in any other Act, the *Winding-up Act* shall apply to the Company.

Explanatory Note.

The Burrard Inlet Tunnel and Bridge Company discontinued the business for which it was incorporated and has sold all of its physical assets. The Company wishes to distribute its surplus to its shareholders and wind-up its affairs.

There is no provision in the Special Act incorporating the Company, chapter 74 of the statutes of 1910, or any amendment thereto, authorizing the Company to wind-up, nor do the provisions of the *Railway Act*, the *Winding-up Act*, or any other Act, apply to the Company in the circumstances above described.

Second Session, Twenty-Sixth Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-48.

An Act respecting The Economical Mutual Insurance Company.

Read a first time, Tuesday, 1st December, 1964.

Honourable Senator MACDONALD, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20416

2nd Session, 26th Parliament, 13 Elizabeth II, 1964.

THE SENATE OF CANADA

BILL S-48.

An Act respecting The Economical Mutual Insurance Company.

Preamble. 1936, c. 54; 1952, c. 60.

WHEREAS The Economical Mutual Insurance Company, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name in French.

1. The Company may use, in the transaction of its business, either the name The Economical Mutual Insurance Company or the name L'Economical, Compagnie Mutuelle d'Assurance, or both of such names, as and when it so elects. It may sue or be sued in either or both of such names, and any transaction, contract or obligation heretofore or hereafter entered into or incurred by the Company in either or both of the said names shall be valid and binding on the Company.

Existing rights saved.

2. Nothing contained in section 1 of this Act shall in any way impair, alter or affect the rights or liabilities of the Company, except as therein expressly provided, nor in any way affect any suit or proceeding now pending or judgment existing, either by or in favour of or against the Company, which, notwithstanding the provisions of section 1 of this Act, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Explanatory Note.

The sole purpose of this bill is to add a French version to the name of The Economical Mutual Insurance Company.