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CANADA
HOUSE OF COMMONS

24th Parliament, 2nd Session
1959

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Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-2.

An Act to amend the Canadian Citizenship Act.

First reading, January 19, 1959.

Mr. Pickersgill.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20193-9

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-2.

An Act to amend the Canadian Citizenship Act.

R.S., c. 33; 1952-53, c. 23; 1953-54, c. 34; 1956, c. 6. 1958, c. 24.

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

1. Subsection (1) of section 19 of the *Canadian Citizenship Act* is repealed and the following substituted therefor:

Loss of Canadian citizenship.

"**19.** (1) A Canadian citizen other than a natural born citizen shall not lose his citizenship for any cause for which a natural born citizen would not lose his citizenship.

Where it is established to the satisfaction of the court that a person has obtained a certificate of naturalization or Canadian citizenship by false representation or fraud or by concealment of material circumstances such certificate shall be revoked and such person shall be deemed never to have been a Canadian citizen."

Explanatory Notes.

Subsection (1) of section 19 of the *Canadian Citizenship Act* now reads:

"**19.** (1) The Governor in Council may, in his discretion, order that any person other than a natural-born Canadian citizen shall cease to be a Canadian citizen if, upon a report from the Minister, he is satisfied that such person,

(a) having been charged with the offence of treason under the Criminal Code or with an offence under the Official Secrets Act, has failed or refused to return to Canada voluntarily within such time as may be prescribed in a notice sent by the Minister to such person at his last known address and has not appeared at the preliminary inquiry into such offence or at the trial of such offence, or both, as the case may be;

(b) has obtained a certificate of naturalization or of Canadian citizenship by false representation or fraud or by concealment of material circumstances."

The purpose of the amendment is to give complete equality of status with natural born citizens to citizens other than natural born citizens by removing the remaining discrimination in the present law.

C-3.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-3.

An Act to amend the Interest Act.

First reading, January 19, 1959.

MR. ARGUE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20274-7

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-3.

An Act to amend the Interest Act.

R.S., c. 156.

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

1. Section 2 of the *Interest Act* is repealed and the following substituted therefor:

Rate of interest not to exceed twelve per cent per annum.

"**2.** Except as otherwise provided by this or by any other Act of Parliament no person may stipulate, allow or exact on any contract or agreement whatsoever, a rate of interest in excess of twelve per cent per annum, whether it is called interest or is claimed as a discount, deduction from advance, commission, brokerage, chattel mortgage fees, or recording fees, or is claimed as fines, penalties or charges for inquiries, defaults or renewals or otherwise, and whether paid to or charged by the lender or paid to or charged by any other person, and whether fixed and determined by the loan contract itself, or in whole or in part by any other collateral contract or document by which the charges, if any, imposed under the contract or the terms of the repayment of the loan are effectively varied."

Explanatory Note.

Section 2 as at present provides that there is no restriction as to the rate of interest except as provided by statute. The amendment limits the rate to twelve per cent.

This section now reads as follows:

"**2.** Except as otherwise provided by this or by any other Act of the Parliament of Canada, any person may stipulate for, allow and exact, on any contract or agreement whatsoever, any rate of interest or discount that is agreed upon."

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-4.

An Act to amend the Financial Administration Act.

First reading, January 19, 1959.

MR. BOULANGER

20278-8 THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-4.

An Act to amend the Financial Administration Act.

R.S., c. 116; 1955, c. 3; 1958, c. 31.

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

1. The *Financial Administration Act* is amended by inserting therein, immediately after section 33 thereof, the following section:

Negotiable instruments to be printed in English and French.

"**33A.** The form and material of every negotiable instrument issued under section 33 and of every negotiable instrument issued by or for any department or by or for any Crown corporation as defined in paragraph *(c)* of subsection (1) of section 76 shall be subject to approval by the Minister, but each such negotiable instrument shall be printed in both the English and the French languages."

Explanatory Notes.

The purpose of this Bill is to provide that every cheque, draft, traveller's cheque, bill of exchange, postal note, money order, postal remittance and any other similar remittance of any department as defined in paragraph *(f)* of section 2 of the *Financial Administration Act* or of any Crown corporation enumerated in schedules B, C and D of the same Act shall be printed in both the English and the French languages.

This is in accordance with the principle established in the *Bank of Canada Act* where it is enacted (subsection (4) of section 21) that the notes payable to bearer on demand and intended for circulation in Canada issued by the Bank shall be printed in both the official languages.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-5.

An Act to amend the Small Loans Act.

First reading, January, 19, 1959.

MR. ARGUE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20282-0

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-5.

An Act to amend the Small Loans Act.

R.S., c. 251; 1956, c. 46.

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

1956, c. 46.

Maximum cost.

1. Subsection (2) of section 3 of the *Small Loans Act* is repealed and the following substituted therefor:

"(2) The cost of a loan shall not exceed the aggregate of

(*a*) one per cent per month on any part of the principal balance not exceeding one thousand dollars, and

(*b*) one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars."

Loans, how repayable.

2. Subsection (1) of section 6 of the said Act is repealed and the following substituted therefor:

"**6.** (1) Every loan shall be repayable in approximately equal instalment of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan."

1956, c. 46.

Maximum cost.

3. (1) Subsections (2) and (3) of section 14 of the said Act are repealed and the following substituted therefor:

"(2) The cost of a loan made by the Company shall not exceed the aggregate of

(*a*) one per cent per month on any part of the unpaid principal balance not exceeding one thousand dollars, and

(*b*) one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars."

Explanatory Notes.

The main purpose of this Bill is to provide for a reduction of the rate of interest or "cost of loan" allowed by the *Small Loans Act* from two per cent per month to one per cent per month on any part of the unpaid principal balance not exceeding three hundred dollars.

1. Subsection (2) of section 3 at present reads as follows:

"(2) The cost of a loan shall not exceed the aggregate of

(*a*) *two per cent per month on any part of the unpaid principal balance not exceeding three hundred dollars,*

(*b*) one per cent per month on any part of the unpaid principal balance exceeding three hundred dollars but not exceeding one thousand dollars, and

(*c*) one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars."

2. Subsection (1) of section 6 at present reads as follows:

"6. (1) Every loan shall be repayable in approximately equal instalments of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan; *but if default in the payment of any instalment continues beyond the date on which the last instalment of the loan falls due, interest shall accrue thereon at a rate not exceeding one per cent per month from such date.*"

3. (1) Subsections (2) and (3) of section 14 at present read as follows:

"(2) The cost of a loan made by the Company shall not exceed the aggregate of

(*a*) *two per cent per month on any part of the unpaid principal balance not exceeding three hundred dollars,*

(*b*) one per cent per month on any part of the unpaid principal balance exceeding three hundred dollars but not exceeding one thousand dollars, and

(*c*) one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars.

"(3) *Where a loan of five hundred dollars or less is made for a period greater than twenty months or where a loan exceeding five hundred dollars is made for a period greater than thirty months, the cost of the loan shall not exceed one per cent per month on the unpaid principal balance thereof.*"

1956, c. 46.

(2) Paragraph (*a*) of subsection (5) of the said section is repealed and the following substituted therefor:

Repayment of loans

"(*a*) The loan shall be repayable in approximately equal instalments of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan;"

(2) Paragraph (*a*) of subsection (5) at present reads as follows:

"(*a*) the loan shall be repayable in approximately equal instalments of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan; *but if default in the payment of any instalment continues beyond the date on which the last instalment of the loan falls due, interest shall accrue thereon at a rate not exceeding one per cent per month from such date;*"

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-6.

An Act respecting Flags of Canada.

First reading, January 19, 1959.

Mr. Boulanger.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20286-1

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-6.

An Act respecting Flags of Canada.

WHEREAS Canada is a sovereign nation, among the members of the Commonwealth of Nations, with them united by a common allegiance to the Crown;

AND WHEREAS it is desirable and urgent that Canada possess a distinctive national flag;

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 *National Flag of Canada Act.*

Duty to prepare a design.

2. The Governor in Council shall prepare a design for a suitable distinctive national flag for Canada.

Report to Parliament.

3. The Governor in Council shall, during the present session of Parliament, report thereto the design of the said flag so prepared.

Approval and issuance of Royal Proclamation.

4. Notwithstanding any royal prerogatives and anything contained in any Act of the Parliament of the United Kingdom such design for a national flag, after it has been approved by a joint resolution of the Senate and House of Commons, shall be submitted for approval to Her Majesty the Queen and for the issuance of a Royal Proclamation under the Great Seal of Canada respecting such ensign, armorial flags and banners as Her Majesty shall be pleased to appoint.

Explanatory Note.

As it is desirable and urgent that Canada possess a distinctive national flag, this Bill provides a method of obtaining a flag with the least possible delay. The method adopted is to have the Governor in Council prepare the design immediately upon the passage of this Bill and to submit the design for approval to the House and the other place at this session. In this manner Canadians could have a distinctive national flag at the end of this session.

C-7.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-7.

An Act to provide for Pay for Statutory Holidays for Employees and for Pay for Work Performed on Statutory Holidays.

First reading, January 19, 1959.

MR. REGIER.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20250-7

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA

BILL C-7.

An Act to provide for Pay for Statutory Holidays for Employees and for Pay for Work Performed on Statutory Holidays.

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 *Canada Statutory Holidays With Pay Act.*

Interpretation "Deputy Minister."

2. In this Act,

(a) "Deputy Minister" means the Deputy Minister of Labour;

"Employee."

(b) "employee" means a person of any age of either sex who is in receipt of or entitled to any remuneration for labour or services performed for an employer;

"Employer."

(c) "employer" means any person, firm or corporation employing one or more employees and includes every agent, manager, representative, contractor, sub-contractor or principal and every other person who either:

(i) has control or direction of one or more employees; or

(ii) is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the receipt of wages by, one or more employees;

"Full time employee."

(d) "full time employee" means any employee who, in a week in which a statutory holiday occurs, works or is required to be at the disposal of his employer not less than 28 hours exclusive of overtime and any time the employee works or is required to be at the disposal of the employer on that holiday;

"Minister."

(e) "Minister" means the Minister of Labour;

"Part time employee."

(f) "part time employee" means any employee other than a full time employee;

Explanatory Note.

The purpose of this bill is to provide that all employees in Canada who come under federal labour jurisdiction shall receive their regular pay for at least eight statutory holidays each year, without having to work on those holidays. It also provides that when any such employee is required to work on any statutory holiday, as defined in the bill, he shall receive pay for such work at double time in addition to his regular pay for such holiday.

Nothing in this bill affects any provision for statutory holidays with pay enjoyed by any employees where such provisions are more favourable than those enjoyed herein, but this bill does supersede any provisions which are less favourable than those set out in this bill.

"Prescribed."
(g) "prescribed" means prescribed by the Minister;

"Statutory holiday."
(h) "statutory holiday" means New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day;

"Rate of wages."
(i) "rate of wages" means the basis of calculation of wages;

"Wage" or "wages."
(j) "wage" or "wages" means any compensation for labour or services paid to or retained by, or partly paid to and partly retained by, an employee, whether measured by time, piece, commission or by any other method whatever or by any combination of such methods;

"Week."
(k) "week" means the period between midnight on Saturday and midnight on the immediately following Saturday.

Application of Act.
3. This Act applies to and in respect of employment upon or in connection with any work, undertaking or business that is within the legislative authority of the Parliament of Canada, including, but not so as to restrict the generality of the foregoing,

(a) works, undertakings, or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada;

(b) railways, canals, telegraphs and other works and undertakings connecting a province with any other or others of the provinces, or extending beyond the limits of a province;

(c) lines of steam and other ships connecting a province with any other or others of the provinces or extending beyond the limits of a province;

(d) ferries between any province and any other province or between any province and any country other than Canada;

(e) aerodromes, aircraft and lines of air transportation;

(f) radio broadcasting stations;

(g) banks and banking;

(h) such works or undertakings as, although wholly situate within a province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces; and

(i) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province;

and to and in respect of,

(j) all employees employed by any employer engaged in any such work, undertaking or business.

Statutory Holiday Pay for employees.

4. (1) Every full time employee, and every part time employee employed by an employer during not less than four consecutive weeks prior to a statutory holiday, who does not work and is not required to be at the disposal of his employer on a statutory holiday shall be paid by his employer in addition to all other sums to which he is entitled, a sum equal to that to which the employee would be entitled as wages exclusive of overtime for that day were that day not a statutory holiday.

(2) Every employee who works or is required to be at the disposal of his employer on a statutory holiday shall be paid by his employer in addition to all other sums to which he is entitled, a sum equal to a sum computed in accordance with subsection (1), plus a sum equal to two times the regular rate of wages of such employee for each hour or part thereof he works or is required to be at the disposal of his employer on such holiday.

(3) Where a statutory holiday falls on a day other than a regular work day of a full time employee the holiday shall for the purpose of this Act insofar as that employee is concerned be deemed to be the next following regular work day of such employee.

Evasion of section 4 prohibited.

5. No employer shall discharge, or temporarily dispense with the services of, an employee, or alter the regular working hours of an employee for the purpose of evading compliance with section 4 of this Act.

Effect of Act on alternative holiday arrangement.

6. (1) Nothing in this Act affects any provision in any Act, agreement or contract of service or any custom which ensures to employees more favourable conditions than those provided by this Act.

(2) Any provision in any Act, agreement or contract of service or any custom which is less favourable to employees than the provisions of this Act is superseded by this Act.

Agreements not to deprive employees of benefits of Act.

7. (1) No agreement, whether heretofore or hereafter entered into, shall have any force or effect in so far as it deprives any employee of any right, power, privilege or other benefit provided by this Act.

(2) No employer shall require an employee to return to him, nor shall he accept from an employee the whole or any part of any sum which he paid to that employee under the provisions of this Act.

Discrimination by employer prohibited.

8. No employer shall discharge or threaten to discharge or in any way discriminate against any employee for:

(a) testifying or consenting to testify in any investigation or proceeding relative to the enforcement of this Act, or

(b) giving any information to the Minister or his duly authorized representative regarding any matter governed by this Act.

Posting of abstracts.

9. Every employer shall post and keep posted in a conspicuous place where his employees are engaged in their duties any prescribed abstract or abstracts of the provisions of this Act or the regulations.

Holiday book.

10. (1) Every employer employing any employee to whom this Act applies shall at all times keep a record to be called a "holiday book" showing in the case of each of his employees:

(a) the name and address of the employee;

(b) the regular rate of wages of the employee;

(c) the date of the commencement and termination of the employment of the employee;

(d) the date of the statutory holiday of the employee in accordance with this Act;

(e) the sum of money paid to the employee in respect of each statutory holiday excluding the sum referred to in clause *(f)*;

(f) the sum of money paid to the employee in respect of time the employee was required or permitted to work or to be at the disposal of the employer on each statutory holiday;

(g) the exact hours the employee was required to work or to be at the disposal of the employer on each statutory holiday;

(h) such other particulars as are prescribed.

(2) The holiday book may be incorporated in any holiday book or wages book which the employer is required to keep under any other Act of Parliament.

Power to inspect holiday book and obtain information.

11. The Minister or his duly authorized representative may at any reasonable time:

(a) inspect the holiday book in use by any employer for the time being or any such book used by that employer during the preceding three years;

(b) require any employer to verify the entries in his holiday book by statutory declaration or in such manner as the Minister or his duly authorized representative may require;

(c) require any person to furnish, in a form acceptable to the Minister or his duly authorized representative, such information as the Minister or his duly authorized representative deems necessary to ascertain whether the provisions of this Act and the regulations are being or have been complied with.

Money paid under Act deemed to be salary or wages.

12. All money payable by an employer to any employee under this Act and any money ordered to be paid by an employer under subsection (2) of section 14 shall be deemed to be salary or wages earned by the employee, and shall be subject accordingly to all deductions which the employer is required to make from salary or wages under any Act of Parliament.

Time limit for prosecutions.

13. Prosecutions for offences created by this Act shall be instituted within one year after the commission of the alleged offence.

Penalties.

14. (1) Every person who:

(a) fails to comply with or violates any provision of this Act or the regulations; or

(b) with intent to deceive, makes any false or misleading statement in any communication, whether in writing or otherwise, to the Minister or his duly authorized representative; or

(c) interferes with or obstructs the Minister or his duly authorized representative in the exercise of any power conferred upon him by this Act or any regulation made thereunder;

is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars for the first offence and in default of payment to imprisonment for not more than thirty days, and for each subsequent offence, to a fine not exceeding four hundred dollars and in default of payment to imprisonment for not more than ninety days.

(2) If an employer is convicted of failure to pay to any employee any money which he is required to pay under the provisions of this Act, the Court shall, in addition to the fine imposed, order the employer to pay to it forthwith an amount equivalent to that which the employer failed to pay to the employee and the court shall pay the said amount to the employee forthwith upon receipt of it.

(3) If the employer fails to pay any money ordered to be paid under subsection (2), the court may order that the employer be imprisoned for a further term of not less than thirty days nor more than ninety days.

Power of representative of Minister to determine amount of average wage not paid.

15. (1) If a duly authorized representative of the Minister finds that an employer has failed to pay to any employee any money which the employer is required to pay under the provisions of this Act, the representative may determine the amount which the employer failed to pay to the employee and if the amount is agreed to in writing by the employer and the employee, the employer shall within two days, pay it to the Deputy Minister who shall pay it to the employee forthwith upon receipt of it.

(2) The employer who pays such amount to the Deputy Minister as required by subsection (1) shall not be liable to prosecution for failure to pay to the employee concerned the money referred to in subsection (1).

Records of Deputy Minister.

16. (1) The Deputy Minister shall keep a record of all money paid to him by employers and paid by him to employees under section 15.

(2) Where money received by the Deputy Minister on behalf of an employee has not been paid to the employee concerned by reason of the fact that the Deputy Minister has been unable to ascertain the whereabouts of the employee, and the employee does not claim it within a period of two years from the date of receipt thereof by the Deputy Minister, such money shall, upon the order of the Deputy Minister, become the property of the Crown in right of Canada.

Regulations.

17. (1) The Governor in Council may make such regulations, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent.

(2) All regulations shall take effect upon such date as may be designated in the regulations, and shall have the same force and effect as if herein enacted.

Coming into force.

18. This Act shall come into force on the 1st day of September, 1959.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-8.

An Act to provide for Minimum Wages for Employees.

First reading, January 19, 1959.

MR. PETERS.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20246-5

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-8.

An Act to provide for Minimum Wages for Employees.

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 *Canada Minimum Wage Act.*

Interpretation. "Deputy Minister." "employee." "employer." "full-time employee." "Minister." "part-time employee." "rate of wages."

2. In this Act,

(a) "Deputy Minister" means the Deputy Minister of Labour;

(b) "employee" means a person of any age of either sex who is in receipt of or entitled to any remuneration for labour or services performed for an employer;

(c) "employer" means any person, firm or corporation employing one or more employees and includes every agent, manager, representative, contractor, sub-contractor or principal and every other person who either:

(i) has control or direction of one or more employees; or

(ii) is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the receipt of wages by, one or more employees;

(d) "full-time employee" means any employee whose employer requires or permits such employee to work or to be at his disposal in excess of 32 hours in any week;

(e) "Minister" means the Minister of Labour;

(f) "part-time employee" means any employee whose employer requires or permits such employee to work or to be at his disposal for 32 hours or less in any week;

(g) "rate of wages" means the basis of calculation of wages;

Explanatory Notes.

The purpose of this bill is to establish a minimum rate of wages with respect to all employees in Canada who come under federal labour jurisdiction. This bill provides that such minimum rate of wages shall be $1.25 per hour. The bill also provides that its terms do not affect any employee whose rate of wages is higher than the minimum established by this legislation. However, any rate of wages less favourable to employees than $1.25 per hour is superseded by this bill.

"wage" or "wages."

(h) "wage" or "wages" means any compensation for labour or services paid to or retained by, or partly paid to and partly retained by, an employee, whether measured by time, piece, commission or by any other method whatsoever or by any combination of such methods;

"week."

(i) "week" means the period between midnight on Saturday and midnight on the immediately following Saturday.

Application of Act.

3. This Act applies to and in respect of employment upon or in connection with any work, undertaking or business that is within the legislative authority of the Parliament of Canada, including, but not so as to restrict the generality of the foregoing,

(a) works, undertakings, or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada;

(b) railways, canals, telegraphs and other works and undertakings connecting a province with any other or others of the provinces, or extending beyond the limits of a province;

(c) lines of steam and other ships connecting a province with any other or others of the provinces or extending beyond the limits of a province;

(d) ferries between any province and any other province or between any province and any country other than Canada;

(e) aerodromes, aircraft and lines of air transportation;

(f) radio broadcasting stations;

(g) banks and banking;

(h) such works or undertakings as, although wholly situate within a province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces; and

(i) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province;

and to and in respect of,

(j) all employees employed by any employer engaged in any such work, undertaking or business.

Minimum wages for employees

4. (1) Every full-time employee shall be paid by his employer, in respect of the time such employee is required or permitted by his employer to work or to be at his disposal, wages which are not less than wages calculated at the rate of $1.00 per hour.

(2) Every part-time employee shall be paid by his employer, in respect of the time such employee is required or permitted by his employer to work or to be at his disposal, wages which are not less than wages calculated at the rate set out in subsection (1) hereof, provided however that the Governor in Council may by regulation fix, in the case of every such part-time employee, a rate higher than that set out in subsection (1) hereof, and any rate thus fixed shall have the same force and effect as if herein enacted.

Items to be supplied without cost to employees.

5. Where an employer requires any employee to use any special wearing apparel, tools or equipment he shall supply the same and provide for the laundering of the wearing apparel and the maintenance and repair of the tools and equipment without costs to the employee.

Value of and maximum deductions for board or lodging supplied by employer.

6. Where board or lodging are supplied by an employer to an employee and are accepted by the employee the value of such board or lodging for the purpose of calculating the minimum wages the employee shall be paid under this Act shall not exceed $.50 per meal for board and $.75 per day for lodging and no employer shall deduct from the wages of such employee any sum for board or lodging in excess of the values fixed herein.

Effect of Act on other Acts, agreements, contracts and customs.

7. (1) Nothing in this Act affects any provision in any Act, agreement or contract of service or any custom which ensures to employees more favourable conditions than those provided by this Act.

(2) Any provision in any Act, agreement or contract of service or any custom which is less favourable to employees than the provisions of this Act is superseded by this Act.

Agreements not to deprive employees of benefits of Act.

8. (1) No agreement, whether heretofore or hereafter entered into, shall have any force or effect in so far as it deprives any employee of any right, power, privilege or other benefit provided by this Act.

(2) No employer shall require an employee to return to him, nor shall he accept from an employee the whole or any part of any sum which he paid to that employee under the provisions of this Act.

Discrimination by employer prohibited.

9. No employer shall discharge or threaten to discharge or in any way discriminate against any employee for:

(a) testifying or consenting to testify in any investigation or proceeding relative to the enforcement of this Act, or

(b) giving any information to the Minister or his duly authorized representative regarding any matter governed by this Act.

Posting of abstracts.

10. Every employer shall post and keep posted in a conspicuous position in the place or places where his employees are employed so that the same may readily be seen and read by all employees any abstract or abstracts of this Act as may be prescribed by the Minister.

Records.

11. (1) Every employer shall at all times keep readily available for inspection by the Minister or his duly authorized representative in each place of employment operated by him in the province or at such other place or places as are approved by the Minister, true, correct and up to date records showing in respect of each employee employed in or from the place of employment during the preceding two years:

(a) the name and residential address;

(b) total wages paid for each week or other pay period;

(c) the hours at which the time he was required or permitted to work or to be at the disposal of the employer began and ended in each day and the hours at which any interval or intervals for meals allowed in each day began and ended;

(d) the total number of hours worked each day and each week;

(e) each deduction made from wages for any purpose whatever and the purpose for which each deduction was made.

(2) The records required under this section:

(a) shall be maintained by the employer for a period of not less than twenty-four months from the date the record was made; and,

(b) may be incorporated in any wage record which the employer is required to keep under any other Act of Parliament provided that the Minister may require that the records of any employer be kept in such form as he may prescribe whereupon such records shall be kept in the prescribed form.

Power to enter premises, inspect records and obtain information.

12. (1) The minister or his duly authorized representative may at any reasonable time:

(a) enter the premises of any employer and any premises where he has reasonable cause to believe that any employee is employed therein at the time of entry;

(b) inspect or take extracts from any books, documents, statements, payrolls, papers or other records of an employer which in any way relate to wages to which any employee is entitled, or which he has been paid;

(c) require any employer to verify, within a specified time, the entries in his records by statutory declaration or in such other manner as the Minister or his duly authorized representative may require; and

(d) require any person to furnish, within a specified time, in a form acceptable to the Minister or his duly authorized representative, such information as the Minister or his duly authorized representative deems necessary to ascertain whether the provisions of this Act are being or have been complied with.

(2) Any person authorized pursuant to subsection (1) may administer all oaths and take all affidavits and statutory declarations required by him under the provisions of that subsection.

Money paid under Act deemed to be salary or wages.

13. All money paid by an employer to an employee under this Act and any money ordered to be paid by an employer under subsection (2) of section 15 shall be deemed to be salary or wages earned by the employee, and shall be subject accordingly to all deductions which the employer is required to make from salary or wages under any Act of Parliament.

Time limit for prosecutions.

14. Prosecutions for offences created by this Act shall be instituted within one year after the commission of the alleged offence.

Penalties.

15. (1) Every person who:

(a) fails to comply with any of the provisions of this Act; or

(b) with intent to deceive, makes any false or misleading statement in any communication, whether in writing or otherwise, to the Minister or his duly authorized representative; or

(c) interferes with or obstructs the Minister or his duly authorized representative in the exercise of any power conferred upon him by this Act;

is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars for the first offence and in default of payment to imprisonment for not more than thirty days, and for each subsequent offence, to a fine not exceeding four hundred dollars and in default of payment to imprisonment for not more than ninety days.

(2) If an employer is convicted of failure to pay to any employee any wages which he is required to pay under the provisions of this Act, the Court shall, in addition to the fine imposed, order the employer to pay to it forthwith an amount equivalent to that which the employer failed to pay to the employee and the court shall pay the said amount to the employee forthwith upon receipt of it.

(3) If the employer fails to pay any money ordered to be paid under subsection (2), the court may order that the employer be imprisoned for a further term of not less than thirty days nor more than ninety days.

Power of representative of Minister to determine amount of wages not paid.

16. (1) If a duly authorized representative of the Minister finds that an employer has failed to pay to any employee any wages which the employer is required to pay under the provisions of this Act, the representative may determine the amount which the employer failed to pay to the employee and if the amount is agreed to in writing by the employer and the employee, the employer shall within two days, pay it to the Deputy Minister who shall pay it to the employee forthwith upon receipt of it.

(2) An employer who pays such amount to the Deputy Minister as required by subsection (1) shall not be liable to prosecution for failure to pay to the employee concerned any wages required to be paid under the provisions of this Act.

Records of Deputy Minister.

17. (1) The Deputy Minister shall keep a record of all money paid to him by employers and paid by him to employees under section 16.

(2) Where money received by the Deputy Minister on behalf of an employee has not been paid to the employee concerned by reason of the fact that the Deputy Minister has been unable to ascertain the whereabouts of the employee, and the employee does not claim it within a period of two years from the date of receipt thereof by the Deputy Minister, such money shall, upon the order of the Deputy Minister, become the property of the Crown in right of Canada.

Regulations.

18. (1) The Governor in Council may make such regulations, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent.

(2) All regulations shall take effect upon such date as may be designated in the regulations, and shall have the same force and effect as if herein enacted.

Coming into force.

19. This Act shall come into force on the 1st day of September, 1959.

C-9.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-9.

An Act respecting the Printing of Negotiable Instruments in the English and the French Languages.

First reading, January 19, 1959.

MR. PIGEON.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20004-8

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-9.

An Act respecting the Printing of Negotiable Instruments in the English and the French Languages.

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

Negotiable instruments to be printed in English and French.

1. Every cheque, draft, traveller's cheque, bill of exchange, postal note, money order, postal remittance and any other similar remittance of any department as defined in paragraph (*f*) of section 2 of the *Financial Administration Act* or of any Crown corporation enumerated in Schedules B, C and D of the said Act shall be printed in both the English and the French languages: Provided the form and material thereof shall be subject to the approval of the Minister of Finance.

Explanatory Note.

The printing of negotiable instruments in both the English and the French languages is in accordance with the principle established in the *Bank of Canada Act* where it is enacted (subsection (4) of section 21) that the notes payable to bearer on demand and intended for circulation in Canada issued by the Bank shall be printed in both the official languages.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-10.

An Act to amend the Canada Elections Act.
(Voting at Advance Polls.)

First reading, January 19, 1959.

MR. FISHER.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20266-3—1

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-10.

An Act to amend the Canada Elections Act.
(Voting at Advance Polls.)

R.S., cc. 23, 306, 334, ss. 8, 9; 1952-53, c. 24, s. 7; 1955, c. 44.

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

Repeal.

1. (1) Subsections (4) and (12) of section 2 of the *Canada Elections Act*, are repealed.

(2) Subsection (27) of section 2 of the said Act is repealed and the following substituted therefor:

"Polling day", "day of polling" or "ordinary polling day".

"(27) "polling day", "day of polling" or "ordinary polling day" means the day provided by section 21 for holding the poll at an election;"

Rules amended.

2. *Rules (40) and (41)* of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"*Rule (40).* The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, five copies of the statement of changes and additions for each candidate officially nominated at the pending election in the electoral district and three copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof; if no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the three spaces provided for the various entries on the prescribed form and by completing the said form in every other respect.

Explanatory Notes.

The privilege of voting at an advance poll is now restricted to a limited number of voters, namely commercial travellers, fishermen, persons employed upon railways, vessels, airships, etc., members of the reserve forces, the R.C.M.P. etc.

The purpose of the suggested amendments to the *Canada Elections Act* is to extend this privilege to all electors who believe that they will for any reason be absent from their polling divisions on the ordinary polling day.

1. Subsections (4) and (12) of section 2 at present read as follows:

"(4) 'commercial traveller' means a person employed on salary or on commission by a manufacturer or wholesale merchant to travel from place to place selling goods to or taking orders for goods from, jobbers and retailers;"

"(12) 'fishermen' means all persons who are engaged or employed on inland, coastal, or deep-sea waters, on salary or wages, or on shares in association with others, or on their own behalf, in the process of fishing as an industry, including sealing and whaling;"

Subsection (27) at present reads as follows:

"(27) 'polling day' or 'day of polling' means the day fixed as provided by section 21 for holding the poll at an election;"

These are consequential amendments.

2. *Rules (40)* and *(41)* of Schedule A to section 17 at present read as follows:

"*Rule (40).* The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, five copies of the statement of changes and additions for each candidate officially nominated at the pending election in the electoral district and *two* copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof; if no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the three spaces provided for the various entries on the prescribed form, and by completing the said form in every other respect.

Rule (41). Upon the completion of the foregoing requirements, and not later than Wednesday, the twelfth day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the five copies, and to the returning officer the three copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (40); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits, in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district."

3. Subsection (3) of section 21 of the said Act is repealed and the following substituted therefor:

Nomination day.

"(3) The day for the close of nominations (in this Act referred to as nomination day) in the electoral districts specified in Schedule Four shall be Monday, the twenty-eighth day before polling day, and in all other electoral districts shall be Monday, the twenty-first day before polling day."

4. Sections 94 to 98 of the said Act are repealed and the following substituted therefor:

Establishment of advance polls.

"**94.** (1) Every returning officer shall, when so instructed by the Chief Electoral Officer, establish one or more advance polling districts in his electoral district, and each advance polling district shall consist of such number of polling divisions as may be approved by the Chief Electoral Officer in each case.

Establishment of advance polling stations.

(2) One advance polling station shall be established in each advance polling district.

Advance polls conducted as ordinary polls.

(3) Except as provided in this section and in sections 96 to 98, advance polls shall be held, conducted and officered in the same manner as ordinary polling stations, and shall be regarded as such for all purposes of this Act.

When advance polls to be open.

(4) Advance polls shall be open between the hours of two and ten o'clock in the afternoons and evenings of Friday and Saturday, the tenth and ninth days preceding ordinary polling day, and shall not be open at any other time.

"*Rule (41).* Upon the completion of the foregoing requirements, and not later than *Thursday*, the *eleventh* day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the five copies, and to the returning officer the *two* copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (40); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district."

3. The words "twenty-first", underlined on the opposite page, are substituted for the word "fourteenth".

4. Sections 94 to 98 at present read as follows:—

"*Advance Polls.*

"**94.** (1) Subject as hereinafter provided, one or more advance polls shall be established in each of the places mentioned in Schedule Two for the purpose of taking the votes of such persons as are described in section 95 and whose names appear on the list of electors for any polling division of the electoral district in which such places are situated.

(2) Every such polling station shall be located so as to suit the convenience of that class of electors which, in the judgment of the returning officer, is most likely to resort in any considerable number thereto.

(3) The Chief Electoral Officer may from time to time amend Schedule Two by striking therefrom the name of any place or by adding thereto the name of any other place, and, so amended, such Schedule has effect as if incorporated into this Act; but he shall amend under the following circumstances only:

(a) if a total of less than fifteen votes is cast at the advance poll held at such place, he shall after the election strike off the name of that place; or

(b) if he is advised and believes that a total of fifteen votes will be cast in case an advance poll is established in any incorporated village, town or city having a population of five hundred or more as determined by the last census taken pursuant to sections 16 and 17 of the *Statistics Act*, he may add the name of such place.

(4) The Chief Electoral Officer shall give notice, under his hand, published in the *Canada Gazette*, of all amendments made to such Schedule, and he shall, at every election, furnish to every returning officer a copy of such Schedule as it then stands amended.

Notice in Form No. 65.

(5) The returning officer shall, after nomination day and not later than Wednesday, the nineteenth day before the ordinary polling day,

(a) give a public notice in the electoral district of the advance poll, in Form No. 65, setting out

(i) the numbers of the polling divisions comprised in every advance polling district established by him,

(ii) the location of each advance polling station,

(iii) the place where the deputy returning officer of each advance polling station shall count the number of votes cast thereat, and

(iv) that the counting referred to in subparagraph (iii) shall take place at nine o'clock in the evening of the ordinary polling day;

(b) mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the Chief Electoral Officer; and

(c) notify each postmaster in writing of the provisions of subsection (6) when he sends the notice.

To be posted up.

(6) Upon receiving a notice described in subsection (5), a postmaster shall post it up in some conspicuous place in his post office to which the public has access and keep it so posted until the time fixed for the closing of the polls on the ordinary polling day has passed, and failure to do so is ground for his dismissal from office, and for the purpose of this provision the postmaster shall be deemed to be an election officer and liable as such.

Postmaster election officer.

Who may vote at advance polls.

"**95.** Any elector whose name appears on the list of electors prepared for a polling division comprised in an advance polling district who believes that he will for any reason be absent from and unable to vote in such polling division on the ordinary polling day at a pending election may vote at the advance polling station established in such district if, before casting his vote, he takes and subscribes to an affidavit for voting at an advance poll, in Form No. 66, before the deputy returning officer of such district.

Duties of deputy returning officer respecting affidavits for voting at an advance poll.

"**96.** (1) Upon being satisfied that a person who applies to vote at an advance polling station is a person whose name appears on the list of electors prepared for a polling division comprised in the advance polling district and who believes that he will, for any reason, be absent from and unable to vote in such polling division on the ordinary polling day, the deputy returning officer shall

(a) fill in the affidavit for voting at an advance poll, in Form No. 66, to be taken and subscribed to by the person so applying,

(5) In case the date of the writ for an election falls within sixty days after notice so given of any such amendment that amendment shall not be in force nor have any effect at such election.

(6) Except as provided in this section and in sections 96 and 97, all advance polls shall be held, conducted and officered in the same manner as and for all purposes of this Act be regarded as ordinary polling stations.

(7) Advance polls shall be open and shall only be open between the hours of two and ten o'clock in the afternoons and evenings of the Thursday, Friday and Saturday immediately preceding polling day.

(8) The returning officer shall, not later than twelve days before polling day, give public notice in the electoral district of the advance poll and of the location of each advance polling station and such notice shall be in Form No. 65; the returning officer shall mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the Chief Electoral Officer; the returning officer shall at the same time notify in writing each postmaster of the provisions of subsection (9).

(9) Every postmaster shall, forthwith after receipt of a copy of the Notice of Holding of Advance Poll in Form No. 65, post it up in some conspicuous place in his post office to which the public has access and maintain it so posted up until the time fixed for the closing of the advance polls on the Saturday immediately preceding the ordinary polling day, and failure to do so is ground for his dismissal from office, and for the purpose of this provision such postmaster shall be deemed to be an election officer and liable as such.

"**95.** The privilege of voting at an advance poll shall extend and shall extend only

(a) to such persons as are employed as commercial travellers as defined in subsection (4) of section 2, to such persons as are employed as fishermen as defined in subsection (12) of the said section, and to such persons as are employed upon railways, vessels, airships, or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof), and to any of such persons only if, because of the nature of his said employment, and in the course thereof, he is necessarily absent from time to time from the place of his ordinary residence, and if he has reason to believe that he will be so absent on polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears; and

(b) to such persons as are members of the reserve forces of the Canadian Forces or to such persons as are members of the Royal Canadian Mounted Police Force, and to any of such persons only if, on account of the performance of duties or training in such forces, he has reason to believe that he will be necessarily absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.

"**96.** (1) No person otherwise entitled to vote at an advance poll shall be permitted to do so unless

(a) he produces to the deputy returning officer at the advance polling station an advance poll certificate, in Form No. 66, that he is the person to whom the privilege of voting at an advance poll extends, which certificate shall be signed by

(i) the returning officer,

(ii) the election clerk in the name of the returning officer and on his behalf, or

(iii) a person specially deputized by the returning officer, with the prior consent of the Chief Electoral Officer, to issue advance poll certificates, whose name and authority have been communicated by the returning officer to the deputy returning officer of such advance poll, and to each candidate officially nominated at the pending election; and

(b) allow such person to take and subscribe to such affidavit before him,

(c) complete the attestation clause on such affidavit,

(d) consecutively number each such affidavit in the order in which it was taken and subscribed to, and

(e) direct the poll clerk to keep a record, called the "Record of Completed Affidavits for Voting at an Advance Poll" on the form prescribed by the Chief Electoral Officer, of every such affidavit in the order in which it was taken and subscribed to.

Person who takes affidavit allowed to vote.

(2) After a person who applies to vote at an advance polling station has taken and subscribed to the affidavit referred to in subsection (1), he shall be allowed to vote, unless an election officer or any agent of a candidate present at the advance poll desires that he take an oath, in Form No. 41, or, in the case of urban polling divisions, that he take and subscribe to an affidavit, in Form No. 42, and he refuses.

Exception.

No poll book kept, but notations to be made on affidavit.

(3) There shall be no poll book supplied to or kept at an advance poll, but the poll clerk thereat shall under the direction of the deputy returning officer preserve each completed affidavit for voting at an advance poll, in Form No. 66, and mark thereon such notations as he would be required by this Act to mark opposite the elector's name in the poll book at an ordinary polling station.

Record of Completed Affidavits for Voting at an Advance poll.

(4) The poll clerk shall, immediately after an affidavit for voting at an advance poll, in Form No. 66, has been completed, enter in the Record of Completed Affidavits for Voting at an Advance Poll the name, occupation and address of the elector who completed the affidavit and the number of the polling division appearing in the affidavit.

Elector voting at advance poll not to vote on ordinary polling day.

(5) No elector who has taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, is entitled to vote on the ordinary polling day.

Examining and sealing of ballot box.

"**97.** (1) At the opening of an advance poll at two o'clock in the afternoon of the first day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present,

(a) open the ballot box and ascertain that there are no ballot papers or other papers or material contained therein,

(b) lock and seal the ballot box with a special metal seal prescribed by the Chief Electoral Officer, and

(c) place the ballot box on a table in full view of all present and keep it so placed until the close of the advance poll on such day of voting.

(b) he signs in the presence of the deputy returning officer the statement of identification and declaration printed at the foot or end of Form No. 66.

(2) Such advance poll certificates shall be issued only on the personal application of the elector concerned and after the officer applied to has been satisfied that the applicant is a person to whom the privilege of voting at an advance poll extends.

(3) The returning officer or the election clerk, or any other person specially deputized by the returning officer, by whom any advance poll certificate is issued shall

(a) fill in and sign such certificate and mention thereon the date of its issue,
(b) see that such certificate has been duly signed by the applicant,
(c) consecutively number every such certificate in the order of its issue,
(d) keep a record of every such certificate in the order of its issue, on the form prescribed by the Chief Electoral Officer,
(e) not issue any such certificate in blank, and
(f) before the hour of the opening of the ordinary polls on polling day, send a copy of the advance poll certificate issued to the deputy returning officer for the polling station at which the person to whom such certificate has issued would in the ordinary course be entitled to vote.

(4) No person who has obtained an advance poll certificate is entitled to vote on the ordinary polling day except upon his producing such certificate and delivering the same up to the deputy returning officer at the ordinary polling station established for the polling division on the list for which his name appears.

(5) There shall be no list of electors nor poll book supplied to or kept at an advance poll, but the poll clerk thereat shall assist the deputy returning officer as required, preserving each certificate deposited and marking thereon such notations as, if there were a poll book, he would be required by this Act to mark opposite the elector's name in the poll book.

(6) An elector who is by this section authorized to vote at an advance poll may vote at any advance poll within the electoral district in which he is qualified to vote; no deputy returning officer shall permit any person to vote at an advance poll upon any certificate in Form No. 66 issued by the returning officer or any other officer of another electoral district.

"97. (1) At the opening of the advance poll, at two o'clock in the afternoon of the first day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present, open the ballot box and ascertain that there are no ballot papers or other papers or material enclosed therein, after which the ballot box shall be locked and sealed with one of the special metal seals prescribed by the Chief Electoral Officer for the use of deputy returning officers; the ballot box shall then be placed on a table in full view of all present and shall be maintained so placed until the close of the advance poll on such day of voting.

Re-opening of advance poll.

(2) At the re-opening of the advance poll at two o'clock in the afternoon of the second day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present,

(a) unseal and open the ballot box, leaving the special envelope or envelopes containing the ballot papers spoiled or cast on the first day of voting unopened in the ballot box,

(b) take out and open the special envelope containing the unused ballot papers and the completed affidavits for voting at an advance poll, in Form No. 66, and

(c) lock and seal the ballot box and place it upon the table, as prescribed in subsection (1).

Proceedings at close of advance poll each day of voting.

(3) At the close of the advance poll at ten o'clock in the evening of each of the two days of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present,

(a) unseal and open the ballot box;

(b) empty the ballot papers cast during the same day of voting, in such manner as not to disclose for whom any elector has voted, into a special envelope supplied for that purpose, seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer and indicate on such envelope the number of such ballot papers;

(c) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose, seal such envelope and indicate on such envelope the number of such spoiled ballot papers; and

(d) count the unused ballot papers and the completed affidavits for voting at an advance poll, in Form No. 66, and place them in the special envelope supplied for that purpose, seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer and indicate on such envelope the number of such unused ballot papers and completed affidavits;

Affixing of signatures and special metal seals.

the deputy returning officer and the poll clerk shall, and such of the candidates or their agents or the electors representing candidates as are present may, affix their signatures on the gummed paper seals affixed to the above mentioned special envelopes before such envelopes are placed in the ballot box; the deputy returning officer shall then lock and seal the ballot box, as prescribed in subsection (1).

(2) At the re-opening of the advance poll, at two o'clock in the afternoon of the second and third days of voting, the ballot box shall be unsealed and opened by the deputy returning officer in full view of such of the candidates or their agents or the electors representing candidates as are present, and the special envelope containing the unused ballot papers shall be taken out and opened; the special envelope or envelopes containing the ballot papers cast on the preceding day or days of voting shall, unopened, remain in the ballot box; the ballot box shall then be locked and sealed, and placed upon the table, as prescribed in subsection (1).

(3) At the close of the advance poll, at ten o'clock in the evening of each of the three days of voting, the deputy returning officer shall in full view of such of the candidates or their agents or the electors representing candidates as are present,

(a) unseal and open the ballot box;

(b) empty the ballot papers cast during the same day of voting (in such manner as not to disclose for whom any elector has voted) into a special envelope supplied for the purpose;

(c) seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer;

(d) count the unused ballot papers and the used advance poll certificates which up to that time have been presented;

(e) place the unused ballot papers and used advance poll certificates in another special envelope supplied for the purpose;

(f) endorse on such envelope the number of such unused ballot papers and used advance poll certificates; and

(g) seal the said envelope with a gummed paper seal prescribed by the Chief Electoral Officer;

the deputy returning officer and such of the candidates or their agents or the electors representing candidates as are present, shall affix their signatures on the gummed paper seals affixed to both of the above mentioned special envelopes, before such envelopes are placed in the ballot box; the ballot box shall then be locked and sealed as prescribed in subsection (1).

Custody of ballot box.

(4) In the intervals between voting hours at the advance poll and until nine o'clock in the evening of the ordinary polling day, the deputy returning officer shall keep the ballot box in his custody, locked and sealed in the manner prescribed in subsection (1), and such of the candidates or their agents or the electors representing candidates as are present at the close of the advance poll on each of the two days of voting, may, if they so desire, take note of the serial number embossed on the special metal seal used for locking and sealing the ballot box, and may again take note of such serial number at the re-opening of the advance poll on the second day of voting and at the counting of the votes in the evening of the ordinary polling day.

Collecting of Record of Completed Affidavits for Voting at an Advance Poll.

(5) As soon as possible after the close of advance polls at ten o'clock in the evening of Saturday, the ninth day before the ordinary polling day, the returning officer shall have collected the Record of Completed Affidavits for Voting at an Advance Poll in the most expeditious manner available from the deputy returning officer of every advance polling district established in his electoral district.

Count of votes on the ordinary polling day.

(6) The deputy returning officer shall, at nine o'clock in the evening of the ordinary polling day, attend with his poll clerk at the place mentioned in the Notice of Holding of Advance Poll, in Form No. 65, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballot papers, count the votes and take all other proceedings provided by this Act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the ordinary poll, except that such statements and other documents as other provisions of this Act may require to be made and to be written in or attached to the poll book shall be made in a special book of statements and oaths relating to advance polls prescribed by the Chief Electoral Officer.

Provisions applicable to advance polls.

(7) Subject to sections 94 to 98, the provisions of this Act relating to ordinary polls shall in so far as applicable apply to advance polls.

Striking from lists of electors names of persons who have voted at advance polls.

98. (1) As soon as the returning officer has collected the Records of Completed Affidavits for Voting at an Advance Poll pursuant to subsection (5) of section 97, and before the lists of electors are placed in the ballot boxes to be distributed to ordinary polling stations, he shall strike off such lists the names of all electors appearing in such records.

(4) In the intervals between voting hours at the advance poll and until six o'clock in the afternoon of the ordinary polling day, the ballot box shall remain in the custody of the deputy returning officer; the ballot box shall be kept locked and sealed in the manner prescribed in subsection (1), and such of the candidates or their agents or the electors representing candidates as are present at the close of the advance poll on each of the three days of voting, may, if they so desire, take note of the serial number embossed on the special metal seal used for locking and sealing the ballot box, as herein prescribed, and may again take note of such serial number at the re-opening of the advance poll on the second and third days of voting and at the counting of the votes on the ordinary polling day.

5) The deputy returning officer shall, at six o'clock in the afternoon of polling day, attend with his poll clerk at the polling station where the advance poll was held, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballots, count the votes and take all other proceedings provided by this Act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the poll, except that such statements and other documents as other provisions of this Act may require to be made and to be written in or attached to the poll book shall be made as so required and be annexed to the certificates in Form No. 66 in this section referred to.

(6) Subject to the provisions of sections 94 to 97, the provisions of this Act ‹ lating to ordinary polls shall in so far as applicable apply to advance polls.

"98. Any person who, corruptly,

(a) for the purpose of obtaining from any officer who is by this Act authorized to grant it, a certificate in Form No. 66, makes to such officer any false statement;

(b) forges or fabricates any such certificate, or any name thereon, or not being the person named therein, presents any such certificate to any deputy returning officer or poll clerk at any polling station;

(c) makes before any deputy returning officer a false declaration as to the cause or necessity of his voting at an advance poll;

(d) after having obtained from an officer by this Act authorized to grant it, a certificate in Form No. 66 votes or attempts to vote at any other than an advance poll, except upon presentation on polling day of such certificate as provided by this Act; or

(e) in any other manner contravenes any provision of sections 94 to 97,

is guilty of an offence against this Act punishable on summary conviction as provided in this Act."

Where lists of electors have been distributed to ordinary polling stations.

(2) If the ballot boxes have been distributed to the ordinary polling stations, the returning officer shall notify each deputy returning officer concerned by the best means available of the names of the electors appearing in the Record of Completed Affidavits for Voting at an Advance Poll that are on the list of electors for his polling station and shall instruct him to strike those names off such list, and each deputy returning officer so instructed shall forthwith comply with those instructions.

Name inadvertently struck off.

(3) If, in complying with subsections (1) and (2), the name of an elector is inadvertently struck off a list of electors, the elector concerned shall be allowed to vote on the ordinary polling day upon taking the oath, in Form No. 41, after the deputy returning officer or the poll clerk has communicated with the returning officer to ascertain if such a mistake has really been made.

Returning officer to transmit copy of Record of Completed Affidavits for Voting at an Advance Poll to candidates.

(4) The returning officer shall, not later than Wednesday, the fifth day before the ordinary polling day, transmit a copy of each Record of Completed Affidavits for Voting at an Advance Poll collected by him pursuant to subsection (5) of section 97 to each candidate officially nominated in his electoral district.

Offences and penalties respecting advance polls.

"**98A.** Every person who, corruptly,

(a) makes before a deputy returning officer a false declaration in the affidavit for voting at an advance poll, in Form No. 66, as to the cause or necessity of his voting at an advance poll;

(b) after having taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, votes or attempts to vote at an advance poll other than the one where such affidavit was taken and subscribed to or at a poll on the ordinary polling day; or

(c) in any other manner contravenes any provision of sections 94 to 97;

is guilty of an offence against this Act punishable on summary conviction as provided in this Act."

5. Subsection (1) of section 101 of the said Act is repealed and the following substituted therefor:

Political broadcasts forbidden.

"**101.** (1) No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio on the ordinary polling day and on the two days immediately preceding it in favour or on behalf of any political party or any candidate at an election."

6. Forms Nos. 65 and 66 of the said Act are repealed and the following substituted therefor:

5. The word "ordinary" has been inserted in section 101. This is a consequential amendment.

6. The changes in Forms Nos. 65 and 66 are consequential.

"FORM No. 65.

NOTICE OF HOLDING OF ADVANCE POLL (Sec. 94(5).)

Electoral District of.....

Take notice that, pursuant to the provisions of sections 94 to 97, inclusive, of the Canada Elections Act, an advance poll will be opened in the undermentioned advance polling district(s).

FOR ADVANCE POLLING DISTRICT No. 1, comprising polling divisions Nos. ..... of the above mentioned electoral district, the advance polling station will be located at (Specify in capital letters the exact location of the advance polling station), and the votes cast thereat will be counted on Monday, the ordinary polling day, at nine o'clock in the evening, at (Specify in capital letters the exact location where the count will be held).

(Proceed as above in respect of any other advance polling district.)

And further take notice that the said advance polling station(s) will be open between the hours of two and ten o'clock in the afternoons and evenings of Friday and Saturday, the tenth and ninth days before the day fixed as the ordinary polling day at the pending election in the above mentioned electoral district.

And further take notice that any elector whose name appears on the list of electors prepared for a polling division comprised in such advance polling district who has reason to believe that he will be absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, such polling division may vote in advance of the ordinary polling day at the advance polling station established in the advance polling district comprising the polling division on the list of electors for which his name appears, if before casting his vote, he takes and subscribes to an affidavit for voting at an advance poll, in Form No. 66, of the Canada Elections Act, before the deputy returning officer of the said advance polling district.

And further take notice that the office of the undersigned which has been established for the conduct of the pending election is located at ..... in the Town / City / Village of.....

Dated at .....this....day of.....19....

(Print name of returning officer)
Returning Officer.

"FORM No. 66.

AFFIDAVIT FOR VOTING AT AN ADVANCE POLL.
(Sec. 95.)

Consecutive number of affidavit.....

Electoral District of.....

Advance Polling District No. .....

I, the undersigned, ..., whose occupation is ..... and whose address is ..... do swear (or solemnly affirm):

1. That my name appears on the list of electors prepared for polling division No. ..... comprised in the above mentioned advance polling district.

2. That I have reason to believe that I will be absent on the ordinary polling day at the pending election from, and that I will be unable to vote on that day in, the above mentioned polling division.

SWORN (or affirmed)
before me
at.....,

this ..... day of....., ...
19.... (Signature of deponent)

.....
Deputy returning officer.

PARTICULARS TO BE RECORDED BY POLL CLERK IN THE ADVANCE POLLING STATION

Consecutive number of elector on list of electors.	FORM NUMBER OF ORAL OATH OR AFFIDAVIT, IF ANY, THE ELECTOR IS REQUIRED TO SWEAR.	RECORD THAT OATH SWORN OR REFUSED (If sworn, insert "Sworn" or "Affirmed"; if refused, insert "Refused to be Sworn" or "Refused to Affirm" or "Refused to Answer").	RECORD THAT ELECTOR HAS VOTED When ballot paper put into ballot box, insert "Voted".	REMARKS

Repeal. **7.** Schedule Two to the said Act is repealed.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-11.

An Act to amend the Canada Elections Act (Publication of Straw Poll Results).

First reading, January 19, 1959.

Mr. Peters.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20254-9

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-11.

An Act to amend the Canada Elections Act (Publication of Straw Poll Results).

R.S., cc. 23, 306, 334, ss. 8, 9; 1952-53, c. 24, s. 7; 1955, c. 44.

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

Repeal.

1. Subsection (2) of section 108 of the *Canada Elections Act* is repealed and the following substituted therefore:

Premature publication of results of straw vote forbidden.

"(2) No person, company or corporation shall, in any province after the issue of the writ for an election, or after the dissolution of Parliament or the occurrence of a vacancy in consequence of which a writ for an election is eventually issued, and before the hour of closing of the polls in such province, publish the result or purported result of a straw vote or poll of the political opinions of the electors or any of them in any electoral district or districts in Canada, whether such publication is by radio broadcast, or by newspaper, news-sheet, poster, bill-board, handbill, or in any other manner; any person contravening the provisions of this subsection (and in the case of a company or corporation any person responsible for the contravention thereof) is guilty of an illegal practice and of an offence against this Act.

Definition of "broadcast."

"(3) In this section "broadcast" has the same meaning as "broadcasting" in the *Radio Act*."

Explanatory Note.

The purpose of this amendment is to prohibit, and to make punishable as an illegal practice, the publication in any manner before election day of the results of a straw vote or poll of the political opinions of the electors. The proposed amendment does not prohibit the taking of such a poll for private purposes.

The present subsection (2) is repealed and reenacted as subsection (3) so as to apply to the proposed new subsection (2) as well as the present subsection (1).

C-12.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-12.

An Act to amend the Financial Administration Act.

First reading, January 19, 1959.

MR. RICARD

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20242-4

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-12.

An Act to amend the Financial Administration Act.

R.S., c. 116; 1955, c. 3.

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

1. The *Financial Administration Act* is amended by inserting therein, immediately after section 33 thereof, the following section:

Negotiable instruments to be printed in English and French.

"**33A.** The form and material of every negotiable instrument issued under section 33 and of every negotiable instrument issued by or for any department or by or for any Crown corporation as defined in paragraph *(c)* of subsection (1) of section 76 shall be subject to approval by the Minister, but each such negotiable instrument shall be printed in both the English and the French languages."

Explanatory Notes.

The purpose of this Bill is to provide that every cheque, draft, traveller's cheque, bill of exchange, postal note, money order, postal remittance and any other similar remittance of any department as defined in paragraph *(f)* of section 2 of the *Financial Administration Act* or of any Crown corporation enumerated in schedules B, C and D of the same Act shall be printed in both the English and the French languages.

This is in accordance with the principle established in the *Bank of Canada Act* where it is enacted (subsection (4) of section 21) that the notes payable to bearer on demand and intended for circulation in Canada issued by the Bank shall be printed in both the official languages.

C-13.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-13.

An Act to amend the Canada Elections Act.

First reading, January 19, 1959.

MR. HOWARD.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20300-0

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-13.

An Act to amend the Canada Elections Act.

R.S., cc. 23, 306, 334, ss. 8, 9; 1952-53, c. 24, s. 7; 1955, c. 44.

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

Paragraph repealed.

1. Paragraph (*e*) of subsection (2) of section 14 of the *Canada Elections Act* is repealed.

Subsection repealed.

2. Subsection (4) of section 14 of the said Act is repealed.

3. Section 14 of the said Act is amended by adding thereto the following subsection:

Rights protected.

"(8) Notwithstanding anything in this Act or the *Indian Act*, an Indian, as defined in the *Indian Act*, shall not have any of his hereditary, treaty, aboriginal, or other similar rights detracted from by reason of having his name included in the list of electors for the polling division in which he was ordinarily resident on the date of the issue of the writ ordering an election in the electoral district, or by reason of having voted at an election."

Explanatory Note.

Paragraph (*e*) of subsection (2) of section 14 at present reads as follows:

"(*e*) every Indian, as defined in the *Indian Act*, ordinarily resident on a reserve, unless,

(i) he was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, or

(ii) he executed a waiver, in a form prescribed by the Minister of Citizenship and Immigration, of exemption under the *Indian Act* from taxation on and in respect of personal property, and subsequent to the execution of such waiver a writ has issued ordering an election in any electoral district;"

Subsection (4) of section 14 at present reads as follows:

"(4) Notwithstanding anything in this Act, a woman, who is the wife of an Indian, as defined in the *Indian Act*, who was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service, subsequent to the 9th day of September, 1950, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector."

The purpose of this Bill is to provide that Indians, as defined in the *Indian Act*, shall be entitled to vote at Federal Elections without their having any of their hereditary, treaty, aboriginal, or other similar rights abrogated.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-14.

An Act to amend the British North America Acts, 1867 to 1952, with respect to the Readjustment of Representation in the House of Commons.

First reading, January 19, 1959.

MR. FISHER.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20304-2

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-14.

An Act to amend the British North America Acts, 1867 to 1952, with respect to the Readjustment of Representation in the House of Commons.

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

R.S., 1952, C. 304.

1. The first eight lines of subsection (1) of section fifty-one of the *British North America Act, 1867*, as enacted by the *British North America Act, 1952*, being chapter 304 of the Revised Statutes of Canada, 1952, are repealed and the following substituted therefor:

Readjustment of representation in Commons.

"**51.** (1) Subject as hereinafter provided, the number of members of the House of Commons shall be two hundred and sixty-three and the representation of the provinces therein shall forthwith upon the coming into force of this section and thereafter on the completion of each decennial census be readjusted by such authority, independent of the Parliament of Canada in such manner, and from such time as the said Parliament from time to time provides, subject and according to the following rules:"

Short title and citation.

2. This Act may be cited as the *British North America Act, 1959*, and the *British North America Acts, 1867 to 1952*, and this Act may be cited together as the *British North America Acts, 1867 to 1959*.

Explanatory Notes.

The purpose of this Bill is to introduce in subsection (1) of section 51 of the B.N.A. Act, 1867 the underlined words "independent of the Parliament of Canada" so that the readjustment of the representation in the Commons be done in future by an independent body rather than by a Committee of the House of Commons.

C-15.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-15.

An Act to amend the Indian Act.

First reading, January 21, 1959.

Mr. Howard.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20258-0

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-15.

An Act to amend the Indian Act.

R.S., c. 149; 1952-53, c. 41; 1956, c. 40; 1958, c. 19.

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

Subsection repealed.

1. Subsection (2) of section 86 of the *Indian Act* is repealed.

Explanatory Note.

1. Subsection (2) of section 86 of the *Indian Act* at present reads as follows:

> "(2) Subsection (1) does not apply to or in respect of the personal property of an Indian who has executed a waiver under the provisions of paragraph (*e*) of subsection (2) of section 14 of the *Canada Elections Act*."

The purpose of this Bill is complementary to another Bill of this session to amend the *Canada Elections Act*. It is to provide that Indians, as defined in this Act, shall be entitled to vote at Federal Elections without detracting from their hereditary, treaty, aboriginal, or other similar rights.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-16.

An Act to amend the Canada Elections Act (Absentee Voting).

First reading, January 21, 1959.

Mr. Howard.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20262-2—1

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-16.

An Act to amend the Canada Elections Act (Absentee Voting).

R.S., cc. 23, 306, 334, ss. 8, 9; 1952-53, c. 24, s. 7; 1955, c. 44.

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

1. Subsection (1) of section 18 of the *Canada Elections Act* is amended by inserting therein, immediately after paragraph (*b*) thereof, the following paragraph:

"(*bb*) the time when and the place where the returning officer will open the ballot boxes for the purpose of removing and transmitting the special ballot envelopes placed therein pursuant to subsection 9 of section 50."

2. Subsection (3) of section 21 of the said Act is repealed and the following substituted therefor:

Nomination day.

"(3) The day for the close of nominations (in this Act referred to as nomination day) shall be Monday, the twenty-eighth day before polling day."

3. Section 28 of the said Act is amended by adding thereto, immediately after subsection (7) thereof, the following subsections:

"Special ballot paper."

"(8) Every ballot paper issued for use pursuant to section 46B shall be in Form No. 36A, shall be known as a "special ballot paper", and shall contain a blank space or spaces in which the elector shall write the name of the candidate, or names of the candidates if more than one is to be elected, for whom he intends to vote.

"Special ballot envelope."

"(9) An envelope, which shall be called a "special ballot envelope", and that shall have printed upon one side thereof an affidavit in Form No. 50A to be made by the elector, shall be provided; a ballot that is issued pursuant to section 46A or section 46B and that has been written upon and folded by the elector, shall be placed in a special ballot envelope."

Explanatory Notes.

The purpose of this Bill is to entitle an elector to vote on polling day for the candidate or candidates of his choice who are nominated in his electoral district, by casting his vote in a polling station other than his own and which may be in his own electoral district, his province, or a province adjacent to his own province.

With one exception, the amendments provide the machinery for such absentee voting by way of adding sections, varying or deleting others, in whole or in part, and similarly with the Forms in Schedule One of the Act.

The exception is an amendment to Section 21(3) to provide that the day for close of nominations throughout Canada shall be Monday, the 28th day before polling day. Presently, the day for close of nominations is Monday, the 14th day before polling day, except for the electoral districts set out in Schedule Four which now have the 28 days between the closing of nominations and polling day.

4. The said Act is amended by adding thereto, immediately after section 46 thereof, the following:

"Vote by Absentee Elector in same Electoral District.

Absentee elector may vote elsewhere in electoral district.

"**46A.** (1) Notwithstanding any other provision of this Act, when an elector whose name is on the list of electors for one polling division of an electoral district, is absent from that polling division on polling day therein, such elector may obtain, in the manner provided in this section, a ballot and vote in any polling station of such electoral district.

Conditions.

(2) The elector shall apply to the deputy returning officer at any time between the opening and the closing of the poll and, upon his

(*a*) showing the deputy returning officer reasonable evidence of his identity, and

(*b*) making an affidavit in Form No. 50A to be taken by the deputy returning officer, and

(*c*) being vouched for by an elector whose name appears on the official list of electors for the polling division in which the elector applies to vote and who personally attends at the polling station with the elector so applying and takes an oath before the deputy returning officer in Form No. 50B,

the deputy returning officer shall furnish the elector so applying with a ballot paper in Form No. 36.

Entries in poll book.

(3) When the deputy returning officer has furnished the elector so applying with a ballot paper, he shall call out such elector's name which, with such elector's address and occupation, shall be entered in the poll book.

How ballot deposited.

(4) When, as provided in section 45, such elector has voted and handed the ballot paper to the deputy returning officer, the deputy returning officer shall place the ballot in the special ballot envelope which he shall then seal and deposit in the ballot box.

Elector entitled to transfer certificate may vote hereunder.

(5) Where an elector who is entitled to receive a transfer certificate pursuant to this Act has not received such a certificate from the returning officer he shall be entitled to vote in the manner provided in this section.

Vote by Absentee Elector in the Same or Adjacent Province.

Absentee elector may vote elsewhere in same or adjacent province.

"**46B.** (1) Notwithstanding any other provision of this Act, when an elector whose name is on the list of electors for one polling division of an electoral district is absent from that district on polling day therein, such elector may obtain, in the manner provided in this section, a special ballot paper for that district in any polling station of any other electoral district, where a poll is being held, that is in the same province as is the electoral district in

which such elector's name is on the list of electors or is in a province adjacent to such province; and such elector upon obtaining such special ballot paper may vote in such polling station.

Conditions.

(2) The elector shall apply to the deputy returning officer at any time between the opening and the closing of the poll and, upon his

(*a*) showing the deputy returning officer reasonable evidence of his identity, and

(*b*) making an affidavit in Form No. 50A to be taken by the deputy returning officer, and

(*c*) being vouched for by an elector whose name appears on the official list of electors for the polling division in which the elector applies to vote and who personally attends with the elector so applying at the polling station and takes an oath before the deputy returning officer in Form No. 50B,

the deputy returning officer shall furnish the elector so applying with a special ballot paper.

Entries in poll book.

(3) When the deputy returning officer has furnished the elector so applying with a special ballot paper, the deputy returning officer shall call out such elector's name which, with such elector's address and occupation, shall be entered in the poll book; the deputy returning officer shall thereupon show such elector a copy of the list of candidates, which list shall have the political party affiliation of each candidate, and shall indicate to such elector the names of all the candidates who were nominated in the electoral district in which such elector's name appears on the list of electors.

Information to elector by deputy returning officer.

How ballot deposited.

(4) When, as provided in section 45, such elector has voted and handed the ballot paper to the deputy returning officer, the deputy returning officer shall place the ballot in the special ballot envelope which he shall then seal and deposit in the ballot box."

5. Subsection (6) and subsection (9) of section 50 of the said Act are repealed and the following substituted therefor:

Duties after counting the votes.

"(6) All the ballot papers not rejected by the deputy returning officer shall be counted and a list kept of the number of votes given to each candidate and of the number of rejected ballot papers; the ballot papers that respectively indicate the votes given for each candidate shall be put into separate envelopes; all rejected ballot papers shall be put into a special envelope; all special ballot envelopes that contain ballots cast pursuant to section 46A and 46B shall be placed in a special envelope or envelopes; and all such envelopes shall be endorsed so as to indicate their contents, and shall be sealed with gummed paper seals by the deputy returning officer; the deputy returning officer and the

Disposition of ballot papers.

poll clerk shall sign such seals as may also such agents or witnesses present who so desire.

Documents to be enclosed in ballot box.

"(9) The poll book, the several envelopes containing the ballot papers,—unused, spoiled, rejected, or counted for each candidate,—each lot in its proper envelope, the envelope containing the official list of electors and other documents used at the poll shall then be placed in the large envelope supplied for the purpose, and this envelope shall be sealed immediately and placed in the ballot box with (but not enclosing)

(*a*) the envelope containing the official statement of the poll prepared for the returning officer and referred to in subsection (8) and

(*b*) the envelope or envelopes containing the ballot envelopes referred to in subsection (6);

Locking and sealing ballot box.

the ballot box shall then be locked and sealed with one of the special metal seals prescribed by the Chief Electoral Officer for the use of the deputy returning officer and forthwith transmitted by registered mail or delivered to the returning officer; the returning officer may appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations and such person or persons shall, on delivering such ballot boxes to the returning officer, subscribe to the oath in Form No. 59."

6. Subsections (2) to (6) of section 51 of the said Act are repealed and the following substituted therefor:

Opening of ballot boxes and removal of special ballot envelopes.

"(2) After all the ballot boxes have been received, the returning officer, at the place, day and hour fixed by the proclamation, in Form No. 4, for the removal of special ballot envelopes, and in the presence of the election clerk and of such of the candidates or their representatives as are present, and if none of the candidates or their representatives are present, then in the presence of at least two electors, shall open such ballot boxes and remove each special envelope containing special ballot envelopes and reseal each ballot box; the returning officer then shall open each special envelope of special ballot envelopes and sort them into groups according to the electoral district to which they appertain but he shall not open any such ballot envelopes during this procedure.

Ballot box resealed.

Special envelopes opened and ballot envelopes sorted.

Special ballot envelopes (Sec. 46A) parcelled and sealed.

"(3) The returning officer shall make into one parcel all special ballot envelopes containing ballots cast under section 46A for his own electoral district and place this parcel under lock and seal until the official addition of votes is held.

Special ballot envelopes (Sec. 46B) sorted, parcelled and delivered.

"(4) Any remaining special ballot envelopes containing special ballots cast under section 46B shall be sorted into groups according to the electoral district to which they appertain and placed in parcels marked "special ballots—

absentee" and forthwith transmitted by registered mail or delivered to the returning officer of the respective electoral districts.

Adjournment if ballot boxes not returned.

"(5) If the ballot boxes are not all returned on the day fixed for the official removal of the special ballot envelopes, the returning officer shall adjourn the proccedings to a subsequent day which shall not be more than seven days after the day originally fixed for the purpose of such removal of special ballot envelopes."

7. The said Act is amended by adding thereto, immediately after section 51 thereof, the following section:

Opening of ballot boxes and official addition of votes.

"**51A.** (1) The returning officer, at the place, day and hour fixed by proclamation, in Form No. 4, for the official addition of the votes, and in the presence of the election clerk and of such of the candidates or their representatives as are present, shall open such ballot boxes, and from the official statements of the poll therein contained, add the number of votes cast for each candidate.

Attendance of electors in certain cases.

(2) If, at the official addition of the votes, none of the candidates or their representatives are present, it is the duty of the returning officer to secure the presence of at least two electors who shall remain in attendance until such official addition of the votes has been completed.

Special power of returning officer when statement of poll is missing.

(3) If any ballot box does not appear to contain a statement of the poll either loose or in its separate envelope as provided by section 50, the returning officer may, for the purpose of finding a statement of the poll, open the large envelope found in the ballot box and appearing to contain miscellaneous papers; if the power hereby conferred is exercised, all the papers, other than the statement of the poll, if found, shall be placed by the returning officer in a special large envelope which shall be sealed and duly endorsed by him; nothing in this subsection authorizes the opening of any envelope appearing to contain only ballot papers, cast for the various candidates, but in the absence of other information, the endorsements on such envelopes may be adopted as indicating the result of the poll at the polling station in question.

Procedure used in counting votes given at the absentee poll.

(4) The returning officer shall open each parcel marked "special ballots-absentee" received from each returning officer pursuant to section 51 and shall deal with each parcel separately and in the following manner: before opening the ballot envelope, he shall examine the affidavit thereon and finding that it is signed by the deponent and by the deputy returning officer before whom it was sworn, and finding that the deponent is an elector whose name appears on the list of electors for the electoral district named in the affidavit, and that no person has in fact voted as such elector at the poll held in the electoral district,

the returning officer shall open the ballot envelope, remove the folded ballot therefrom and shall place it without being opened into a ballot box to be used for the purpose of counting special ballots cast under section 46A and section 46B, and shall note on the list of electors against the number of the elector the fact that he has voted by special ballot; if the returning officer finds that the affidavit is not signed by the deponent and the deputy returning officer before whom it was sworn, and that the name of the deponent does not appear on the list of electors for the electoral district named in the affidavit, or that some person has in fact voted as such voter at the poll held in the electoral district, he shall not open the ballot envelope, but shall write in ink on the face thereof the word "unopened" together with the reason therefor, and the ballot envelope so marked shall be set aside to be further dealt with pursuant to this section; after all the special ballots appertaining to his electoral district have been dealt with, the ballot box shall be opened and the returning officer shall proceed to count the votes given for each candidate in like manner as that provided for the counting of ordinary votes by a deputy returning officer at the close of a poll; and the returning officer shall enter in a place to be provided in the statement of votes the total number of votes cast by special ballot under section 46A and section 46B for each candidate, and the number of rejected ballots, if any, and shall seal up in separate parcels, marked so as to indicate their contents, the counted and the rejected ballots and the unopened ballot envelopes, if any, and also any opened ballot envelopes from which special ballots were removed.

Rejection of ballot for misspelling.

(5) A special ballot paper shall not be rejected only because the elector in writing in the name of the candidate for whom he has voted has misspelled such name unless the intent of the elector may be mistaken by the name as so misspelled; if more than one candidate is to be elected and the intent of the elector cannot be mistaken as to one of the names of the candidates for whom he has voted then his vote for that candidate shall not be rejected by reason of the rejection for misspelling of his vote for the other candidate.

Official addition of votes.

(6) The returning officer shall add the votes cast for each candidate as counted pursuant to subsection (4) to the votes cast for each candidate as counted pursuant to subsection (2).

Declaration of name of candidate obtaining largest number of votes.

(7) The name of the candidate who, on the official addition of the votes, is found to have obtained the largest number of votes, shall then be certified in writing and there shall be delivered to such candidate or his representative a certificate giving the number of votes cast for each candi-

date, in the form prescribed by the Chief Electoral Officer, and a copy of such certificate shall also be delivered forthwith to any other candidate or his representative, if present at the official addition of the votes, or, if any candidate is neither present nor represented thereat, the certificate shall be transmitted forthwith to such candidate by registered mail.

Casting vote of returning officer.

(8) Whenever, on the official addition of the votes, an equality of votes is found to exist between any two or more candidates and an additional vote would entitle one of such candidates to be declared as having obtained the largest number of votes, the returning officer shall cast such additional vote."

Repeal of sec. 52 (1).

8. Subsection (1) of section 52 of the said Act is repealed.

Form No. 4 of Schedule One, amended.

9. FORM No. 4 of SCHEDULE ONE of the said Act is amended by adding thereto, immediately after the third paragraph thereof, the following paragraph:

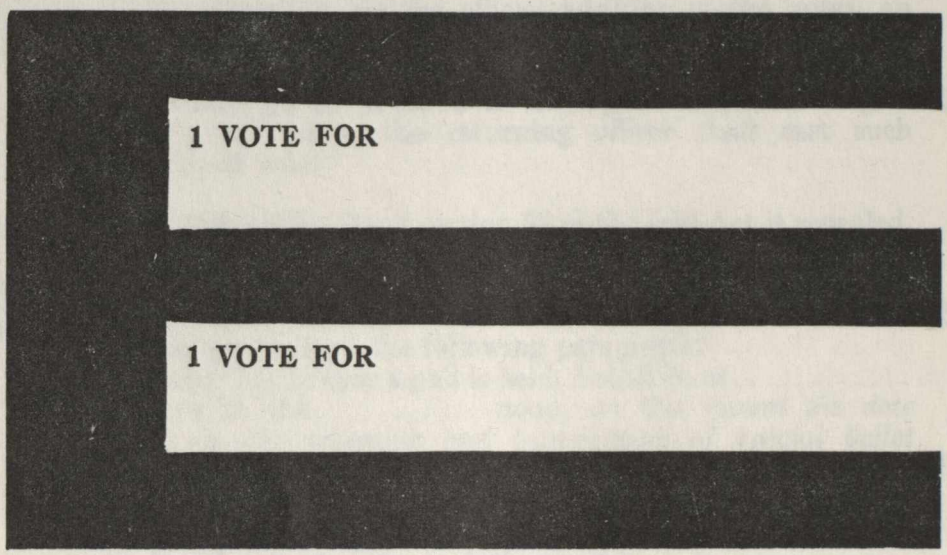
"And that in case a poll is held, I shall be at..... o'clock in the.....noon, on the (*insert the date fixed for the removing and transmitting of special ballot envelopes containing ballots cast pursuant to section 46A and 46B*) day of.....19...., at (*describe the place at which the removal of ballot envelopes will take place*), in the Town (*or* City *or* Village) of..... open the ballot boxes, remove the ballot envelopes containing ballots cast by electors who were absent on polling day from the polling division within which their name appears on the list of electors, and transmit those ballot envelopes to the returning officers of the respective electoral districts".

Form No. 36A added to Schedule One.

10. SCHEDULE ONE of the said Act is further amended by adding thereto, immediately after Form No. 36, the following Form:

"FORM No. 36A.

FORM OF SPECIAL BALLOT PAPER (Sec. 28 (8)).



Form No. 50A and No. 50B added to Schedule One.

11. SCHEDULE ONE of the said Act is further amended by adding thereto, immediately after Form No. 50, the following Forms:

"FORM NO. 50A.

AFFIDAVIT OF AN ABSENTEE ELECTOR
(Sec. 46A (2b), Sec. 46B(2b)).

Electoral district of.....

(1) I, the undersigned, do swear (*or* solemnly affirm): That I am (*name, address and occupation*) and that I am a Canadian citizen or other British subject of the full age of twenty-one years:

(2) That I have been ordinarily resident in Canada for the twelve months immediately preceding this polling day, and that I was ordinarily resident in the electoral district of———————on the———————day of——— ——————— 19... (*naming the date of the issue of the writ ordering the pending election*).

(3) That, to the best of my knowledge, my name appears on list of electors pursuant to the Canada Elections Act for the polling division of———————in the electoral district of ———————:

(4) That I am unable to appear at the polling division within which my name appears on the list of electors:

(5) That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting at the pending election: and

(6) That I have not already voted at the pending election or been guilty of any corrupt or illegal practice in relation thereto.

Sworn (*or* affirmed) before me at

——————— in the Province of
——————— this ——————— day of
——————— 19——.

(*Signature of deponent*).

———————
Deputy returning officer

(*Deputy returning officer must sign above*).

———————

(*Elector must sign above*).

"FORM No. 50B.

OATH OF PERSON VOUCHING FOR ABSENTEE ELECTOR. (Sec. 46A (2c), Sec. 46B (2c),)

(1) You swear (*or* solemnly affirm) that you are (*name, address and occupation*) as given on the list of electors now shown you:

(2) That you know (*naming the applicant and stating his address and occupation*) who has applied to vote at the pending election pursuant to (*Section 46A or 46B as the case may be*);

(3) That you verily believe that the said applicant is a Canadian citizen or other British subject of the full age of twenty-one years, that he has been ordinarily resident in the electoral district of..... (*naming electoral district in which applicant alleges* his name appears).....on the.....day of....., 19.... (*naming the date of the issue of the writ ordering the pending election*); and

(4) That you verily believe that the said applicant is qualified to vote in the polling division for which he now applies to vote at the pending election. So help you God.

New Form No. 57.

12. FORM No. 57 of SCHEDULE ONE is repealed and the following substituted therefor:

"FORM No. 57.

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL. (Sec. 50 (7)).

I, the undersigned, appointed poll clerk for polling station No. .... of the electoral district of..... do swear (*or* solemnly affirm) that the poll book used at the said polling station has been kept to the best of my ability; that the total number of electors registered therein as having voted at this election is .....; and that the total number of electors who voted pursuant to section 46A and to section 46B is .....; that the said poll book contains a true and exact record of the taking of the votes at the said polling station; and that I have faithfully performed all my other duties as poll clerk.

.....

Poll Clerk

Sworn (*or* affirmed) before me at.....

this.....day of....., 19.....

.....

Deputy returning officer
(or as the case may be)."

Repeal of Schedule Four.

13. SCHEDULE FOUR of the said Act is repealed.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-17.

An Act to amend the Canada Elections Act.
(Election Expenses.)

First reading, January 21, 1959.

MR. HOWARD.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20270-5

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-17.

An Act to amend the Canada Elections Act.
(Election Expenses.)

R.S., cc. 23, 306, 334, ss. 8, 9; 1952-53, c. 24, s. 7; 1955, c. 44.

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

Return of election expenses of central committee.

1. The *Canada Elections Act*, chapter 23 of the Revised Statutes of Canada, 1952, is amended by inserting therein immediately after section 63 thereof the following section:

"**63A.** (1) Within four months after polling day the secretary or treasurer of the central committee of every political party, or any other officer who acted in such capacity, shall transmit to the Chief Electoral Officer a true signed return accompanied by a declaration in form 62A, such return in this section referred to as a return respecting central committee election expenses, containing detailed statements of:

(*a*) all payments made by the central committee in connection with the election, together with all the bills and receipts, which bills and receipts are in this section included in the expression "return respecting central committee election expenses"; and

(*b*) all money, securities and equivalent of money received by, the central committee from any person, company, corporation, or organization, for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, naming every person, company, corporation or organization from whom the same may have been received or by whom such promise was made, showing as to each sum whether it was received or merely promised, whether in money, in direct contribution or as payment to some other person, company, corporation, or organization for goods or services supplied for the conduct of the election, or otherwise and whether as contribution, loan, advance, deposit or otherwise.

Explanatory Note.

The purpose of this bill is to provide that the central committee of political parties in Canada shall be required to file a return with the Chief Electoral Officer showing the source and amounts of campaign fund contributions and to provide that such returns shall be laid before Parliament.

A political party defined.

(2) A political party within the meaning of this section is an affiliation of electors comprised in a political organization which has expended money in the support of any candidate in the election.

Report of returns by the C.E.O. to the Secretary of State.

(3) The Chief Electoral Officer shall, within seven months after polling day, whether such polling day is for a general or a by-election, submit to the Secretary of State a detailed report of the returns filed pursuant to this section and the Secretary of State shall lay the same before Parliament forthwith or, if Parliament is not then sitting, within fifteen days after the commencement of the next ensuing session.

(4) The conditions, formalities and penalties provided for in section 63A shall, *mutatis mutandis*, apply to this section.

New Form 62A added.

2. The said Act is further amended by inserting therein, immediately after Form 62, the following Form:

"FORM NO. 62A.

DECLARATION RESPECTING ELECTION EXPENSES OF A CENTRAL COMMITTEE OF A POLITICAL PARTY.

I, , being the secretary (or treasurer, or other officer, as the case may be) of the central committee of the party, during the election held on the day of , 19 , of members to serve in the House of Commons, do hereby solemnly declare that I have examined the returns respecting election expenses of the central committee of the party about to be transmitted by me to the Chief Electoral Officer and now shown to me by the person (having authority by virtue of section 37 of the *Canada Evidence Act* to receive a solemn declaration) before whom this declaration is made and to the best of my knowledge and belief that return is correct;

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act.*

.....
(Signature of declarant)

Signed and declared before me by the above named declarant at , in the Province of..... ....., on the of , 19 .

....."

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-18.

An Act to amend the Criminal Code.
(Capital Punishment).

First reading, January 21, 1959.

Mr. McGee.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20317-4

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-18.

An Act to amend the Criminal Code.
(Capital Punishment).

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48, ss. 19, 20; 1957-58, c. 28; 1958, c. 18.

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

1. Section 206 of the *Criminal Code*, chapter 51 of the statutes of 1953-54, is repealed and the following substituted therefor:—

Punishment for murder.

"**206.** Every one who commits murder is guilty of an indictable offence and shall be sentenced to imprisonment for life."

Explanatory Notes.

The purpose of this Bill is to provide that hereafter no person shall, except where the offence is treason, levying war or piracy with violence, be sentenced in Canada to suffer death but that such person shall hereafter be liable to imprisonment for life.

The section to be repealed at present reads as follows:—

"**206.** Every one who commits murder is guilty of an indictable offence and shall be sentenced to *death*."

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-19.

An Act to amend the Criminal Code.
(Corporal Punishment).

First reading, January 21, 1959.

MR. MCGEE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20325-7

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-19.

An Act to amend the Criminal Code.
(Corporal Punishment).

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18.

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

1. Section 136 of the *Criminal Code* is repealed and the following substituted therefor:

Punishment for rape.

"**136.** Every one who commits rape is guilty of an indictable offence and is liable to imprisonment for life."

2. Subsection (1) of section 138 of the said Act is repealed and the following substituted therefor:

Sexual intercourse with females under fourteen.

"**138.** (1) Every male person who has sexual intercourse with a female person who

(*a*) is not his wife, and

(*b*) is under the age of fourteen years,

whether or not he believes that she is fourteen years of age or more, is guilty of an indictable offence and is liable to imprisonment for life."

3. Subsection (1) of section 141 of the said Act is repealed and the following substituted therefor:

Indecent assault on female.

"**141.** (1) Every one who indecently assaults a female person is guilty of an indictable offence and is liable to imprisonment for five years."

4. Subsection (2) of section 142 of the said Act is repealed and the following substituted therefor:

Punishment.

"(2) Every one who commits incest is guilty of an indictable offence and is liable to imprisonment for fourteen years."

Explanatory Notes.

The Joint Committee of the Senate and House of Commons on capital punishment, corporal punishment and lotteries, which reported in June and July, 1956, recommended, *inter alia*, that corporal punishment be abolished for any of the offences for which it is presently prescribed in the *Criminal Code*.

The purpose of this bill is to carry out this recommendation.

The sections or subsections of the *Criminal Code* referred to in the bill at present, read as follows:

"**136.** Every one who commits rape is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped*."

"**138.** (1) Every male person who has sexual intercourse with a female person who

(a) is not his wife, and

(b) is under the age of fourteen years,

whether or not he believes that she is fourteen years of age or more, is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped*."

"**141.** (1) Every one who indecently assaults a female person is guilty of an indictable offence and is liable to imprisonment for five years *and to be whipped*."

"**142.** (2) Every one who commits incest is guilty of an indictable offence and is liable to imprisonment for fourteen years, *and in the case of a male person is liable, in addition, to be whipped*."

5. Section 148 of the said Act is repealed and the following substituted therefor:

Indecent assault on male.

"**148.** Every male person who assaults another person with intent to commit buggery or who indecently assaults another male person is guilty of an indictable offence and is liable to imprisonment for ten years."

6. Section 218 of the said Act is repealed and the following substituted therefor:

Overcoming resistance to commission of offence.

"**218.** Every one who, with intent to enable or assist himself or another person to commit an indictable offence,

(*a*) attempts, by any means, to choke, suffocate or strangle another person, or by any means calculated to choke, suffocate or strangle, attempts to render another person insensible, unconscious or incapable of resistance, or

(*b*) administers, or causes to be administered to any person, or attempts to administer to any person, or causes or attempts to cause any person to take a stupefying or overpowering drug, matter or thing,

is guilty of an indictable offence and is liable to imprisonment for life."

7. Section 289 of the said Act is repealed and the following substituted therefor:

Punishment for robbery.

"**289.** Every one who commits robbery is guilty of an indictable offence and is liable to imprisonment for life."

Subsection repealed.

8. Subsection (3) of section 292 of the said Act is repealed.

9. Subsections (3) and (4) of section 586 of the said Act are repealed and the following substituted therefor:

Delay in execution of sentence of death.

"(3) Where, pursuant to a conviction, a sentence of death has been imposed,

(*a*) the sentence shall not be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this section; and

(*b*) an appeal or application for leave to appeal from the conviction or sentence shall be heard and determined as soon as practicable, and the sentence shall not be executed until after

(i) the determination of the application, where an application for leave to appeal is finally refused, or

(ii) the determination of the appeal.

"**148.** Every male person who assaults another person with intent to commit buggery or who indecently assaults another male person is guilty of an indictable offence and is liable to imprisonment for ten years *and to be whipped.*"

"**218.** Every one who, with intent to enable or assist himself or another person to commit an indictable offence,

(a) attempts, by any means, to choke, suffocate or strangle another person, or by any means, calculated to choke, suffocate or strangle, attempts to render another person insensible, unconscious or incapable of resistance, or

(b) administers, or causes to be administered to any person, or attempts to administer to any person, or causes or attempts to cause any person to take a stupefying or overpowering drug, matter or thing.

is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped.*"

"**289.** Every one who commits robbery is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped.*"

"**292.** *(3) Every one who is convicted of an offence under this section who had upon his person, at the time he committed the offence, or was arrested therefor, an offensive weapon or imitation thereof, is liable to be whipped in addition to any other punishment that may be imposed in respect of the offence for which he is convicted.*"

"**586.** (3) Where, pursuant to a conviction, a sentence of death *or whipping* has been imposed,

(a) the sentence shall not be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this section; and

(b) an appeal or application for leave to appeal from the conviction or sentence shall be heard and determined as soon as practicable, and the sentence shall not be executed until after

(i) the determination of the application, where an application for leave to appeal is finally refused, or

(ii) the determination of the appeal.

Effect of certificate.

"(4) The production of a certificate

(*a*) from the registrar that notice of appeal or notice of application for leave to appeal has been given, or

(*b*) from the Minister of Justice that he has exercised any of the powers conferred upon him by section 596,

is sufficient authority to suspend the execution of a sentence of death, and where, pursuant to such suspension, a new time is required to be fixed for execution of the sentence, it may be fixed by the judge who imposed the sentence or any judge who might have held or sat in the same court."

Section repealed.

10. Section 641 of the said Act is repealed.

"(4) The production of a certificate

(a) from the registrar that notice of appeal or notice of application for leave to appeal has been given, or

(b) from the Minister of Justice that he has exercised any of the powers conferred upon him by section 596,

is sufficient authority to suspend the execution of a sentence of death *or whipping, as the case may be*, and where, pursuant to such suspension, a new time is required to be fixed for execution of the sentence, it may be fixed by the judge who imposed the sentence or any judge who might have held or sat in the same court."

"**641.** *(1) Where a person is liable to be sentenced to be whipped, the court may sentence him to be whipped on one, two or three occasions within the limits of the prison in which he is confined.*

(2) A sentence of whipping shall specify the number of strokes to be administered on each occasion.

(3) A sentence of whipping shall be executed under the supervision of the prison doctor or, if he is unable to be present, it shall be executed under the supervision of a duly qualified medical practitioner to be named by the Attorney General of Canada, where the sentence is executed in a prison administered by the Government of Canada, or where the sentence is executed in a prison administered by the government of a province, to be named by the Attorney General of that province.

(4) The instrument to be used in the execution of a sentence of whipping shall be a cat-o'-nine tails, unless some other instrument is specified in the sentence.

(5) A sentence of whipping shall be executed at a time to be fixed by the keeper of the prison in which it is to be executed, but, whenever practicable, a sentence of whipping shall be executed not less than ten days before the expiration of any term of imprisonment to which the convicted person has been sentenced.

(6) No female person shall be whipped."

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-20.

An Act to amend the Immigration Act (Jurisdiction of Courts).

First reading, January 26, 1959.

Mr. Crestohl.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20378-6

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-20.

An Act to amend the Immigration Act
(Jurisdiction of Courts).

R.S., c. 325.

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

1. Section 39 of the *Immigration Act* is repealed and the following substituted therefor:

"**39.** Everyone against whom an Order of Deportation or an Order for Detention has been made by an Immigration Appeal Board, the Minister, Deputy Minister, Director, Special Inquiry Officer, or any other Immigration Official, shall have the right to appeal within 30 days from the date the Order has been personally served on the said person. Such appeal may be made by a prerogative writ, or other appropriate proceeding before a Superior Court of the District in which the person is domiciled or if such person has no Canadian domicile, then where he resides, provided, however, the Appellant deposits with the appropriate official of the Court the sum of $300.00 as security for costs. Such Appellant shall have the right to further appeals from the decision of such Courts, to all other Courts having appellate jurisdiction, provided that further security for costs is deposited within the delays and in accordance with the requirements of such Courts. Any Order issued by the Department shall immediately be stayed and not executed in any manner until all the delays to appeal have expired."

Explanatory Notes.

The purpose of this Bill is to provide a much needed Bill of Rights for persons who under the present *Immigration Act* are denied the benefits of the Rule of Law to have their day in court.

The section to be repealed at present reads as follows:

"39. No court and no judge or officer thereof has jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision or order of the Minister, Deputy Minister, Director, Immigration Appeal Board, Special Inquiry Officer or immigration officer had, made or given under the authority and in accordance with the provisions of this Act relating to the detention or deportation of any person, upon any ground whatsoever, unless such person is a Canadian citizen or has Canadian domicile."

C-21.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-21.

An Act to amend the Representation Act.

First reading, February 4, 1959.

Mr. FRÉCHETTE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20426-3

C-22.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-22.

An Act to amend the Companies Act.

First reading, February 5, 1959.

MR. BROOME.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20460-2

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-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. Paragraph (*a*) of subsection (1) of section 121 of the *Companies Act*, together with that portion of subsection (1) that precedes paragraph (*a*) thereof, is repealed and the following substituted therefor:

"**121.** (1) In the case of a company, not being a private company exempted by subsection (2A),

Shareholders and Secretary of State to get financial statements.

(*a*) a copy of every balance sheet and statement of income and expenditure and statement of surplus and of the the statement referred to in section 118, where such section applies, that is to be laid before the company at the annual meeting, together with a copy of the auditor's report, shall, not less than fourteen days before the date of the meeting, be mailed in a prepaid wrapper or letter to each and every shareholder of record at his address as recorded in the books of the company; and thereafter, in due course, a copy of each of the documents mentioned in this subsection shall also be mailed to the Secretary of State, together with proof of due compliance with the foregoing provisions of this paragraph, in such form as may be satisfactory to the Secretary of State;"

2. The said Act is further amended by adding thereto, immediately after subsection (2) of section 121 thereof, the following subsection:

Exempted private companies.

"(2A) A private company shall be excepted from the requirements imposed by subsection (1) if, and only if, at all times from the 1st day of January, 1960,

Explanatory Notes.

The purpose of this Bill is to prevent public companies taking advantage of the exemption given in section 121 of the *Companies Act* to private companies (among other requirements, those not having more than 50 shareholders) by which these so-called "family" companies do not have to file annual financial statements with the Secretary of State. Under the present definitions and section 121, large companies are able to avoid filing annual financial statements by incorporating private companies and becoming shareholders therein.

The present section 121 follows that in the pre-1948 English *Companies Act;* however, in 1948 the English Act was revised and a provision was inserted to remedy the situation in England. The Canadian Act was amended in some respects to follow the 1948 English revision; but this provision was not adopted. The proposed amendment, adapted to the Canadian Act, would insert the English provision in section 121 of the Canadian Act. The amendment would not affect the true "family" private company.

It is proposed the amendment come into effect the 1st January 1960 to give adequate notice to interested persons.

(*a*) no body corporate is the holder of any of the shares or debentures;

(*b*) no person other than the holder has any interest in any of the shares or debentures;

(*c*) the number of persons holding debentures of the company is not more than fifty (joint holders being treated as a single person); and

(*d*) no body corporate is a director of the company and neither the company nor any of the directors is party or privy to any arrangement whereby the policy of the company is capable of being determined by persons other than the directors, shareholders and debenture holders or trustees for debenture holders."

Coming into force.

3. This Act shall come into force on the 1st day of January, 1960.

C-23.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-23.

An Act respecting Navigation and Salmon Fishery on the Fraser River.

First reading, February 9, 1959.

Mr. McPhillips.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20490-9

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-23.

An Act respecting Navigation and Salmon Fishery on the Fraser River.

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

No obstruction to navigation or fishery on the Fraser River.

1. No hydro-electric power shall be generated in the Fraser River in the province of British Columbia, nor shall any dam, weir or other obstruction to navigation or to the spawning run of the Pacific salmon, be constructed in or over the said river.

Rights saved.

2. This Act shall not apply to any project of the Government of Canada respecting navigation, flood control, river bed erosion, current control or the protection, assistance and development of the Pacific salmon fishery.

Explanatory Note.

The purpose of this bill is to safeguard navigation and the Pacific salmon fishery in the Fraser river.

C-24.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-24.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1959.

AS PASSED BY THE HOUSE OF COMMONS, 18th FEBRUARY, 1959.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20454-5

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-24.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1959.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency, the Right Honourable Vincent Massey, Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1959, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act, No. 1, 1959.*

$27,954,667 granted for 1958-59.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole twenty-seven million, nine hundred and fifty-four thousand, six hundred and sixty-seven dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1958, to the 31st day of March, 1959, not otherwise provided for, and being the total of the amounts of the items, set forth in the Schedule to this Act.

Purpose and effect of each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1958.

Account to be rendered.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE

Based on the Further Supplementary Estimates (2), 1958-59. The amount hereby granted is $27,954,667, being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1959, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	SCIENCE SERVICE		
695	Science Service Administration— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	375,000	
	PRODUCTION SERVICE		
696	Health of Animals— Compensation for animals slaughtered—Further amount required	400,000	
	TERMINABLE SERVICES		
697	Freight Assistance on Western Feed Grains—Further amount required	2,500,000	
698	To provide for payments to western grain producers of $1.00 per acre up to a maximum of 200 acres per farm in accordance with regulations of the Governor in Council—Further amount required	1,300,000	
	SPECIAL		
699	Prairie Farm Assistance Act Administration—Further amount required	225,000	
			4,800,000
	BOARD OF BROADCAST GOVERNORS		
700	Salaries and Expenses of the Board	.....	72,000
	CANADIAN BROADCASTING CORPORATION		
701	Grant towards the anticipated operating deficit of the Radio and Television Services—Further amount required	.....	2,193,552

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FINANCE		
	GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS		
702	To authorize contributors under the Public Service Superannuation Act, who are employed in the Department of Fisheries and who, immediately prior to such employment were employed by the Government of the Province of Quebec and performing functions for the Government of Canada, to count as pensionable service under that Act, notwithstanding anything contained therein, their service with the Government of that Province on the basis that the amount required to be paid by them, in respect of such service shall be determined, in accordance with regulations of the Treasury Board, as if an agreement had been entered into with the Government of the Province of Quebec pursuant to section 28 of the Public Service Superannuation Act on terms similar to those contained in such agreements that have been entered into with other public service employers.....	1	
	SPECIAL		
703	Contribution to the Springhill Disaster Relief Fund, 1958.....	100,000	100,001
	FISHERIES		
	FIELD SERVICES		
704	Fish Culture and Development Branch— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	.....	55,000
	JUSTICE		
	A—DEPARTMENT		
705	Departmental Administration — Further amount required....	15,200	
706	Remission Service—Further amount required for Parole Act Administration and to authorize the expenditure, for the purposes of the said Act, of moneys provided for the Remission Service by the Appropriation Act No. 5, 1958.....	28,000	
	B—PENITENTIARIES		
707	Operation and Maintenance of Penitentiaries—Further amount required.....	151,394	
708	Construction, Improvements and Equipment—Further amount required.....	67,520	262,114

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LABOUR		
	A—Department		
	Special Services		
709	Payments to a province during the 1958–59 and 1959–60 fiscal years in accordance with an agreement entered into by the Government of Canada and the province, with the approval of the Governor in Council, that provides for contributions by the Government of Canada of amounts not exceeding one half of the cost of labour incurred in the period from the 1st day of December, 1958, to the 30th day of April, 1959, on winter work projects in municipalities as contemplated by the agreement		15,000,000
	MINES AND TECHNICAL SURVEYS		
	B—Dominion Coal Board		
710	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council—Further amount required		630,000
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	National Parks Branch		
711	National Parks and Historic Sites Services— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	2,850,000	
	Forestry Branch		
712	Forestry Operations Division— To provide for contributions to the Provinces pursuant to agreements entered into or to be entered into, with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them in establishing forest access roads and trails for the attainment of adequate fire protection as well as other aspects of forest management—Further amount required	1,682,000	
			4,532,000

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
	PUBLIC WORKS		
	PUBLIC BUILDINGS CONSTRUCTION AND SERVICES		
	Acquisition, Construction and Improvements of Public Buildings		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amount required—		
713	Ottawa		200,000
	SECRETARY OF STATE		
	SPECIAL		
714	Expenses pertaining to the visit to Canada in 1958 of Her Royal Highness The Princess Margaret		110,000
			27,954,667

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-25.

An Act to amend the St. Lawrence Seaway Authority Act.

First reading, February 19, 1959.

THE MINISTER OF TRANSPORT.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20456-0

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-25.

An Act to amend the St. Lawrence Seaway Authority Act.

R.S., c. 242; 1953-54, c. 44; 1955, c. 58; 1956, cc. 11, 47.

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

1. Section 13 of the *St. Lawrence Seaway Authority Act* is repealed and the following substituted therefor:

Power to borrow money.

"**13.** The Authority, with the approval of the Governor in Council, may, from time to time, borrow money from Her Majesty or otherwise for the purposes for which it is incorporated, but the aggregate of the amounts borrowed under this Act and oustanding shall not at any time exceed three hundred and thirty-five million dollars."

EXPLANATORY NOTE.

The present section 13 reads as follows:

"**13.** The Authority, with the approval of the Governor in Council, may, from time to time, borrow money from Her Majesty or otherwise for the purposes for which it is incorporated, but the aggregate of the amounts borrowed under this Act and outstanding shall not at any time exceed *three hundred million* dollars."

The purpose of this bill is to increase from $300 million to $335 million the limit on amounts that may be borrowed by the Authority.

C-26.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-26.

An Act to amend the Northwest Territories Act.

First reading, February 19, 1959.

THE MINISTER OF NORTHERN AFFAIRS AND NATIONAL RESOURCES.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20383-6

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-26.

An Act to amend the Northwest Territories Act.

R.S., c. 331; 1953-54, c. 8; 1955, cc. 21, 48; 1957-58, c. 30.

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

1. Subsections (2) to (7) of section 8 of the *Northwest Territories Act* are repealed and the following substituted therefor:

Duration of Council; elections.

"(2) Every Council shall continue for three years from the date of the return of the writs for the general election of the elected members thereof and no longer, but the Governor in Council may at any time dissolve the Council and cause a new Council to be elected and appointed.

Tenure of appointed members.

"(3) Subject to subsection (2), appointed members to the Council hold office during pleasure."

2. Subsection (2) of section 11 of the said Act is repealed and the following substituted therefor:

Where sessions held.

"(2) In each year one of the sessions of the Council convened in that year shall be held at a place in the Territories designated by the Commissioner on the recommendation of the Council, and all other sessions of the Council convened in that year shall be held at the seat of government of the Territories."

3. Section 37 of the said Act is repealed and the following substituted therefor:

Other officers.

"**37.** The Governor in Council may appoint the clerk of the Court, sheriff and such judicial and other officers for the due administration of justice in the Territories as are deemed necessary, for the appointment of whom there is no other provision in this Act, and may fix their salaries and allowances."

Explanatory Notes.

1. The present subsections (2) to (7) of section 8 read as follows:

"(2) Appointed members of the Council hold office during pleasure.

"(3) *Unless otherwise provided in this section, an elected member of the Council holds office for three years from the date of the return of the writ after his election.*

"(4) *Where, in the opinion of the Governor in Council, an elected member is unable to perform his duties by reason of incapacity or absence, the Governor in Council may remove him from office and may appoint a member in his stead for the balance of his term of office.*

"(5) *Where an elected member resigns or dies while in office, the Governor in Council may appoint a member in his stead for the balance of his term of office.*

"(6) *Where the election of an elected member is declared void pursuant to the laws in force in the Territories respecting controverted elections, the candidate at such election who received the next greatest number of votes shall sit as a member of the Council instead of such elected member and where there is no such candidate or where the number of votes is equal, the Governor in Council may appoint a person to sit as a member of the Council instead of such elected member.*

"(7) *The Governor in Council may, at any time after the expiration of two years from the date of the return of the writs of election of elected members of the Council, dissolve the Council and cause a new Council to be elected and appointed.*"

The proposed amendment will provide for a fixed term of three years for each Council, and will make by-elections necessary where an elected member dies or ceases to hold office.

2. The present subsection (2) of section 11 reads as follows:

"(2) In each year one of the sessions of the Council convened in that year shall be held at a place in the Territories designated by the *Governor in Council* and all other sessions of the Council convened in that year shall be held at the seat of government of the Territories."

The purpose of the proposed amendment is to authorize the Commissioner on the recommendation of the Council to designate the place where the session of the Council in the Territories is to be held.

3. The present section 37 reads as follows:

"**37.** The Governor in Council may appoint the clerk of the Court, sheriff and such other officers for the due administration of justice in the Territories as are deemed necessary and may fix their salaries and allowances."

The purpose of the proposed amendment is to make it clear that the Governor in Council may appoint judicial as well as administrative officers. The particular judicial officers in contemplation are the presiding officers of small debt tribunals established under the Northwest Territories *Judicature Ordinance.*

4. (1) Subsection (1) of section 42 of the said Act is repealed and the following substituted therefor:

Manufacture and importation of intoxicants.

"**42.** (1) No intoxicant shall be manufactured, compounded or made in the Territories or imported or brought into the Territories from any place outside the Territories, whether it is in Canada or elsewhere, except by permission of the Commissioner or a person authorized by him."

(2) Section 42 of the said Act is further amended by adding thereto the following subsection:

Importation of Intoxicating Liquors Act not applicable.

"(5) The *Importation of Intoxicating Liquors Act* does not apply to the importation, sending, taking or transportation of intoxicating liquor into the Territories."

5. The said Act is further amended by adding thereto, immediately after section 45 thereof, the following heading and section:

"*Archaeological Sites.*

Regulations respecting archaeological sites, etc.

45A. (1) The Governor in Council may make regulations for the protection, care and preservation of sites, works, objects and specimens of archaeological, ethnological or historical importance, interest or significance and explorers' cairns and explorers' documents.

Power to seize.

(2) Where any peace officer has reasonable grounds for believing that any object, specimen or document has been removed, taken, shipped, had in possession or otherwise dealt with contrary to the regulations, he may, in the Territories, without a warrant, effect seizure thereof.

Forfeiture.

(3) Every seizure made under subsection (2) shall be reported as soon as practicable to a justice of the peace, who may, upon satisfying himself that the object, specimen or document was removed, taken, shipped, had in possession or otherwise dealt with contrary to the regulations, declare it to be forfeited to Her Majesty and upon such declaration it is forfeited."

4. (1) The present subsection (1) of section 42 reads as follows:

> "**42.** (1) No intoxicant shall be manufactured, compounded or made in the Territories or imported or brought into the Territories from any place outside the Territories, whether it is in Canada or elsewhere, except by permission of the Commissioner."

Circumstances in the Territories make it difficult on occasions for an application to be made to the Commissioner or for the Commissioner to act on an application. The purpose of the proposed amendment is to provide that a person authorized by the Commissioner as well as the Commissioner may grant permission for the manufacturing or importing into the Territories of intoxicants.

(2) The *Importation of Intoxicating Liquors Act* prohibits the shipment of intoxicating liquors into a province except to the provincial government or provincial liquor board or commission. The application of this statute to the Northwest Territories is unnecessary duplication because section 42 of the *Northwest Territories Act* contains a similar prohibition.

5. The proposed new section 45A is self-explanatory. A similar provision is contained in the *Yukon Act*.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-27.

An Act to amend the National Defence Act.

First reading, February 20, 1959.

THE MINISTER OF NATIONAL DEFENCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20397-6

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-27.

An Act to amend the National Defence Act.

R.S., cc. 184, 310; 1952–53, cc. 6, 24; 1953–54, cc. 13, 21, 40; 1955, c. 28; 1956, c. 18.

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

1. Section 18 of the *National Defence Act* is amended by adding thereto the following subsection:

Establishment of organizations.

"(3) The Minister may establish organizations to which units and other elements and officers and men of the Canadian Forces may, in accordance with regulations made by the Governor in Council, be attached."

2. Subsection (3) of section 121 of the said Act is repealed.

3. (1) Section 152 of the said Act is repealed and the following substituted therefor:

Rules of evidence.

"**152.** Subject to this Act, the rules of evidence at a trial by court martial shall be such as are established by regulations made by the Governor in Council."

Coming into force.

(2) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

1955, c. 28, s. 7.

4. (1) Subsection (1) of section 162 of the said Act is repealed and the following substituted therefor:

Majority vote.

"**162.** (1) Subject to this section, the finding and the sentence of a court martial and the decision in respect of any other matter or question arising after the commencement of the trial shall be determined by the vote of a majority of the members."

(2) Section 162 of the said Act is further amended by adding thereto, immediately after subsection (4) thereof, the following subsections:

Unanimous finding where punishment of death is mandatory.

"(5) Where the only punishment that a court martial can impose for an offence is death, a finding of guilty shall not be made except with the concurrence of all the members, and where there is no such concurrence and no finding is

Explanatory Notes.

1. This provision would give the Minister of National Defence express authority to establish integrated organizations consisting of elements of more than one Service.

2. Subsection (3) of section 121 of the Act now reads:

"**121.** (3) A punishment of death may be imposed only by a General Court Martial, and may be imposed only with the concurrence of at least two-thirds of the members."

By clause 4, this subsection would become subsection (6) of section 162. This would improve the arrangement of provisions respecting voting by members of courts martial.

3. Section 152 of the Act now reads:

"**152.** (1) The rules of evidence at a trial by court martial held in Canada shall be the same as those from time to time followed in proceedings under the *Criminal Code* in civil courts in the province of Canada in which the court martial is held, except in so far as such rules are inconsistent with this Act or regulations.

(2) Where a court martial is held out of Canada or in a ship beyond the territorial limits of Canada, the rules of evidence shall be the same as those from time to time followed in proceedings under the *Criminal Code* in civil courts in the province in which the accused person states to the court martial that his ordinary place of residence is situated, except in so far as such rules are inconsistent with this Act or regulations.

(3) Where, in the circumstances mentioned in subsection (2), an accused person states that his ordinary place of residence is situated out of Canada, or makes no statement as to his ordinary place of residence, the court martial shall apply the rules of evidence from time to time followed in proceedings under the *Criminal Code* in civil courts in the province in which the capital city of Canada is situated, except in so far as such rules are inconsistent with this Act or regulations.

(4) A court martial, wherever held, shall not as respects the conduct of its proceedings or the reception or rejection of evidence or as respects any other matter or thing, be subject to any Act, law or regulation not in force in Canada."

This clause would make it possible to bring about uniformity in the rules of evidence that apply at courts martial, wherever held, and would permit the rules to be set out with the degree of precision considered necessary for service tribunals.

4. Subsection (1) of section 162 of the Act now reads:

"**162.** (1) Subject to subsection (3) of section 121 and subsection (4) of this section, the finding and the sentence of a court martial and the decision in respect of any other matter or question arising after the commencement of the trial shall be determined by the vote of a majority of the members."

made, the president of the court martial shall so report to the convening authority and the court martial shall thereupon be deemed to be dissolved and the accused may be tried again.

Where death not mandatory.

"(6) Where the imposition of a punishment of death is not mandatory, the punishment of death shall not be imposed except with the concurrence of all the members of the court martial."

5. Part VIII of the said Act is amended by adding thereto, immediately before section 169, the following heading and section:

"EXECUTION OF PUNISHMENT OF DEATH.

Regulations respecting execution of punishment of death.

"**168A.** The execution of a punishment of death under this Act, whether the sentence was passed in Canada or elsewhere, shall be as prescribed by regulations made by the Governor in Council, and, without limiting the generality of the foregoing, the regulations may make provision for

(*a*) the custody and treatment of the person under sentence and his removal from one place or establishment to another between the passing of the sentence and the execution of the punishment, and

(*b*) the manner in which, the person by whom and the country or territory, place and kind of establishment where the punishment is to be executed."

6. (1) Sections 189 to 196 of the said Act are repealed and the following substituted therefor:

"PRELIMINARY DISPOSITION OF APPEALS.

When quantum of sentence only involved.

"**189.** (1) Where an appeal relates only to the severity of the sentence, mentioned in paragraph (*a*) of section 186, the Judge Advocate General shall forward the Statement of Appeal to an authority who, under section 174, has power to mitigate, commute or remit punishments and that authority may dismiss the appeal or, subject to Part VIII, may mitigate, commute or remit the punishments comprised in the sentence.

Illegal findings.

(2) Where an appeal relates to the legality of the findings, as mentioned in paragraph (*b*) of section 186, the Statement of Appeal shall be referred by the Judge Advocate General to the Court Martial Appeal Court provided for in this Part, unless the appropriate chief of staff, acting on the certificate of the Judge Advocate General that all of the findings in respect of which an appeal has been made are illegal, quashes such findings.

Subclause (1) would remove from subsection (1) cross references made unnecessary by the provisions of this Bill.

The new subsection (5) provided for in subclause (2) would require the concurrence of all members of a court martial before a finding of guilty could be made in respect of an offence for which the punishment of death is mandatory. At present only a majority vote is required.

The new subsection (6) would replace subsection (3) of section 121, repealed by clause 2. It deals with cases where, upon conviction, the punishment of death is authorized but not mandatory. A unanimous vote of the members, rather than a two-thirds vote as at present, would be required for a court martial to impose the punishment of death.

5. The proposed new section 168A would give express authority for regulations relating to the carrying out of a punishment of death under the Act.

6. This clause would change the name of the "Court Martial Appeal Board" to the "Court Martial Appeal Court" and would reconstitute it as a court composed of judges of the Exchequer Court of Canada and of superior courts of criminal jurisdiction. The clause would also amend provisions respecting appeals to the Supreme Court of Canada. Sections 190 and 196 are amended in substance; other sections are amended only in consequence of the proposed change of name.

Illegal sentences.

(3) Where an appeal relates to the legality of the sentence, mentioned in paragraph (*c*) of section 186, the Statement of Appeal shall be referred by the Judge Advocate General to the Court Martial Appeal Court, unless the Judge Advocate General certifies that there is no finding in respect of which any sentence could legally be passed, in which case the sentence shall be null and void.

COURT MARTIAL APPEAL COURT.

R.S., c. 184, 1955, c. 28. Court established.

"**190.** (1) There shall be a Court Martial Appeal Court, which shall hear and determine all appeals referred to it under this Part.

Judges.

(2) The judges of the Court Martial Appeal Court are not less than four judges of the Exchequer Court of Canada to be designated by the Governor in Council and such additional judges of a superior court of criminal jurisdiction as are appointed by the Governor in Council.

President.

(3) The Governor in Council shall designate one of the judges of the Court Martial Appeal Court to be the President thereof; he shall preside at any sittings of the Court at which he is present, and shall appoint another judge to preside at any sittings of the Court at which he is not present.

Sittings and hearings.

(4) The Court Martial Appeal Court may sit and hear appeals at any place or places, and the President of the Court shall arrange for sittings and hearings as may be required.

Quorum, and decision on appeal.

(5) Three judges of the Court Martial Appeal Court constitute a quorum, and the decision on any appeal shall be determined by the vote of the majority of the judges present, and in the event of an equality of votes, the President or other presiding judge has a second or casting vote.

Notification of dissent.

(6) Where an appeal has been wholly or partially dismissed by the Court Martial Appeal Court, and there has been dissent in the Court, the appellant shall forthwith be informed of that dissent.

Superior court of record.

(7) The Court Martial Appeal Court is a superior court of record.

Evidence.

(8) The Court Martial Appeal Court may hear evidence, including new evidence, as it may deem expedient, and the Court may sit in camera or in public.

Registrar and staff.

(9) The Registrar of the Exchequer Court is *ex officio* the Registrar of the Court Martial Appeal Court and the officers, clerks and employees appointed to the Exchequer Court shall perform the duties of their respective offices in relation to the Court Martial Appeal Court.

Section 190 of the Act now reads:

"**190.** (1) There shall be a Court Martial Appeal Board, which shall hear and determine all appeals referred to it under this Part.

(2) The Court Martial Appeal Board shall consist of the following members:

(*a*) a Chairman, who shall be a judge of the Exchequer Court or of a superior court of criminal jurisdiction as that expression is defined in the *Criminal Code;* and

(*b*) two or more other persons each of whom shall be a judge or retired judge of the Exchequer Court or of a superior court of criminal jurisdiction as that expression is defined in the *Criminal Code*, or a barrister or advocate of not less than five years standing,

all of whom shall be appointed by the Governor in Council.

(3) The Chairman of the Court Martial Appeal Board shall preside at sittings of the Board, unless he appoints another member to be the presiding member in his place.

(4) The Minister may require the Court Martial Appeal Board to sit and hear appeals at any place or places, and the Chairman of the Board shall arrange for sittings and hearings accordingly.

(5) Three members of the Court Martial Appeal Board shall be a quorum, and the decision on any appeal shall be determined by the vote of the majority of the members present, and in the event of an equality of votes, the Chairman or other presiding member has a second or casting vote.

(6) Where an appeal has been wholly or partially dismissed by the Court Martial Appeal Board, and there has been dissent in the Board, the appellant shall forthwith be informed of that dissent.

(7) The Court Martial Appeal Board may hear evidence, including new evidence, as it may deem expedient, and the Board may sit in camera or in public, and for the performance of its duties has all of the powers vested in commissioners under Part I of the *Inquiries Act.*

(8) The members of the Court Martial Appeal Board shall be paid such fees and allowances as may be prescribed by the Governor in Council.

(9) The Chairman of the Court Martial Appeal Board may authorize any other member of the Board to exercise any of the powers or functions of the Chairman under this section."

Exercise of President's powers.

(10) The President of the Court Martial Appeal Court may authorize any other judges of the Court to exercise any of the powers or functions of the President under this section.

Military Advisers.

(11) The Governor in Council may appoint and prescribe the duties of one or more Military Advisers to the Court Martial Appeal Court, and they shall be paid such fees or other remuneration for their services as the Governor in Council prescribes.

Expenses.

(12) A judge of the Court Martial Appeal Court is entitled to be paid travelling allowances under the *Judges Act* as for attendances as judge of the Exchequer Court or the superior court to which he belongs, and a Military Adviser is entitled to be paid reasonable travelling and other expenses incurred by him in the performance of his duties while away from his ordinary place of residence.

DISPOSITION OF APPEALS BY COURT MARTIAL APPEAL COURT.

R.S., c. 184; 1952-53, c. 24, s. 5; 1955, c. 28, s. 12.

"**191.** (1) Upon the hearing of an appeal respecting the legality of a finding of guilty on any charge, the Court Martial Appeal Court, if it allows the appeal, shall set aside the finding and

Powers.

(*a*) direct a finding of not guilty to be recorded in respect of that charge, or

(*b*) direct a new trial on that charge, in which case the appellant shall be tried again as if no trial on that charge had been held.

Effect of setting aside finding of guilty.

(2) Where the Court Martial Appeal Court has set aside a finding of guilty and no other finding of guilty remains, the whole of the sentence ceases to have force and effect.

Punishment where finding set aside.

(3) Where the Court Martial Appeal Court has set aside a finding of guilty but another finding of guilty remains, the Court shall forthwith refer the proceedings to the Minister, or to such other authority as he may prescribe or appoint for that purpose, who shall

(*a*) affirm the punishment imposed by the court martial if the court martial could legally have imposed that punishment upon the finding of guilty that remains; or

(*b*) subject to section 175, substitute for the punishment imposed by the court martial such new punishment or punishments as he considers appropriate.

Substitution of finding.

(4) Where an appellant has been found guilty of an offence and the court martial could on the charge have found him guilty under section 120 of some other offence, or could have found him guilty of some other offence on any alternative charge that was laid, and on the actual finding it appears to the Court Martial Appeal Court that the facts

proved him guilty of that other offence, the Court may, instead of allowing or dismissing the appeal, substitute for the finding of guilty made by the court martial a finding of guilty of that other offence, and the Court shall forthwith refer the proceedings to the Minister, or to such other authority as he may prescribe or appoint for that purpose, who shall

(*a*) affirm the punishment imposed by the court martial if the court martial could legally have imposed that punishment upon the substituted finding of guilty; or

(*b*) subject to section 175, substitute for the punishment imposed by the court martial such new punishment or punishments as he considers appropriate.

New punishments.

(5) Where, pursuant to subsection (3) or (4), a new punishment is substituted, the punishment imposed by the court martial thereupon ceases to have effect and section 176 applies to the new punishment or punishments.

Substitution of new punishment where illegal punishment set aside.

"**192.** Upon the hearing of an appeal respecting the legality of a sentence passed by a court martial, the Court Martial Appeal Court, if it allows the appeal, shall forthwith refer the proceedings to the Minister, or to such other authority as the Minister may prescribe or appoint for that purpose, who shall, subject to section 175, substitute for the punishment imposed by the court martial such new punishment or punishments as he considers appropriate and every punishment comprised in the sentence passed by the court martial thereupon ceases to have force and effect; and section 176 applies to the new punishment or punishments.

Special power to disallow appeal.

"**193.** Notwithstanding anything in this Part, the Court Martial Appeal Court may disallow an appeal if, in the opinion of the Court, to be expressed in writing, there has been no substantial miscarriage of justice.

Power of service authorities preserved.

"**194.** Where a punishment included in a sentence has been dealt with pursuant to subsection (3) of section 191 or section 192, the new punishment shall be subject to mitigation, commutation, remission or suspension in the same manner and to the same extent as if it had been passed by the court martial that tried the appellant.

1952-53, c. 24, s. 5. Summary disposition of certain appeals.

"**194A.** Where it appears to the Judge Advocate General that no substantial grounds of appeal have been shown, or that the appellant has abandoned his appeal, the Judge Advocate General may refer the appeal to the Court Martial Appeal Court for summary determination, and where an appeal is referred to the Court under this section, the Court may, if it considers

(*a*) that the appeal has been abandoned, or

(*b*) that no substantial grounds of appeal have been shown and the appeal can be determined without being adjourned for a full hearing,

dismiss the appeal summarily without calling on any person to appear.

R.S., c. 184; 1952–53, c. 24, s. 5.

RULES OF APPEAL PROCEDURE.

President may make.

"**195.** (1) The President of the Court Martial Appeal Court, with the approval of the Governor in Council, may make rules not inconsistent with this Act respecting

(*a*) the seniority of members of the Court for the purpose of presiding at appeals;

(*b*) the practice and procedure to be observed at hearings;

(*c*) the conduct of appeals;

(*d*) the production of the minutes of the proceedings of any court martial in respect of which an appeal is taken;

(*e*) the production of all other documents and records relating to an appeal;

(*f*) the extent to which new evidence may be introduced;

(*g*) the circumstances in which the appellant may attend or appear before the Court on the hearing of his appeal, but no such rule shall deprive an appellant of the right to be present on the hearing of his appeal from a sentence of death;

(*h*) provision for and payment of fees of counsel for the appellant; and

(*i*) the circumstances in which an appeal may be considered to be abandoned for want of prosecution, and the summary disposition by the Court of such appeals, and of appeals showing no substantial grounds.

Publication.

(2) No rule made under this section has effect until it has been published in the *Canada Gazette*.

APPEAL TO SUPREME COURT OF CANADA.

Appeal by accused.

"**196.** (1) A person whose appeal has been wholly or partially dismissed by the Court Martial Appeal Court may appeal to the Supreme Court of Canada against the decision of the Court Martial Appeal Court

(*a*) on any question of law on which a judge of the Court Martial Appeal Court dissents, or

(*b*) on any question of law if leave to appeal is granted by a judge of the Supreme Court of Canada within thirty days after the decision of the Court Martial Appeal Court or within such extended time as the judge of the Supreme Court of Canada may for special reasons allow.

Section 196 of the Act now reads:

"**196.** (1) A person whose appeal has been wholly or partially dismissed by the Court Martial Appeal Board may, where there has been dissent in the Board, appeal to the Supreme Court of Canada with leave of the Attorney General of Canada.

(2) An application for leave to appeal under subsection (1) shall be delivered to the Attorney General of Canada within thirty days of notice to the appellant of the decision of the Court Martial Appeal Board.

(3) The Supreme Court of Canada, in respect of the hearing and determination of an appeal under this section, has the same powers, duties and functions as the Court Martial Appeal Board has under this Act, and sections 191 to 194 apply with such adaptations and modifications as the circumstances may require."

The proposed new provisions of section 196 are based upon sections 597 and 598 and subsection (2) of section 600 of the *Criminal Code*.

Appeal by Minister.

(2) Where the Court Martial Appeal Court has wholly or partially allowed an appeal, the Minister may appeal to the Supreme Court of Canada against the decision of the Court Martial Appeal Court

(*a*) on any question of law on which a judge of the Court Martial Appeal Court dissents, or

(*b*) on any question of law if leave to appeal is granted by a judge of the Supreme Court of Canada within thirty days after the decision of the Court Martial Appeal Court or within such extended time as the judge of the Supreme Court of Canada may for special reasons allow.

Powers of Supreme Court of Canada.

(3) The Supreme Court of Canada, in respect of the hearing and determination of an appeal under this section, has the same powers, duties and functions as the Court Martial Appeal Court has under this Act, and sections 191 to 194 apply with such adaptations and modifications as the circumstances may require.

Hearing of appeal.

(4) An appeal to the Supreme Court of Canada that is not brought on for hearing by the appellant at the session of that court during which the judgment appealed from was pronounced by the Court Martial Appeal Court, or during the next session thereof, shall be deemed to be abandoned, unless otherwise ordered by the Supreme Court of Canada or a judge thereof."

Coming into force.

(2) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

Transitional.

(3) Any person who was a member of the Court Martial Appeal Board before the coming into force of this section may deliver judgment in any case heard by him as though this Act had not been enacted.

French name of R.C.A.F. changed.

7. The name of the Royal Canadian Air Force in French is changed to Forces aériennes royales du Canada.

7. The present name of the Royal Canadian Air Force in French is "Corps d'aviation royal canadien". This clause would substitute a more descriptive name in French.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-28.

An Act to amend the National Housing Act, 1954.

First reading, February 20,1959.

THE MINISTER OF PUBLIC WORKS.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20366-1

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-28.

An Act to amend the National Housing Act, 1954.

1953-54, c. 23; 1956, c. 9; 1957-58, c. 18; 1958, c. 3.

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

1. Subsection (8) of section 6 of the *National Housing Act, 1954* is repealed and the following substituted therefor:

Sale of loan.

"(8) An insurance policy issued under this Act in respect of a loan ceases to be in force if the loan is sold to a person other than an approved lender unless the loan continues to be administered by the Corporation or an approved lender in accordance with the regulations.

Administration of insured loans.

"(8a) The Corporation may administer an insured loan pursuant to an agreement made with the holder thereof."

1956, c. 9, s. 3.

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

Payment by Corporation upon conveyance of property.

"**9.** (1) Where the person holding or administering an insured loan secured by mortgage acquires title to the mortgaged property, either in his own name or in the name of the holder, by foreclosure or otherwise, after default has occurred under the mortgage, and the title is conveyed to the Corporation, clear of all encumbrances except as provided for by regulation and within the time prescribed by regulation, the Corporation shall pay to the approved lender holding or administering the loan, or to the holder of the loan where it is administered by the Corporation, the aggregate of the following:"

(2) Paragraph (*e*) of subsection (1) of section 9 of the said Act is repealed and the following substituted therefor:

"(*e*) an acquisition fee of one hundred and fifty dollars and such taxable legal disbursements as may be approved by the Corporation;"

Explanatory Notes

1. The present subsection reads as follows:

"(8) An insurance policy issued under this Act in respect of a loan ceases to be in force if the loan is sold to a person other than an approved lender unless the loan continues to be administered by an approved lender in accordance with the regulations."

The amendment to subsection (8) is made necessary by the amendment in clause 4 to provide that the Corporation may sell mortgages to persons other than approved lenders, and the proposed new subsection (8a), which will permit the Corporation to administer insured loans by agreement with the holder.

2. (1) The portion of section 9 being amended reads as follows:

"**9.** (1) Where *an approved lender* holding or administering an insured loan secured by mortgage acquires title to the mortgaged property, either in *its* own name or in the name of the holder, by foreclosure or otherwise, after default has occurred under the mortgage, and the title is conveyed to the Corporation, clear of all encumbrances except as provided for by regulation and within the time prescribed by regulation, the Corporation shall pay to the approved lender the aggregate of the following:"

This amendment is consequential upon the amendments in clauses 1 and 4.

(2) The present paragraph reads as follows:

"(*e*) an acquisition fee of one hundred and *twenty-five* dollars and such taxable legal disbursements as may be approved by the Corporation;"

The purpose of the amendment is to increase the acquisition fee from $125 to $150.

3. (1) Subsection (1) of section 9 of the said Act is amended by repealing all that portion after the end of paragraph (*e*) thereof and substituting therefor the following:

Administration of insured loans.

"and, in calculating the amount payable by the Corporation under this subsection, amounts received for the credit of the mortgage account when it was in default shall be credited at the date of the receipt thereof first to interest then owing on the mortgage account, secondly to borrowers' charges and thirdly to the principal owing on the mortgage account."

(2) This section is applicable only to loans made after the coming into force of this Act.

4. Subsections (2) and (3) of section 11 of the said Act are repealed and the following substituted therefor:

Sale of obligations.

"(2) The Corporation may sell any obligation to the Corporation that is secured by a first mortgage and assign the security held by the Corporation in respect thereof, and may, pursuant to an agreement made with the purchaser, continue to administer the obligation.

Insurance of obligations sold.

"(3) Where the Corporation has sold an obligation pursuant to subsection (2) it may, if the obligation is administered by an approved lender or the Corporation, issue an insurance policy in respect thereof to the purchaser and such obligation shall be deemed to be an insured loan and the Corporation shall, at the time of the sale, except where the obligation is a loan acquired by the Corporation pursuant to subsection (1) or is a loan made pursuant to Part I under section 40, credit the Fund with one and three-quarters per cent of the amount of the obligation at the time of sale if it is in respect of a house, and two and one-quarter per cent thereof if it is in respect of a rental housing project."

5. Paragraph (*c*) of subsection (1) of section 12 of the said Act is repealed and the following substituted therefor:

"(*c*) subject to sections 4 and 6, determine the maximum charges that may be made in respect of the making and administration of an insured loan;"

1958, c. 3, s.1.

6. (1) The portion of subsection (1) of section 22 of the said Act that precedes paragraph (*a*) thereof is repealed and the following substituted therefor:

Advances out of the C.R.F. to make loans and pay losses.

"**22.** (1) The Minister may, upon terms and conditions approved by the Governor in Council, out of the Consolidated Revenue Fund, not exceeding in the aggregate one billion dollars,"

(2) Paragraph (*c*) of subsection (1) of section 22 of the said Act is repealed and the following substituted therefor:

"(*c*) advance moneys to the Corporation for the purposes of subsection (1) of section 11."

3. The portion of section 9 being amended reads as follows:

"*less two per cent of the amounts specified in paragraphs* (*a*) *and* (*c*) and, in calculating the amount payable by the Corporation under this subsection, amounts received for the credit of the mortgage account when it was in default shall be credited at the date of the receipt thereof first to interest then owing on the mortgage account, secondly to borrowers' charges and thirdly to the principal owing on the mortgage account."

The purpose of the amendment is to abolish the two per cent deduction in respect of future loans.

4. Subsections (2) and (3) of section 11 read as follows:

"(2) The Corporation may sell *to an approved lender* any obligation to the Corporation that is secured by a first mortgage and assign the security held by the Corporation in respect thereof.

"(3) When the Corporation has sold an obligation pursuant to subsection (2) it may issue an insurance policy in respect thereof to the purchaser and such obligation shall be deemed to be an insured loan and the Corporation shall, at the time of the sale, except where the obligation is a loan acquired by the Corporation pursuant to subsection (1) or is a loan made pursuant to Part I under section 40, credit the Fund with one and three-quarters per cent of the amount of the obligation at the time of sale if it is in respect of a house, and two and one-quarter per cent thereof if it is in respect of a rental housing project."

The purpose of the amendment is to enable the Corporation to sell mortgages to persons other than an approved lender and to issue an insurance policy in respect thereof if the mortgage is administered by an approved lender or by the Corporation.

5. The present paragraph reads as follows:

"**12.** (1) The Governor in Council may by regulation.....

(*c*) subject to sections 4 and 6, determine the maximum charges that may be made *by an approved lender or holder of an insured loan* in respect of the making and administration *thereof;*"

The amendment follows from the proposed amendments to section 11 of the Act.

6. Subsection (1) of section 22 reads as follows:

"**22.** (1) The Minister may, upon terms and conditions approved by the Governor in Council, out of the Consolidated Revenue Fund, not exceeding in the aggregate *seven hundred and fifty million* dollars,

(*a*) advance moneys to the Corporation for the purpose of making loans under this Part and under sections 40 and 40A,

(*b*) reimburse the Corporation for losses sustained in respect of loans made under this Part, and

(*c*) advance moneys to the Corporation *not in excess of twenty-five million dollars* for the purposes of subsection (1) of section 11."

The amendments proposed will increase to one billion dollars the limit on advances that may be made to the Corporation for the purposes of Part II of the Act and sections 40 and 40A, and will remove the limit on the amount of the advances that may be made for the purposes of subsection (1) of section 11.

C-29.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-29.

An Act to amend the Trans-Canada Highway Act.

First reading, February 24, 1959.

THE MINISTER OF PUBLIC WORKS.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20448-7

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-29.

An Act to amend the Trans-Canada Highway Act.

R.S., c. 269; 1956, c. 12.

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

1956, c. 12, s. 4.

1. Section 7 of the *Trans-Canada Highway Act* is repealed and the following substituted therefor:

Aggregate limited to $350,000,000.

"7. The aggregate of all expenditures under sections 4, 5 and 6 shall not exceed three hundred and fifty million dollars."

Explanatory Notes.

1. The present section 7 reads as follows:

"7. The aggregate of all expenditures under sections 4, 5 and 6 shall not exceed *two hundred and fifty* million dollars."

The purpose of the amendment is to increase by one hundred million dollars the amount of the expenditures authorized by sections 4, 5 and 6.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-30.

An Act to amend the Fisheries Improvement Loans Act.

First reading, February 24, 1959.

THE MINISTER OF FINANCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20197-0

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-30.

An Act to amend the Fisheries Improvement Loans Act.

1955, c. 46.

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

1. Subsection (2) of section 3 of the *Fisheries Improvement Loans Act* is repealed and the following substituted therefor:

Time within which liability may arise.

"(2) The Minister is not liable under this Act to make a payment to a lender in respect of a guaranteed loan made after the 30th day of June, 1962."

Commencement.

2. This Act shall be deemed to have come into force on the 12th day of December, 1958.

Explanatory Note.

The portion of the Act being revised presently reads as follows:

"**3.** (2) The Minister is not liable under this Act to make a payment to a lender in respect of a guaranteed loan *unless the loan is made within a period of three years from the day on which this Act comes into force.*"

The Act came into force on the 12th of December, 1955, and under the foregoing provision the liability of the Minister is confined to loans made before December 12, 1958. The purpose of this amendment is to extend the period during which guaranteed loans may be made to the 30th day of June, 1962.

C-31.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-31.

An Act to amend the Veterans Rehabilitation Act.

First reading, February 27, 1959.

MINISTER OF VETERANS AFFAIRS.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20547-6

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-31.

An Act to amend the Veterans Rehabilitation Act.

R.S., 1952, c. 281.

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

1. Paragraph (*f*) of section 2 of the *Veterans Rehabilitation Act* is repealed.

2. Subparagraphs (i) and (ii) of paragraph (*a*) of section 3 of the said Act are repealed.

Explanatory Notes

Clause 1. Paragraph (*f*) of section 2 at present reads as follows:

"(*f*) "rehabilitation grant" means "The Rehabilitation Grant" designated by the Orders in Council of December 19, 1940 (P.C. 7521), February 5, 1941 (P.C. 890), May 19, 1941 (P.C. 3544), April 4, 1944 (P.C. 2349) and October 2, 1941 (P.C. 6358);"

The repeal of this paragraph is consequential upon the repeal of sections 4 and 5 by clause 3.

Clause 2. Section 3 at present reads as follows:

"**3.** Subject to the provisions of this Act, the Minister may promote the rehabilitation of veterans,

(*a*) by making allowances to or in respect of veterans who
  (i) are temporarily incapacitated from performing work,
  (ii) are out of work,
  (iii) are awaiting returns from a business, or
  (iv) are pursuing courses of training; and
(*b*) by paying the costs of such courses of training."

Sections 4 and 5 provide that the Minister may pay an allowance to a veteran described in subparagraph (i) or (ii) of paragraph (*a*) of section 3 only during a period of eighteen months after his discharge. There are no veterans to whom this allowance could now be paid.

3. Sections 4 and 5 of the said Act are repealed.

Clause 3. Sections 4 and 5 at present read as follows:

"**4.** (1) Subject to subsection (2), where a veteran is temporarily incapacitated from performing work or from taking training pursuant to the provisions of this Act by reason of a disability, and is not eligible to care in respect thereof under any other Act or regulation administered by the Minister, the Minister may on application of the veteran pay to him while he is so incapacitated an allowance for a period not exceeding the veteran's period of service or twelve months, whichever is the less.

(2) No allowance may be paid to a veteran under this section

(*a*) for the first thirty days immediately following his discharge if he has received or is eligible to receive a rehabilitation grant, or

(*b*) for any period during which he is incapacitated more than eighteen months after his discharge.

"**5.** (1) Subject to the provisions of this section, where a veteran, who is capable of performing and is available for work and is unable to obtain suitable employment, the Minister may on application of the veteran pay to him an out-of-work allowance while he is so unemployed.

(2) An out-of-work allowance may not be paid to a veteran

(*a*) for the first nine days of his unemployment whether continuous or not;

(*b*) in respect of any period during which he is unemployed more than eighteen months after his discharge, except that, where a veteran was a patient in or receiving any treatment from a hospital or health institution, or was in receipt of an allowance in respect of temporary incapacity under this Act, during any time within the said eighteen months, the Minister may, in his discretion, extend the period during which he may be paid an out-of-work allowance after the said eighteen months for a further period not exceeding the said time;

(*c*) for a time of unemployment exceeding twelve months accumulated within the period prescribed in paragraph (*b*);

(*d*) who would, if his application were a claim for benefit under the *Unemployment Insurance Act*, be disqualified for benefit thereunder by reason of sections 41, 42, 43 and 44 thereof;

(*e*) except as prescribed by regulation, to a veteran who is a married woman; or

(*f*) for the first thirty days immediately following his discharge if he has received or is eligible to receive a rehabilitation grant.

(3) Where a veteran has been paid allowances under this section while waiting for training facilities to be available for him, the period during which such allowances are so paid shall not be included in any computation of time so as to limit or affect training benefits available to him under section 8."

Section 4 provides that the Minister may pay an allowance to a veteran who was temporarily incapacitated from performing work and not eligible for care under any other Act. Section 5 provides that the Minister may pay an allowance to a veteran who is unable to find suitable employment. Both sections, however, provide that the Minister may pay the allowance only during a period of eighteen months after the veteran's discharge. There are no veterans who could now qualify for an allowance under either section 4 or 5.

4. (1) Subsection (2) of section 7 of the said Act is repealed.

(2) Subsection (4) of section 7 of the said Act is repealed and the following substituted therefor:

Additional time where veteran receiving treatment.

"(4) Where a veteran eligible for an allowance under this section was a patient in or receiving treatment from a hospital or health institution, he shall have an additional period of time equal to the time that he was a patient or receiving treatment in which to make application for that allowance".

5. (1) Paragraph (*a*) of subsection (1) of section 10 of the said Act is repealed.

(2) Paragraph (*a*) of subsection (2) of section 10 of the said Act is repealed.

(3) Subsections (3) and (4) of section 10 of the said Act are repealed.

Clause 4. (*1*) Subsection (2) of section 7 at present reads as follows:

"(2) No allowance may be paid to a veteran under this section in respect of the first thirty days immediately following his discharge if he has received or is eligible to receive a rehabilitation grant."

There are no veterans now eligible to receive a rehabilitation grant. Therefore the restriction imposed by this subsection is no longer of any effect.

(*2*) Subsection (4) of section 7 at present reads as follows:

"(4) Where a veteran

(*a*) was a patient or receiving any treatment from a hospital or health institution,

(*b*) was in receipt of an allowance for temporary incapacity under section 4, or

(*c*) has been delayed in entering business by reason of licensing or rationing laws or by reason of scarcity of the commodities or equipment required by him,

he shall have such additional time for applying for benefits under this section as is involved in the circumstances described in paragraph (*a*), (*b*) or (*c*)."

The repeal of paragraph (*b*) is consequential upon the repeal of sections 4 and 5 by clause 3.

The conditions described in paragraph (*c*) no longer exist, and are therefore no longer a circumstance for which additional time to apply for an allowance need be given.

Clause 5. (*1*) Subsection (1) of section 10 at present reads as follows:

"**10.** (1) Where a veteran

(*a*) has been paid, prior to the 30th day of June, 1948, an allowance under section 9 and he makes application within six months after that date for an allowance under section 8, or

(*b*) is being paid an allowance under section 9 and he makes application, before the termination of his course or within six months thereafter, for an allowance under section 8,

the Minister may, notwithstanding that the application has not been made within the period specified in subsection (2) of section 8, pay to the veteran an allowance under subsection (1) of section 8, but subject to subsection (3) of section 5 no such allowance may be paid for a period that is greater than the period of service of the veteran less the periods with respect to which he has been paid any allowance under this Act."

Paragraph (*a*) provides for a veteran who was paid an allowance under section 9 to make application for an allowance under section 8 within six months after the 30th day of June, 1948. There are no veterans who could now take advantage of this provision.

(*2*) Subsection (2) of section 10 at present reads as follows:

"(2) Where a veteran

(*a*) has been paid, prior to the 30th day of June, 1948, an allowance under section 8 and he makes application within six months after that date for an allowance under section 9, or

(*b*) is being paid an allowance under section 8 and he makes application, before the termination of his course or within six months thereafter, for an allowance under section 9;

6. Subsection (3) of section 12 of the said Act is repealed and the following substituted therefor:

Repayment to veteran of allowance, etc., where veteran receives no benefits from the *Veterans' Land Act.*

"(3) Where a veteran has repaid to the Minister the amount of allowance and costs described in paragraph (*c*) of subsection (2) for the purpose of qualifying for benefits under the *Veterans' Land Act,* and subsequently withdraws his application for qualification or his contract with The Director, The Veterans' Land Act is terminated or rescinded, the Minister shall pay to the veteran an amount equal to the total amount that was repaid by him less the amount of the benefits, if any, received by that veteran under the *Veterans' Land Act* as determined by the Minister."

the Minister may, notwithstanding that the veteran has delayed resumption or commencement of a course beyond the period specified in paragraph (*a*) or (*b*) of subsection (1) of section 9, pay to the veteran an allowance under subsection (1) of section 9, but no such allowance may be paid for a period that is greater than the period of service of the veteran less the periods with respect to which he has been paid any allowance under this Act, except that the period may be extended as provided in subsection (2) of section 9."

Paragraph (*a*) provides for a veteran who was paid an allowance under section 8 to make an application for an allowance under section 9 within six months after the 30th day of June, 1948. There are no veterans who could now take advantage of this provision.

(3) Subsections (3) and (4) of section 10 at present read as follows:

"(3) Where, prior to the 30th day of June, 1948, a veteran has been paid an allowance under section 9 and has commenced at his own expense a course of training in respect of which an allowance might have been paid to him by virtue of subsection (1) if that subsection had been in force at the date he commenced that course, and he makes application within six months after the 30th day of June, 1948, for reimbursement of the costs of the course of training so commenced, the Minister may pay to the veteran an amount not exceeding the amount of allowance that might have been paid to him by virtue of subsection (1) if that subsection had been in force at the date he commenced the course of training, and such payment shall for the purposes of section 14 be deemed to be payment of an allowance under section 8.

"(4) Where, prior to the 30th day of June, 1948, a veteran has been paid an allowance under section 8 and has commenced at his own expense a course in respect of which an allowance might have been paid to him by virtue of subsection (2) if that subsection had been in force at the date he commenced that course, and he makes application within six months after the 30th day of June, 1948, for reimbursement of the costs of the course so commenced, the Minister may pay to the veteran an amount not exceeding the amount of allowance that might have been paid to him by virtue of subsection (2) if that subsection had been in force at the date he commenced the course, and such payment shall for the purposes of section 14 be deemed to be payment of an allowance under section 9."

These subsections provide that the Minister may reimburse a veteran who, prior to the 30th day of June, 1948, commenced at his own expense a course of training for which he might have been paid an allowance after that date under subsection (1) or (2), if the veteran makes an application therefor within six months after June 30th, 1948. The time limit having expired, there are no veterans who can now apply for reimbursement.

Clause 6. Repealed and new. Subsection (3) of section 12 at present reads as follows:

"(3) This section is effective as at the 1st day of June, 1946, but in the case of a veteran who, prior to such date, commenced a course in agriculture and received allowances under section 9 or 11 the Minister may, by regulation, on the application of such veteran and on being satisfied that the veteran commenced such course in the belief that he would be eligible for benefits under the *Veterans' Land Act*, give such veteran the option of continuing such course or receiving benefits under the said Act."

Subsection (3) provides for veterans who commenced courses in agriculture prior to the 1st June, 1946, in the belief that they would be eligible as well for benefits under the *Veterans' Land Act* being given an opportunity either to continue their courses or to receive benefits under the

7. (1) Subsection (4) of section 14 of the said Act is repealed.

(2) Paragraph (*b*) of subsection (5) of section 14 of the said Act is repealed.

Veterans' Land Act. All veterans who commenced courses before that date have now completed their courses.

Paragraph (*c*) of subsection (2) of this section permits a veteran who received an allowance under this Act enabling him to take an under-graduate or post-graduate course of not more than nine months at a university to repay the amount of the allowance received by him together with any costs incurred by the Minister in respect of the course and thereby qualify for benefits under the *Veterans' Land Act.* The purpose of this amendment is to allow the Minister to pay to a veteran who repays this allowance and subsequently receives no benefits under the *Veterans' Land Act* the amount repaid by the veteran.

Clause 7. (*1*) Subsection (4) of section 14 at present reads as follows:

"(4) The Minister may, with the approval of the Governor in Council and subject to regulations, make a supplementary grant to any university for the purpose of assisting such university to meet expenses incurred in the training of veterans in respect of whom tuition fees are payable under this Act; but the amount of such grant to any one university shall not exceed one hundred and fifty dollars in respect of any one veteran within a twelve month period, and where tuition fees are payable under this Act in respect of a veteran for only part of an academic year, the amount of this supplementary grant in respect of that veteran shall not exceed a sum that bears the same relation to the sum of one hundred and fifty dollars as such period bears to the whole academic year."

This subsection permitted the payment to universities of supplementary grants to enable them to expand their facilities to meet the influx of the large number of veterans at the end of World War II. The situation this subsection was enacted to meet having passed, the section is being repealed.

(*2*) Subsection (5) of section 14 at present reads as follows:

"(5) The Minister may, with the approval of the Governor in Council and subject to regulations,

(*a*) provide any university in Canada with moneys, whereby and wherefrom the university may make small loans to meet emergency conditions among veterans who are being paid allowances pursuant to sections 9 and 11, and

(*b*) pay expenses of repatriation of a veteran described in subparagraph (i) of paragraph (*m*) of section 2 who was discharged in the United Kingdom in order to take a course of training outside Canada approved by the Minister and the expenses of transportation of the wife and child of any such veteran from the United Kingdom to Canada or to any place designated by such veteran outside of Canada in which he was resident immediately prior to joining the forces."

There are no veterans to whom paragraph (*b*) of this subsection could now apply as all the veterans discharged in the United Kingdom for the purpose of pursuing a course of training there or in Europe have completed their training.

8. Section 15 of the said Act is repealed.

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

Allowance respecting dependants.

"16. Where an allowance is being paid to any veteran pursuant to the provisions of section 7, 8, 9 or 11, the Minister may, in accordance with regulations, pay contemporaneous allowances with respect to any dependant of the veteran."

Commencement.

10. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Clause 8. Section 15 at present reads as follows:

"**15.** Where, in the opinion of the Minister, a pensioner requires training or re-training by reason of an increase in his pensionable or non-pensionable disabilities, the Minister may, pursuant to regulations made in that behalf, provide such training or re-training and pay allowances, and the provisions of section 13 of the *War Service Grants Act* do not apply to such pensioner."

Authority similar to that given to the Minister by this section is already conferred on him by the *Department of Veterans Affairs Act.* Section 15 is, therefore, unnecessary.

Clause 9. Section 16 at present reads as follows:

"**16.** Where an allowance is being paid to any veteran pursuant to the provisions of section 4, 5, 7, 8, 9 or 11, the Minister may in accordance with regulations, pay contemporaneous allowances with respect to any dependant of the veteran."

The amendment to this section is consequential upon the repeal of sections 4 and 5 by clause 3.

C-32.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-32.

An Act to amend the War Service Grants Act.

First reading, February 27, 1959.

THE MINISTER OF VETERANS AFFAIRS.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20541-9

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-32.

An Act to amend the War Service Grants Act.

R.S., c. 289; 1953-54, c. 46.

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

1. (1) Paragraph (*a*) of section 2 of the *War Service Grants Act* is repealed.

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

"Home."

"(*i*) "home" means a house or building intended for human habitation and owned

(i) solely by the member,

(ii) by the member's spouse or jointly by the member and his spouse,

(iii) by a parent of the member who is dependent upon the member for support,

(iv) jointly by the parents of the member, one of whom is dependent upon the member for support, or

(v) jointly by the member and one or both of his parents,

and used or to be used by the member as his dwelling, together with the land upon which it is situated including in the case of a farm, land used therewith for the purpose of farming;"

2. Paragraphs (*a*) and (*b*) of subsection (1) of section 5 of the said Act are repealed and the following substituted therefor:

"(*a*) to a person who was in receipt of or who, in the opinion of the Minister, was eligible for dependants' allowance on behalf of the deceased member immediately prior to the member's death or discharge;

Explanatory Notes.

Clause 1. (*1*) Paragraph (*a*) of section 2 at present reads as follows:

"(*a*) "Board"means the Board of Review established by this Act;"

This amendment is consequential upon the amendment to section 17 by clause 11.

(*2*) Paragraph (*i*) of section 2 at present reads as follows:

"(*i*) "home" means a house or building intended for human habitation and owned solely by the member or his spouse or jointly by him and his spouse and used or to be used by the member as his dwelling, together with the land upon which it is situated, including, in the case of a farm, land used therewith for the purpose of farming;"

The purpose of this amendment is to allow a veteran to use his re-establishment credit for repairing or modernizing a dwelling in which he is living with a parent who is dependent upon him for support and which dwelling is owned wholly or in part by that parent or by the member and one or both of his parents.

Clause 2. The amendment to this section merely deletes the words "Dependants' Allowance Board" wherever they appear and substitutes therefor the term "Minister".

The duties and functions of the Dependants' Allowance Board have been taken over by officers of the Department of Veterans Affairs.

(*b*) to a person who, in the opinion of the Minister, would have been eligible for dependants' allowance on behalf of the deceased member immediately prior to the member's death or discharge had such person not been a member of the forces; or"

3. Paragraph (*b*) of subsection (1) of section 6 of the said Act is repealed and the following substituted therefor:

"(*b*) overpayments of dependants' allowances as follows:

(i) any overpayment which the Minister has ordered to be recovered from a member upon a finding, concurred in by the Judge Advocate General, that such member was guilty of wilful misrepresentation or fraud, and

(ii) where the gratuity, by reason of the death of the member to whom it was payable, becomes payable in whole or in part to a dependant, any overpayment that the Minister has found, with the concurrence of the Judge Advocate General, to have been made to such dependant as a result of wilful misrepresentation or fraud by the member or the dependant; and"

1953-54, c. 46, s. 1.

4. Subsection (5) of section 9 of the said Act is repealed and the following substituted therefor:

"Child" defined.

"(5) In this section and section 9A, the expression "child" means a child, including a natural child, stepchild or adopted child, who is under twenty-one years of age, or who is twenty-one or more years of age and is in receipt of a pension under the *Pension Act*."

5. The said Act is further amended by adding thereto, immediately after section 9 thereof, the following section:

Member eligible for re-establishment credit mentally infirm.

"**9A.** (1) Subject to subsection (2), where the Minister is satisfied that a member who has not used all the re-establishment credit for which he is eligible under this Act is mentally infirm to such a degree that he is unable to manage his affairs and is unlikely to be able to do so before the expiration of the period within which his re-establishment credit may be made available to him, the Minister may make available to

(*a*) the member's wife;

(*b*) the children of the member that are wholly or substantially dependent upon the member for support; or

(*c*) such other person as the Minister may designate

any unused portion of the member's re-establishment credit.

Clause 3. The amendment to this section merely deletes the words "Dependants' Allowance Board" wherever they appear and substitutes therefor the term "Minister".

The duties and functions of the Dependants' Allowance Board have been taken over by officers of the Department of Veterans Affairs.

Clause 4. Subsection (5) of section 9 at present reads as follows:

"(5) In this section the expression "child" means a child, including a natural child, stepchild or adopted child, who is under twenty-one years of age, or any such child who is twenty-one or more years of age and who is in receipt of a pension under the *Pension Act*."

The purpose of this amendment is to make the definition of "child" in section 9 apply to section 9A as well.

Clause 5. New. The purpose of this amendment is to allow the Minister to make the re-establishment credit of a veteran who is suffering from a mental illness available to the wife or dependent children of that veteran where it is unlikely that he will recover from his illness before the expiration of the date by which he must have applied for that credit.

The re-establishment credit is to be available only to a veteran's wife or child who is resident in Canada and who plans to use the credit for the purposes described in section 12 of this Act.

Conditions.

(2) No re-establishment credit shall be made available to the wife or child of a member unless the wife or child is resident in Canada and the Minister is satisfied that the re-establishment credit will be used for one or more of the purposes specified in section 12."

6. Section 10 of the said Act is repealed and the following substituted therefor:

Provisions of Act to apply.

"**10.** Sections 12, 13, 19, and 26 to 31 *mutatis mutandis* apply to and in respect of the credit provided for by sections 9 and 9A."

1953-54, c. 46; s. 2.

7. (1) Subsection (1) of section 12 of the said Act is amended by striking out the portion thereof that precedes paragraph (*a*) and substituting therefor the following:

Purposes for and time within which available.

"**12.** (1) All or any part of the re-establishment credit may, within a period of fifteen years from the 30th day of September, 1947, or the date of his discharge, whichever is the later, be made available to or for the member of the forces eligible therefor when it is shown to the satisfaction of the Minister that such credit is to be used for"

(2) Subparagraph (iv) of paragraph (*h*) of subsection (1) of section 12 of the said Act is repealed and the following substituted therefor:

"(iv) payment of contributions under the *Public Service Superannuation Act*, in respect of his service in the Public Service prior to becoming a contributor under that Act;"

8. The said Act is further amended by adding thereto, immediately after section 12 thereof, the following section:

Computation of re-establishment credit where election for benefits under *Veterans' Land Act*.

"**12A.** Notwithstanding anything in this Act, where a member of the forces has elected to take benefits under the *Veterans' Land Act* and has, within fifteen years from the 30th day of September, 1947, or the date of his discharge, whichever is the later, entered into a contract with The Director, The Veterans' Land Act, that is subsequently terminated, the Minister may, on application by the member within one year of the termination of the contract, make available to the member the re-establishment credit he would have been eligible for under this Act less the amount of the benefits, if any, received by that member under the *Veterans' Land Act* as determined by the Minister."

Clause 6. Section 10 at present reads as follows:

"**10.** Sections 12, 13, 19, and 26 to 31 *mutatis mutandis* apply to and in respect of the credit provided for by section 9."

The purpose of this amendment is to make certain other sections of the Act apply to the new section 9A.

Clause 7. (1). The portion of subsection (1) of section 12 being amended at present reads as follows:

"**12.** (1) All or any part of the re-establishment credit may, within a period of fifteen years from the *1st day of January, 1945*, or the date of his discharge, whichever is the later, be made available to or for the member of the forces eligible therefor when it is shown to the satisfaction of the Minister that such credit is to be used for"

The purpose of this amendment is to extend the time in which a veteran may obtain his re-establishment credit under this Act.

(2) The *Civil Service Superannuation Act* has been repealed and replaced by the *Public Service Superannuation Act.* This amendment is consequential upon that repeal.

Clause 8. New. Section 8 of the Act provides that only veterans who have not elected to take benefits under the *Veterans' Land Act* are eligible for re-establishment credits. The purpose of this amendment is to allow the Minister to make available re-establishment credits to veterans who elected to take benefits under the *Veterans' Land Act* but did not receive benefits under that Act equivalent to the amount they would have received as re-establishment credits.

1953-54, c. 46, s. 3.

9. Subsection (2) of section 13 of the said Act is repealed and the following substituted therefor:

Time limit for making adjustment.

"(2) No member of the forces may, after fifteen years from the 30th day of September, 1947, or the date of his discharge, whichever is the later, become eligible under subsection (1) for a grant of any of the benefits under the *Veterans' Land Act* by virtue of an adjustment made pursuant to subsection (1)."

10. The said Act is further amended by adding thereto, immediately after section 13 thereof, the following section:

Repayment of adjustment to veteran.

"**13A.** Where a member of the forces has repaid to the Minister the compensating adjustment described in subsection (1) of section 13 for the purpose of qualifying for benefits under the *Veterans' Land Act*, and subsequently withdraws his application for qualification or his contract with The Director, The Veterans' Land Act is terminated or rescinded, the Minister shall pay to the member an amount equal to the total amount that was repaid by him less the amount of the benefits, if any, received by that member under the *Veterans' Land Act* as determined by the Minister."

11. Section 17 of the said Act is repealed and the following substituted therefor:

Reference to Committee of Review.

"**17.** (1) Every application for the payment of a gratuity made by a member who is discharged for any of the reasons described in section 14 or 15 shall, together with all documents relating to the member's service, be referred to a Committee of Review consisting of not less than three officers of the Department of Veterans Affairs who shall be appointed by the Minister.

Duties of Committee of Review.

(2) The Committee of Review shall examine every application referred to it pursuant to subsection (1), consider the nature and extent of the services rendered by the member in the armed forces and investigate the circumstances under which the member was discharged.

Finding of Committee.

(3) Where, on examination and investigation of an application referred to it pursuant to subsection (1), the Committee of Review is of opinion that it would be inconsistent with the true spirit and intent of this Act to deprive the member of benefits under this Act, the Committee shall so advise the Minister who may by order direct that the member shall, notwithstanding section 14 or 15, receive the benefits he would have been eligible for under this Act if he had not been discharged for any of the reasons described in those sections."

Clause 9. Subsection (2) of section 13 at present reads as follows:

"(2) On and after the *1st day of January, 1960*, no member of the forces may become eligible under subsection (1) for a grant of any of the benefits under the *Veterans' Land Act* by virtue of an adjustment made pursuant to subsection (1)."

The purpose of this amendment is to extend the time in which a veteran may repay his re-establishment credit and thereby become eligible for benefits under the *Veterans' Land Act.*

Clause 10. New. Subsection (1) of section 13 of the Act provides that a veteran to whom a re-establishment credit has been made available is not eligible for benefits under the *Veterans' Land Act* until he repays an amount equivalent to his re-establishment credit.

The purpose of this amendment is to allow the Minister to pay to a veteran who repays his re-establishment credit and subsequently receives few, if any, benefits under the *Veterans' Land Act*, the amount that was repaid by the veteran.

Clause 11. Section 17 at present reads as follows:

"**17.** (1) The application for gratuity for every member who is discharged for any of the reasons or in any of the circumstances set forth in section 14 or 15 shall forthwith, together with all documents relating to the member's service, be referred to the Board of Review as constituted by subsection (2).

(2) There shall be a Board to be called the "Board of Review", which shall consist of not less than three and not more than five members who shall be appointed by the Minister with the approval of the Governor in Council.

(3) At least one of such members shall be a person who, in the opinion of the Minister, is representative of organized veterans; one of such members shall be designated to be chairman of the Board and such number of members as the Governor in Council may determine constitute a quorum.

(4) The members of the Board shall receive such remuneration as the Governor in Council may determine.

(5) All officers, clerks or other employees required by the Board for the performance of its functions shall be appointed according to law.

(6) A civil servant who prior to or at the time of his appointment as a member of the Board was or is a contributor under the provisions of the *Civil Service Superannuation Act* may elect, within three months of his appointment, and is eligible, notwithstanding the provisions of the *Civil Service Superannuation Act*, to continue to be a contributor under the said Act and in such event his tenure of office as a member of the Board shall be counted as service in the Civil Service for the purposes of the said Act and he, his widow and children, or other dependants, if any, are eligible to receive the respective allowances or gratuities provided by the said Act, and in the event of his being retired from the office as a member of the Board for any reason other than misconduct, he is eligible to receive the same benefits under the said Act as if his office as member of the Board had been abolished.

(7) The Board may, with the approval of the Governor in Council, make rules for regulating its proceedings and the performance of its functions.

(8) It shall be the duty of the Board and it is hereby empowered to examine every application referred to it pursuant to the provisions of subsection (1) and to consider the nature and extent of the services rendered by the member in the armed forces and to investigate the circumstances under which the member was discharged, and for that purpose the Board is authorized to make such enquiries, hear such witnesses, and take such evidence as it may deem necessary.

12. Section 24 of the said Act is repealed and the following substituted therefor:

Members of the forces receiving treatment.

"**24.** Where any member of the forces is, subsequent to his discharge, receiving treatment by or through the Department of Veterans Affairs, the gratuity or credit or any part thereof remaining unpaid or not granted shall be made available to such person as the Minister may designate, to be applied in the discretion of that person for the benefit of such member or his dependants."

13. Section 31 of the said Act is repealed and the following substituted therefor:

Payment out of Consolidated Revenue Fund.

"**31.** Any moneys necessary for the payment of gratuities or for credits under this Act or for the payment pursuant to section 13A of the compensating adjustment repaid by a member may be paid out of unappropriated moneys in the Consolidated Revenue Fund."

(9) Where, on such examination and investigation, the Board is of the opinion that it would be inconsistent with the true spirit and intent of this Act to deprive the member of benefits under the Act by reason of section 14 or 15, the Board shall by order direct that the member shall receive the benefits of this Act as completely as if said sections 14 and 15 were not part of this Act.

(10) When the Minister is satisfied that the purposes for which the Board of Review was established have been substantially fulfilled, he may, with the approval of the Governor in Council, abolish the Board of Review and transfer its powers, duties and functions to a Committee of at least three officers of the Department of Veterans Affairs who shall exercise and perform such powers, duties and functions in accordance with rules of procedure to be made by the Governor in Council."

Subsection (10) of section 17 provides that when the Minister of Veterans Affairs is satisfied that the purpose for which the Board of Review established under this section has been subsequently fulfilled he may, with the approval of the Governor in Council, abolish the Board of Review and transfer its functions to a committee of three officers of the Department of Veterans Affairs. The Board of Review was abolished, its functions transferred by the Minister and approval given thereto by the Governor in Council in 1948. The purpose of this amendment is to give legislative effect to that change.

Clause 12. Section 24 at present reads as follows:

"**24.** Where any member of the forces is, subsequent to his discharge, receiving treatment by or through the *Department of Pensions and National Health or the* Department of Veterans Affairs, the gratuity or credit or any part thereof remaining unpaid or not granted shall be made available to such person as the Minister may designate, to be applied in the discretion of that person for the benefit of such member or his dependants."

The purpose of this amendment is to delete the reference to the Department of Pensions and National Health which was included in this section as a transitional safeguard and is no longer necessary.

Clause 13. Section 31 at present reads as follows:

"**31.** Any moneys necessary for the payment of gratuities or for credits granted under this Act may be paid out of unappropriated moneys in the Consolidated Revenue Fund."

The purpose of this amendment is to provide that moneys to be repaid to a veteran pursuant to section 13A may be paid out of unappropriated moneys in the Consolidated Revenue Fund.

C-33.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-33.

An Act to amend the Public Servants Inventions Act.

First reading, March 2, 1959.

THE MINISTER OF TRADE AND COMMERCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20575-7

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-33.

An Act to amend the Public Servants Inventions Act.

1953-54, c. 40.

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

1. Section 9 of the *Public Servants Inventions Act* is amended by adding thereto the following subsection:

Administration of moneys.

"(4) Where pursuant to this section the administration and control of any invention or patent has been transferred to a corporate agency of Her Majesty, any money received by the corporate agency in the course of the administration and control of the invention or patent may be retained by that corporate agency, and shall be used for the purposes of this Act and the objects and purposes for which the agency was established."

Commencement.

2. This Act shall be deemed to have come into force on the 1st day of June, 1955.

Explanatory Notes.

1. Section 9 of the Act reads as follows:

"**9.** (1) The administration and control of any invention vested in Her Majesty by this Act and any patent issued with respect thereto are vested in the appropriate Minister, and the appropriate Minister may transfer such administration and control to any other Minister or to any corporate agency of Her Majesty.

(2) The appropriate Minister or other Minister or agency referred to in subsection (1) may develop and exploit any invention under the administration and control of such Minister or agency, as the case may be, and may on behalf of Her Majesty enter into any agreement with any person for such purpose.

(3) Notwithstanding anything in its charter or Act of incorporation, an agency to which the administration and control of any invention or patent is transferred under this section has the capacity and power to receive, hold, administer, control, develop and exploit the invention or patent and generally to carry out the provisions of this Act with respect thereto."

The proceeds of any patent or invention coming under the Act would ordinarily go to the Consolidated Revenue Fund. The purpose of the amendment is to permit the corporation to which the administration and control of a patent or an invention has been transferred to retain the moneys arising therefrom, and to require that the money be used for the purposes of this Act and the purposes for which the corporation was established.

2. This clause will make the amendment effective as of the day the original Act came into force. Assignments of patents and inventions were made under the Act to Canadian Patents and Development Limited shortly after the Act went into effect, and the intention is that the amendment should apply to those assignments as well as future assignments.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-34.

An Act respecting the Royal Canadian Mounted Police.

First reading, March 12, 1959.

THE MINISTER OF JUSTICE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20778-7

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-34.

An Act respecting the Royal Canadian Mounted Police.

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 *Royal Canadian Mounted Police Act.*

INTERPRETATION.

Definitions. "Commissioner" "Force." "Member." "Minister." "Officer."

2. In this Act,

(*a*) "Commissioner" means the Commissioner of the Royal Canadian Mounted Police;

(*b*) "force" means the Royal Canadian Mounted Police;

(*c*) "member" means a member of the force;

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

(*e*) "officer" means a commissioned officer of the force.

PART I.

CONSTITUTION AND ORGANIZATION.

Composition of Force.

Police force for Canada.

3. There shall continue to be a police force for Canada, which shall consist of officers and other members, and shall be known as the Royal Canadian Mounted Police.

Employment of force.

4. The force may be employed in such places within or outside Canada as the Governor in Council prescribes.

Explanatory Notes.

The purpose of this Bill is to revise and consolidate the administrative and disciplinary provisions of the *Royal Canadian Mounted Police Act*, presently contained in Part I of that Act. The remaining Parts of the Act deal with pensions, and a revision thereof will be embodied in a separate measure.

The references opposite the clause numbers below are to the provisions of the present Act dealing with the same subject matter. New provisions are so indicated.

Clause 1. Sec. 1

Clause 2. (*a*) New

(*b*) sec. 2(*b*)
(*c*) sec. 2(*d*)
(*d*) sec. 2(*e*)
(*e*) sec. 2(*f*)

Clause 3. Sec. 3

Clause 4. Sec. 3

Commissioner.

Commissioner.

5. The Governor in Council may appoint an officer to be known as the Commissioner of the Royal Canadian Mounted Police who, under the direction of the Minister, has the control and management of the force and all matters connected therewith.

Officers.

Other officers.

6. (1) The officers of the force, in addition to the Commissioner, shall consist of

(*a*) Deputy Commissioners,
(*b*) Assistant Commissioners,
(*c*) Chief Superintendents,
(*d*) Superintendents,
(*e*) Inspectors,
(*f*) Sub-Inspectors,

and such other ranks as are prescribed by the Governor in Council.

Maximum number.

(2) The maximum number of officers in each rank shall be as prescribed by the Treasury Board.

Commissions.

(3) The Governor in Council may

(*a*) appoint persons to be officers,
(*b*) authorize the issue of a commission under the Great Seal to an officer upon his first appointment to the rank of an officer, and
(*c*) by way of promotion appoint officers to higher ranks.

Other Members.

Other members.

7. (1) The Commissioner shall appoint the members of the force other than officers, for permanent or temporary duty.

Ranks and grades.

(2) The ranks and grades of members other than officers, and the maximum numbers of persons to be appointed to each rank and grade shall be as prescribed by the Treasury Board.

Authority to appoint.

(3) The Commissioner may authorize any officer to make appointments under subsection (1) on behalf of the Commissioner.

Peace officers.

(4) The Commissioner may appoint any member and any special constable appointed under section 10 to be a peace officer.

Evidence of appointment.

8. A certificate purporting to be issued by or under authority of the Commissioner and stating that the person to whom it is issued is a member of the force or that he is a peace officer appointed under this Act is evidence in all courts and in all proceedings of the facts stated therein.

Clause 5. Sec. 6(1), 10(1)

Clause 6. Sec. 6(2)

Clause 7. Sec. 8

Clause 8. New

Financial Comptroller.

Financial Comptroller.

9. The Governor in Council may appoint and fix the salary and prescribe the duties of a Financial Comptroller of the force.

Supernumerary Special Constables.

Supernumerary special constables.

10. The Commissioner may appoint without pay special constables supernumerary to the strength of the force for a period not exceeding twelve months at any one time for the purpose of maintaining law and order at the request of any department of the Government of Canada or in any case in which the Commissioner considers it necessary or in the public interest, but such special constables are not entitled to any pecuniary privilege or benefit under this Act and such appointment may be revoked by the Commissioner at any time.

Civilian Staff.

Civilian staff.

11. (1) Subject to subsection (2), such civilian officials, clerks and employees as are necessary for carrying out the functions and duties of the force shall be appointed or employed under the provisions of the *Civil Service Act.*

Temporary staff.

(2) The Commissioner may employ such number of temporary civilian employees at such remuneration and upon such other terms and conditions as are prescribed by the Treasury Board, and may at any time dismiss or discharge any such employee.

Not members of force.

(3) A person appointed or employed under the authority of this section is not a member of the force.

Reserve.

Reserve.

12. (1) The Governor in Council may make regulations providing for the establishment of a Royal Canadian Mounted Police Reserve, for the appointment of members and officers thereof and for defining their powers, duties and functions.

Application of Part I to reserve.

(2) Except as provided by the regulations made under subsection (1), the provisions of this Part do not apply to a member of the Royal Canadian Mounted Police Reserve.

Tenure of Office of Members.

Tenure of officers.

13. (1) Officers of the force hold office during the pleasure of the Governor in Council.

Clause 9. Sec. 6(1)

Clause 10. Sec. 8(6)

Clause 11. New

Clause 12. Sec. 28

Clause 13. Sec. 14

Other members.

(2) Unless appointed for temporary duty, every member other than an officer shall upon appointment sign articles of engagement for a term of service not exceeding five years, but any such member may be dismissed or discharged by the Commissioner at any time before the expiration of his term of engagement.

Headquarters.

Head-quarters.

14. The headquarters of the force and the offices of the Commissioner shall be at Ottawa.

Oath of Office.

Oath.

15. (1) Every member of the force shall, before entering upon the duties of his office, take the oath of allegiance and an oath of office in the following form:

> I, A.B., solemnly swear that I will faithfully, diligently and impartially execute and perform the duties required of me as a member of the Royal Canadian Mounted Police, and will well and truly obey and perform all lawful orders and instructions that I receive as such, without fear, favour or affection of or towards any person. So help me God.

Authority to administer.

(2) The oaths prescribed by subsection (1), and any other oath or declaration that may be necessary or required, may be taken by the Commissioner before any judge, magistrate or justice of the peace having jurisdiction in any part of Canada, and by any other member of the force before the Commissioner or any officer or any person having authority to administer oaths or affidavits.

Absence, etc., of Commissioner.

Authority where Commissioner absent.

16. (1) In the event that the Commissioner is absent or unable to act or the office is vacant, the senior Deputy Commissioner at the headquarters of the force has, for the time being, the control and management of the force and all matters connected therewith, and for such purposes he may exercise all the powers of the Commissioner under this or any other Act.

Where Commissioner and Deputy Commissioners absent.

(2) In the event that the Commissioner and all the Deputy Commissioners are absent or unable to act or the offices are vacant, the senior Assistant Commissioner at the headquarters of the force has, for the time being, the control and management of the force and all matters connected therewith, and for such purposes he may exercise all of the powers of the Commissioner under this or any other Act.

Clause 14. Sec. 7

Clause 15. Sec. 15

Clause 16. Sec. 11

Justices and Peace Officers.

Power of two justices.

17. (1) The Commissioner, and every Deputy Commissioner, Assistant Commissioner and Chief Superintendent, is *ex officio* a justice of the peace having all the powers of two justices of the peace.

Justice.

(2) Every Superintendent and every other officer designated by the Governor in Council is *ex officio* a justice of the peace.

Peace officer.

(3) Every officer, and every person appointed by the Commissioner under this Act to be a peace officer, is a peace officer in every part of Canada and has all the powers, authority, protection and privileges that a peace officer has by law.

Revenue officers.

(4) Every officer, and every member appointed by the Commissioner to be a peace officer, has, with respect to the revenue laws of Canada, all the rights, privileges and immunities of a customs and excise officer, including authority to make seizures of goods for infraction of revenue laws and to lay informations in proceedings brought for the recovery of penalties therefor.

Duties.

Duties.

18. It is the duty of members of the force who are peace officers, subject to the orders of the Commissioner,

(*a*) to perform all duties that are assigned to peace officers in relation to the preservation of the peace, the prevention of crime, and of offences against the laws of Canada and the laws in force in any province in which they may be employed, and the apprehension of criminals and offenders and others who may be lawfully taken into custody;

(*b*) to execute all warrants, and perform all duties and services in relation thereto, that may, under this Act or the laws of Canada or the laws in force in any province, be lawfully executed and performed by peace officers;

(*c*) to perform all duties that may be lawfully performed by peace officers in relation to the escort and conveyance of convicts and other persons in custody to or from any courts, places of punishment or confinement, asylums or other places; and

(*d*) to perform such other duties and functions as are prescribed by the Governor in Council or the Commissioner.

Municipal by-laws.

19. Unless authorized by the Governor in Council, members shall not be charged with any duties under or in connection with any municipal by-laws.

Clause 17. Sec. 12

Clause 18. Sec. 18

Clause 19. Sec. 19(2)

Arrangements with provincial and municipal governments.

20. (1) The Minister may, with the approval of the Governor in Council, enter into arrangements with the government of any province or, with the approval of the Lieutenant-Governor in Council of any province, with any municipality in the province, for the use or employment of the force, or any portion thereof, in aiding the administration of justice in the province or municipality, and in carrying into effect the laws in force therein; and may, with the approval of the Treasury Board, in any such arrangement, agree upon and determine the amount of money that shall be paid by the province or municipality for such services of the force.

Taking over other police forces.

(2) There may be included in any arrangements made under subsection (1) provision for the taking over by the force of officers and men of any provincial or municipal police force.

Regulations and Standing Orders.

Regulations of Governor in Council.

21. (1) The Governor in Council may make regulations for the organization, training, discipline, efficiency, administration and good government of the force and generally for carrying the purposes and provisions of this Act into effect.

Of Commissioner.

(2) Subject to the provisions of this Act and the regulations made under subsection (1), the Commissioner may make rules, to be known as standing orders, for the organization, training, discipline, efficiency, administration and good government of the force.

Pay and Allowances.

Pay and allowances.

22. (1) The Treasury Board shall establish the pay and allowances to be paid to the members of the force.

None during imprisonment.

(2) No pay or allowances shall be paid to any member in respect of any period during which he is serving a sentence of imprisonment.

During suspension.

(3) The Treasury Board may make regulations respecting the stoppage of pay and allowances of members who are suspended from duty.

Benefit Trust Fund.

Fines, forfeitures, etc., to be paid to Minister.

23. (1) Notwithstanding any other Act, all fines and the proceeds of all forfeitures and seizures and all portions of any fine and of any forfeiture or seizure that may be awarded or adjudged to any member of the force in connection with the performance of his duties, and all gifts and bequests, if converted into money, shall be paid to the Minister.

Clause 20. Sec. 5

Clause 21. Sec. 25

Clause 22. Sec. 20, 42

Clause 23. Sec. 21

Fees and costs.

(2) All fees or costs that are ordinarily paid to any member of the force and any remuneration granted or awarded to him by way of salary, commission or fee for duties performed for any government or any other organization, or any money earned by or awarded or granted to him in connection with the performance of his duties over and above his regular salary or pay and allowances as a member of the force, shall be paid to the Minister, except cases in which the Minister may from time to time otherwise direct.

How money, etc., to be used.

(3) The money paid to the Minister pursuant to this section shall be used or paid to the Benefit Trust Fund as constituted immediately before the commencement of this Act, and shall be used

(*a*) for the benefit of members and former members and their dependants as the Governor in Council may prescribe;

(*b*) for the making of loans to members of the force; and

(*c*) as a reward, grant or compensation to any person who assists the force in the performance of its duties in any case where the Minister is of opinion that such person is deserving of recognition for the service rendered.

Regulations.

(4) The Governor in Council may make any regulations deemed by him necessary or convenient for the management and administration of any money paid to the Minister pursuant to this section and for the making and management of any loans made pursuant to subsection (3).

Disposition of Property.

Abandoned or lost property.

24. Where it appears to the Commissioner

(*a*) that any personal property that has, in the Yukon Territory or the Northwest Territories, come into the hands of any member in the course of his duties has been abandoned by the owner thereof or the person entitled thereto, or

(*b*) that a reasonable attempt has been made to find the owner of or person entitled to any personal property that has, in the Yukon Territory or the Northwest Territories, come into the hands of any member in the course of his duties, but he cannot be found,

the Commissioner may make such disposition of the property as he in the circumstances deems fit, but the proceeds, if any, from the sale or other disposition of such property, and any such property consisting of money, shall be paid into the Consolidated Revenue Fund.

Clause 24. New

PART II.

Discipline.

Offences.

Major service offences.

25. Every member who

(*a*) disobeys or refuses to obey the lawful command of, or strikes or threatens to strike, any other member who is his superior in rank or is in authority over him;

(*b*) abuses or maltreats any other member who is his inferior in rank or over whom he is in authority;

(*c*) conducts himself by word or act in a traitorous or disloyal manner in respect of Her Majesty;

(*d*) directly or indirectly receives or solicits any gratuity or reward without permission of the Commissioner, or any bribe;

(*e*) wears the emblem, mark or insignia of any political party or in any way manifests political partisanship;

(*f*) overholds any complaint;

(*g*) conducts himself by word or act in a mutinous or insubordinate manner;

(*h*) fails to account for, improperly withholds, misappropriates or misapplies any public money or property, any money or property levied under execution or taken from any prisoner, or any property not being his own and coming into his possession in the course of his duty or by reason of his being a member of the force;

(*i*) divulges any matter or thing that it is his duty to keep secret;

(*j*) makes an anonymous complaint to the Commissioner or to the Government of Canada or any province or any department thereof, or to any Minister of the Crown or member of Parliament or a provincial legislature;

(*k*) wilfully or through negligence or connivance allows a prisoner to escape;

(*l*) is cruel, harsh or unnecessarily violent to any prisoner or other person;

(*m*) leaves any post on which he has been placed as sentry, guard or escort, or is asleep while on such duty;

(*n*) deserts or absents himself from duty or quarters without leave;

(*o*) conducts himself in a scandalous, infamous, disgraceful, profane or immoral manner; or

Clause 25. Sec. 30

(*p*) attempts to commit, or aids, abets, counsels or procures any other person to commit any act specified in this section,

is guilty of an offence, to be known as a major service offence, and is liable to trial and punishment as prescribed in this Part.

Minor service offences.

26. Every member who violates or fails to comply with any standing order of the Commissioner or any regulation made under the authority of Part I is guilty of an offence, to be known as a minor service offence, and is liable to trial and punishment as prescribed in this Part.

Arrest.

27. (1) Every member who has committed, is found committing, or is suspected of or charged under this Part with having committed a service offence may be placed under arrest, open arrest or suspension

(*a*) by any other member of higher rank, or

(*b*) if he is not a peace officer, by any member who is a peace officer.

Use of force.

(2) Every person authorized to effect arrest under this section may use such force as is reasonably necessary for that purpose.

Custody.

Custody pending trial.

28. (1) A member arrested under the authority of this Part may be placed in custody, and, subject to this Part and any orders of the Commissioner, may be held in custody until he is tried under this Part for the offence in respect of which he was placed under arrest.

Report of custody.

(2) Where a member who has been placed under arrest for a service offence has been in custody for a period of eight days without a trial having been held, a report stating the necessity for a further delay shall be made by his commanding officer to the Commissioner, and a similar report shall be made to the Commissioner every eighth day thereafter until a trial has been held.

Release.

(3) Every member who has been placed under arrest for a service offence and has been in custody for a total of thirty days from the time of his arrest without a trial having been held shall be released from custody unless the Minister otherwise directs.

Service Tribunals.

Court for minor service offence.

29. Any officer may try any officer of lower rank or any member other than an officer for a minor service offence.

Clause 26. Sec. 30(*w*)

Clause 27. New

Clause 28. New

Clause 29. New

For major service offence.

30. Any officer who is appointed by the Commissioner under section 32 for the purpose may try any officer of lower rank or any member for a major service offence.

Investigation and Charge.

Inquiry as to conduct of member.

31. Whenever it appears to an officer or to a member in charge of a detachment or detail that a service offence has been committed, he shall make or cause to be made such investigation as he considers necessary, and for the purposes of any such examination an officer may examine any person on oath or affirmation, and may compel the attendance of witnesses in the same manner as if the investigation were a proceeding before justices under the provisions of the *Criminal Code* relating to summary convictions.

Minor offence.

32. (1) Where it appears to an officer that a member has committed a minor service offence and that he ought to be tried for the offence, the officer shall cause a written charge to be prepared and served on the member.

Major offence.

(2) Where, as a result of an investigation under section 31, it appears to an officer that a member has committed a major service offence, a report shall be made to the Commissioner and if, in the opinion of the Commissioner, the member ought to be tried for the offence, he shall direct that a written charge be prepared and served on the member, and the Commissioner shall in his direction appoint the officer who is to preside at the trial.

Form of charge.

33. A written charge may allege more than one offence and shall contain

(*a*) a separate statement of each offence of which the accused is charged;

(*b*) a statement of the particulars of the act, omission, conduct, disorder or neglect constituting each offence; and

(*c*) a statement of the place of trial and the date and time thereof, which shall be not less than forty-eight hours after service of the charge on the accused.

Trial.

Trial.

34. (1) At the time and place appointed in the written charge, the accused shall be brought before the officer who is to try the offence.

Plea.

(2) The accused may plead guilty or not guilty, and where he refuses to plead, he shall be deemed to have pleaded not guilty.

Clause 30. New

Clause 31. Sec. 34

Clause 32. Sec. 31(1)

Clause 33. New

Clause 34. New

Representation of accused.

(3) An accused may be represented and assisted at his trial by another member and if the accused requests that he be so represented and assisted, his request shall be granted.

Testimony of accused.

(4) An accused is not compelled to testify at his trial, but he may give evidence under oath; an accused who has not given evidence under oath shall, at the conclusion of the case for the prosecution, be given an opportunity of making a statement to the presiding officer.

Witnesses for accused.

(5) An accused may call witnesses on his own behalf and may cross-examine any witnesses called for the prosecution.

Evidence.

(6) The rules of evidence at a trial under this Part shall be the same as those followed in proceedings under the *Criminal Code* in the courts in the province in which the trial is held, or, if the trial is held outside Canada, in the courts of Ontario.

Transcript.

(7) The officer presiding at the trial shall cause the evidence of the witnesses to be taken down and transcribed.

Punishment.

Sentences.

35. If the presiding officer is satisfied on the evidence submitted at the trial that the accused is guilty of an offence as charged, he shall so find, and the presiding officer may sentence the accused to punishment as prescribed in this Part.

Punishment for major offence.

36. (1) Any one or more of the following punishments may be imposed in respect of a major service offence:

(*a*) imprisonment for a term not exceeding one year;

(*b*) a fine not exceeding five hundred dollars;

(*c*) loss of pay for a period not exceeding thirty days;

(*d*) reduction in rank;

(*e*) loss of seniority; or

(*f*) reprimand.

For minor offence.

(2) Any one or more of the following punishments may be imposed in respect of a minor service offence:

(*a*) confinement to barracks for a period not exceeding thirty days;

(*b*) if pursuant to section 38 the convicting officer recommends dismissal, a fine not exceeding three hundred dollars;

(*c*) a fine not exceeding fifty dollars;

(*d*) loss of seniority; or

(*e*) reprimand.

Maximum total punishment.

(3) Where a person is found guilty of two or more offences alleged in one written charge, the total punishments imposed in respect of all offences shall not exceed any of the maximum punishments prescribed by this section for one offence.

Clause 35. New

Clause 36. Sec. 31(2)

Damage or restitution.

37. (1) Where a member by the commission of a service offence has caused any injury to the person or any damage to or loss of property, the officer presiding at the trial may, as additional punishment, order the convicted member to pay the persons entitled thereto such amount by way of damages or restitution, but not exceeding one thousand dollars, as the officer may determine.

Recovery of fine, etc.

(2) Where under this Part a fine has been imposed on any member, or a member has been ordered to make payment of damages or restitution, the fine, damages or restitution may, in addition to any other mode of recovery, be recovered out of the pay of that member in such manner as the Commissioner directs; and where under this section a punishment of loss of pay has been imposed on any member, the Commissioner shall give such directions as are necessary to carry the punishment into effect.

Other remedies preserved.

(3) Nothing in subsection (2) prejudices any right or remedy that may exist apart from this section against any person, including the Crown, for any injury to the person or damage to or loss of property in respect of which a member is under this section ordered to make payment of damages or restitution, but any damages or restitution paid to any person under this section shall to the extent thereof be deemed to have been paid in satisfaction or reduction, as the case may be, of the claim of such person arising out of such injury, damage or loss.

Forfeiture.

(4) Where a person has been convicted of a service offence, the officer presiding at the trial may order that any article by means of which the offence was committed be forfeited, and any article so ordered to be forfeited may be disposed of as the Commissioner directs, but any money or the proceeds of any property shall be paid into the Consolidated Revenue Fund.

Recommendation of dismissal.

38. A convicting officer may, if he sees fit, recommend that the convicted member be dismissed from the force.

Place of confinement.

39. (1) Any sentence of imprisonment imposed under this Part shall be served in such place of confinement as the convicting officer or the Commissioner directs, and a warrant of commitment issued by the convicting officer or the Commissioner is sufficient authority for the confinement of the person named therein in the place so designated in accordance with the terms of the sentence.

Pardon.

(2) The Commissioner may at any time in his discretion, on compassionate grounds, remit all or part of the sentence of any person who has been sentenced to imprisonment under this Part.

Clause 37. Sec. 31(4)

Clause 38. New

Clause 39. New

Trial within or without Canada.

40. Every member alleged to have committed an offence under this Part out of Canada may be charged, dealt with and tried under this Part either in Canada or out of Canada.

Appeal.

Notice of appeal.

41. A member who has been convicted of an offence under this Part shall be furnished with a written transcript of the evidence at the trial if he so requests, and he may within forty-eight hours after the receipt of the written transcript, appeal to the Commissioner by serving on the officer who presided at the trial or on the member's commanding officer, a written notice of appeal setting forth the grounds upon which the appeal is made.

Transmission of record to Commissioner.

42. Forthwith upon service of a notice of appeal under section 41, the notice of appeal together with the complete record of the trial shall be transmitted to the Commissioner.

Board of Review.

43. (1) There shall be a Board of Review appointed by the Minister and consisting of a Deputy Commissioner or an Assistant Commissioner, and two officers of or above the rank of superintendent.

Appeals.

(2) All appeals under this Part by persons who have been convicted of a major service offence shall be referred by the Commissioner to the Board of Review, which shall examine the records and shall make its recommendation to the Commissioner.

Powers of Commissioner on appeal.

44. The Commissioner may,

(*a*) quash a conviction;

(*b*) dismiss an appeal;

(*c*) reduce the sentence or the amount ordered to be paid as damages or restitution; or

(*d*) order a new trial.

Disposition of Fines, etc.

Fine fund.

45. All pecuniary penalties imposed under subsections (1) and (2) of section 36 shall form a fund to be managed by the Commissioner with the approval of the Minister, and may be used for the payment of rewards for good conduct or meritorious service, for the establishment of libraries and recreation rooms and for such other objects for the benefit of the force as the Minister directs.

Clause 40. New

Clauses 41 to 44. New

Clause 45. Sec. 33

PART III.

General.

Deserters.

46. Every person who has deserted from the force and has not surrendered himself before the termination of his period of engagement is subject to the provisions of Part II for a further period of two years after the expiration of his period of engagement, or, if he left Canada after the desertion and within either of those periods, for a period of two years after his return to Canada.

Fraudulently obtaining admission into force.

47. Every person who, by concealing the fact of his having been dismissed from the force, or by false or forged certificates or false representations, obtains admission into the force, or obtains any pay, gratuity or pension, is guilty of an offence punishable on summary conviction.

Bribes, etc

48. (1) Every person who

(*a*) gives or offers or promises to give to any member of the force any bribe, pecuniary or otherwise,

(*b*) makes any agreement with any member of the force to induce him in any way to forego his duty, or

(*c*) concerts or connives at any act whereby any rule, order or regulation made under Part I may be evaded,

is guilty of an offence punishable on summary conviction.

Forfeiture of bribe.

(2) Where a person is convicted of an offence under paragraph (*a*) of subsection (1), any bribe received by him is upon the conviction forfeited to Her Majesty in right of Canada.

Unlawful use of name, etc. of force.

49. (1) Every person is guilty of an offence punishable on summary conviction who, without the authority of the Commissioner, uses

(*a*) the name of the force or any abbreviation thereof or any words or letters likely to be mistaken therefor,

(*b*) any picture or other representation of a member of the force, or

(*c*) any mark, badge or insignia of the force,

in any advertising or for any business or trade purpose, or in such a way as to represent or imply that the force uses or approves or endorses the use of any goods or services.

Personation of member.

(2) Every person not being a member who, without the authority of the Commissioner, uses any clothing, equipment, badge, medal, ribbon, document or other thing in such a manner as to lead to a reasonable belief that he is a member of the force is guilty of an offence punishable on summary conviction.

Clause 46. Sec. 32

Clause 47. Sec. 39

Clause 48. Sec. 37(1)

Clause 49. Sec. 37(2)

Personation of former member.

(3) Every person not being a former member of the force who, without the authority of the Commissioner, uses any clothing, equipment, badge, medal, ribbon, document or other thing in such a manner as to lead to a reasonable belief that he was a member of the force, is guilty of an offence punishable on summary conviction.

Consent to prosecution.

(4) No proceedings in respect of an offence under this section shall be instituted without the consent of the Minister.

Attendance of witnesses, etc.

50. Every person who

(*a*) on being duly summoned as a witness under Part II, makes default in attending;

(*b*) being in attendance as a witness in any trial under Part II

(i) refuses to take an oath or affirmation required of him,

(ii) refuses to produce any document in his power or under his control required to be produced by him, or

(iii) refuses to answer any question that requires an answer;

(*c*) at any trial under Part II uses insulting or threatening language or causes any interference or disturbance; or

(*d*) prints observations or uses words likely to influence improperly the presiding officer at any trial under Part II or witnesses before him or to bring the proceedings into disrepute, or in any other manner whatsoever displays contempt of the proceedings;

is guilty of an offence punishable on summary conviction.

Punishment.

51. Every person who is convicted of an offence under this Part is liable to a fine of not more than five hundred dollars or to imprisonment for six months or to both.

Limit on prosecution.

52. No proceedings in respect of an offence under this Part shall be instituted more than two years after the time when the subject-matter of the proceedings arose.

Member of force deemed a servant of the Crown.

53. For the purpose of determining liability in any action or other proceeding by or against Her Majesty, a person who was at any time a member of the force shall be deemed to have been at such time a servant of the Crown.

Coming into force.

54. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

C-35.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-35.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1960.

AS PASSED BY THE HOUSE OF COMMONS, 18th MARCH, 1959.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20857-9

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA

BILL C-35.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1960.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, the Right Honourable Vincent Massey, Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1960, and for other purposes connected with the public service: May it therefore please your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act No. 2, 1959.*

$616,654,878.69 granted for 1959-60.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole six hundred and sixteen million, six hundred and fifty-four thousand, eight hundred and seventy-eight dollars and sixty-nine cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1959, to the 31st day of March, 1960, not otherwise provided for, and being the aggregate of

(*a*) one-sixth of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1960, as laid before the House of Commons at the present session of Parliament, $606,770,511.84;

(*b*) five-twelfths of the amount of the item in the Main Estimates set forth in Schedule A, $791,666.67;
(*c*) one-third of the amount of the item in the Main Estimates set forth in Schedule B, $216,666.67;
(*d*) one-sixth of the total of the amounts of the several items in the Main Estimates set forth in Schedule C, $713,163.17; and
(*e*) one-twelfth of the total of the amounts of the several items in the Main Estimates set forth in Schedule D, $8,162,870.34.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Power to raise loan of $1,000,000,000 for public works and general purposes. R.S., c. 116.

4. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of one billion dollars, as may be required for public works and general purposes.

Lapse of prior borrowing powers.

(2) All borrowing powers that are authorized by section 4 of chapter 44 of the statutes of 1958 and are outstanding and unused shall expire on the date of the coming into force of this Act.

Account to be rendered. R.S., c. 116.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A

Based on the Main Estimates, 1959–60. The amount hereby granted is $791,666.67, being five-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1960, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		$	$
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	GENERAL		
209	Purchases of air photography and the expenses of the Interdepartmental Committee on Air Surveys.....	.....	*1,900,000

*Net total $791,666.67.

SCHEDULE B

Based on the Main Estimates, 1959–60. The amount hereby granted is $216,666.67, being one-third of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1960, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		$	$
	ATOMIC ENERGY		
	ATOMIC ENERGY CONTROL BOARD		
38	Grants for Researches and Investigations with respect to Atomic Energy		*650,000

*Net total $216,666.67.

SCHEDULE C

Based on the Main Estimates, 1959–60. The amount hereby granted is $713,163.17, being one-sixth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1960, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	LEGISLATION		
	THE SENATE		
175	General Administration	722,090	
	HOUSE OF COMMONS		
182	General Administration—Estimates of the Clerk	1,889,060	
183	Estimates of the Sergeant-at-Arms	867,829	
	PUBLIC WORKS		
	GENERAL		
358	Balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1959–60	800,000	
			*4,278,979

*Net total $713,163.17.

SCHEDULE D

Based on the Main Estimates, 1959–60. The amount hereby granted is $8,162,870.34, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1960, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	CITIZENSHIP AND IMMIGRATION		
	INDIAN AFFAIRS BRANCH		
	Education—		
64	Administration, Operation and Maintenance	17,734,854	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	GENERAL		
210	Polar Continental Shelf Project	567,849	
	NATIONAL REVENUE		
	TAXATION DIVISION		
259	District Offices	29,792,055	
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
384	Standards Branch	2,383,690	
	VETERANS AFFAIRS		
	Treatment Services—		
451	Operation of Hospitals and Administration, including authority for payments, during the current and subsequent fiscal years, to Canteen Funds of departmental hospitals in amounts equal to the amounts of commissions received by or on behalf of Her Majesty from pay telephones in such hospitals	46,264,751	
454	Prosthetic Services—Supply, Manufacture and Administration	1,211,245	
			*97,954,444

*Net total $8,162,870.34.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-36.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1959.

AS PASSED BY THE HOUSE OF COMMONS, 20th MARCH, 1959

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20861-1

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-36.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1959.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency, the Right Honourable Vincent Massey, Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1959, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act, No. 3, 1959.*

$284,942,864 granted for 1958-59.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole two hundred and eighty-four million, nine hundred and forty-two thousand, eight hundred and sixty-four dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1958, to the 31st day of March, 1959, not otherwise provided for, and being the total of the amounts of the items, set forth in the Schedule to this Act.

Purpose and effect of each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1958.

Account to be rendered. R.S., c.116.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act.*

SCHEDULE

Based on the Further Supplementary Estimates (3), 1958-59. The amount hereby granted is $284,942,864, being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1959, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	SCIENCE SERVICE		
715	Science Service Administration—Operation and Maintenance —Further amount required	7,800	
	PRODUCTION SERVICE		
	Health of Animals—		
716	Animal Pathology—Further amount required	27,725	
717	Payment of compensation to owners of animals affected with diseases coming under the Animal Contagious Diseases Act, which have died or have been slaughtered in circumstances not covered by the above Act and Regulations made thereunder, all as detailed in the Estimates	3,500	
	MARKETING SERVICE		
718	Subsidies for Cold Storage Warehouses under the Cold Storage Act, and Grants, in the amounts detailed in the Estimates— Further amount required	1	
719	Grants and other assistance in accordance with the Cheese and Cheese Factory Improvement Act—Further amount required	81,951	
	TERMINABLE SERVICES		
720	Agricultural Lime Assistance—Further amount required	217,400	
721	Quality Premiums on High Grade Hog Carcasses, and Administration Costs—Further amount required	230,000	
722	Contribution to the Government of the Province of Nova Scotia in respect of the Emergency Movement of Hay to and within that Province in such amount and subject to such terms and conditions as the Governor in Council prescribes —Further amount required	1,739	
	SPECIAL		
723	Estimated amount required to recoup the Agricultural Commodities Stabilization Account for the net operating loss of the Agricultural Stabilization Board during the fiscal year 1958-59	15,017,182	
			15,587,298

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	CANADIAN BROADCASTING CORPORATION		
	INTERNATIONAL SHORTWAVE BROADCASTING SERVICE		
724	Maintenance and Operation—Further amount required		84,000
	CITIZENSHIP AND IMMIGRATION		
	INDIAN AFFAIRS BRANCH		
	Indian Agencies—		
725	Operation and Maintenance—Further amount required	105,000	
	Welfare and Economic Development of Indians—		
726	Operation and Maintenance—Further amount required	680,000	
	Education—		
727	Administration, Operation and Maintenance—Further amount required	1,183,436	
			1,968,436
	EXTERNAL AFFAIRS		
	A—DEPARTMENT AND MISSIONS ABROAD		
728	Departmental Administration—Further amount required	139,000	
729	Canadian Representation at International Conferences—Further amount required	63,000	
	B—GENERAL		
730	Canadian Government's Assessment for Membership in International (including Commonwealth) Organizations, as detailed in the Estimates, including authority to pay the amounts specified in the currencies of the countries indicated, notwithstanding that payments may exceed or fall short of the equivalent in Canadian dollars—Further amount required, estimated as of March, 1959	202,188	
731	Canadian Government's contribution to the Operational Budget of the International Atomic Energy Agency in the amount of $50,000, U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of March, 1959, which is	48,500	
	INTERNATIONAL CIVIL AVIATION ORGANIZATION		
732	Payment to the International Civil Aviation Organization in part reimbursement of compensation paid to its Canadian Employees for Quebec income tax for the 1957 taxation year—Further amount required	1,059	
	PENSIONS AND OTHER BENEFITS		
733	Pension to Miss Hilda L. Waddell, a former locally engaged employee, at an annual rate of 60,000 Brazilian cruzeiros, the equivalent in Canadian dollars for the balance of the present fiscal year being estimated at	175	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS—*Concluded*		
	TERMINABLE SERVICES		
734	Purchase of flour to be given to the United Nations Relief and Works Agency for Palestine Refugees in the Near East,—Further amount required and, notwithstanding section 35 of the Financial Administration Act, to authorize payments to be made pursuant to this vote up to the 1st day of April 1960	1,500,000	
735	Canadian Government's Assessment towards financing the United Nations Emergency Force in respect of the calendar year 1959 in the amount of $472,287 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of March, 1959, which is	458,118	
736	Canadian Government's contribution towards the Far Eastern Program of the Intergovernmental Committee on European Migration	60,000	
737	Gift of two Clerks' Tables to the Parliament of the West Indies	2,600	
738	Gift of furnishings to the Information Office of the Headquarters of the United Nations Educational, Scientific and Cultural Organization	5,000	
739	Grant to the Canadian Atlantic Co-ordinating Committee for organizing a Youth Conference on the North Atlantic Treaty Organization	2,000	
740	To reimburse the Agricultural Commodities Stabilization Account for dry skimmed milk donated to international relief agencies and organizations	951,634	
741	Purchase of wheat and flour to be given to Commonwealth countries in South and South-East Asia to relieve food shortages and, notwithstanding section 35 of the Financial Administration Act, to authorize payments to be made pursuant to this vote up to the 1st day of April, 1960	13,500,000	
			16,933,274
	FINANCE		
	PAYMENTS TO MUNICIPALITIES		
742	Grants to Municipalities—Further amount required including authority for a grant in the amount of $44,382 to the Municipality of Port Colborne, Ontario, in respect of the tax years of that municipality commencing on the 1st day of January, 1951, and ending on the 31st day of December, 1954, under section 5 of the Municipal Grants Act as in force on the 31st day of December, 1954	1	
	CONTINGENCIES AND MISCELLANEOUS		
743	Telephone Service at Ottawa for all Departments—Further amount required	28,000	
744	To authorize the Treasury Board to delete from the accounts certain debts due to and claims of Her Majesty, each of which is in excess of $1,000, amounting in the aggregate to to $907,950.75	1	
			28,002
	FISHERIES		
	FIELD SERVICES		
745	Field Services Administration—Further amount required	20,000	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FISHERIES—*Concluded*		
	SPECIAL		
746	Canadian share of expenses of the International Commissions, as detailed in the Estimates—Further amount required....	20,000	
			40,000
	JUSTICE		
	A—DEPARTMENT		
747	Departmental Administration—Further amount required including an amount of $3,000 to assist in defraying the costs of the Congress of Corrections to be held in Canada in 1959	39,800	
	Northwest Territories Territorial Court—		
748	Administration, including Administration of Justice—Northwest Territories—Further amount required.....	8,900	
	Yukon Territorial Court—		
749	Administration, including Administration of Justice—Yukon Territory—Further amount required.....	19,000	
			67,700
	LABOUR		
	A—DEPARTMENT		
	SPECIAL SERVICES		
750	To provide for expenses of the Special Services Branch including expenses for the promotion of a program for combatting seasonal unemployment, the organization and use of workers for farming and related industries and assistance to the Provinces under agreements entered into with the Provinces by the Minister of Labour with the approval of the Governor in Council, and the movement, reception, supervision and welfare of workers from outside Canada to work on farms and other essential employment where Canadian labour is not available to meet the need—Further amount required..	100,000	
	VOCATIONAL TRAINING CO-ORDINATION		
751	To provide for carrying out the purposes of the Vocational Training Co-ordination Act and agreements made thereunder: to authorize the Minister of Labour to enter into agreements with any Province on terms approved by the Governor in Council to provide financial assistance to vocational schools, and training under youth training projects and to provide for the expenditures thereunder and under vocational training agreements entered into in previous years—Payments to the Provinces—Further amount required.....	854,856	
	B—UNEMPLOYMENT INSURANCE COMMISSION		
752	Administration of the Unemployment Insurance Act, including expenditures incurred in connection with other duties and responsibilities assumed and carried out as required by the Governor in Council on the recommendation of the Minister of Labour in accordance with section 4 of the Act—Further amount required.....	2,227,000	
			3,181,856

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LEGISLATION		
	THE SENATE		
753	General Administration—Further amount required.....	39,500	
	HOUSE OF COMMONS		
754	Deputy Speaker of the House of Commons—Allowance in lieu of Apartments—Further amount required.....	246	
755	General Administration—Estimates of the Clerk—Further amount required.....	95,000	
756	Special Grant to the Canadian North Atlantic Treaty Organization Parliamentary Association for Canada's share of the cost of the Atlantic Congress to be held in 1959 and the expenses of Canadian Parliamentary Delegates attending the Congress.....	20,000	
			154,746
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	SURVEYS AND MAPPING BRANCH		
757	Topographical Surveys—Construction or Acquisition of Equipment—Further amount required.....	20,500	
758	Canadian Hydrographic Service—Administration, Operation and Maintenance—Further amount required.....	477,492	
	GEOGRAPHICAL BRANCH		
759	Geographical Branch—Administration, Operation and Maintenance—Further amount required.....	20,699	
	GENERAL		
760	Purchases of air photography and the expenses of the Interdepartmental Committee on Air Surveys, including purchases of equipment—Further amount required.....	2,300,000	
			2,818,691
	NATIONAL DEFENCE		
	PENSIONS AND OTHER BENEFITS		
761	To authorize in respect of members of the Royal Canadian Air Force on leave without pay and serving as instructors with civilian training organizations operating under the British Commonwealth Air Training Plan who were killed, payment to their dependents of amounts equal to the amounts such dependents would have received under the Pension Act, as amended, had such service as instructors been military service in the armed forces of Canada, less the value of any benefits received by such dependents under insurance contracts which were effected on the lives of such members of the Royal Canadian Air Force by or at the expense of the civilian organizations—Further amount required.....	.....	404

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL HEALTH AND WELFARE		
	A—Department		
	National Health Branch		
762	Administration of the Opium and Narcotic Drugs Act—Further amount required	47,000	
	Welfare Branch		
763	Welfare Branch Administration—Further amount required	18,500	
764	Reduction in the amount owing by the Old Age Security Fund pursuant to section 11 of the Old Age Security Act in an amount equal to the amount of outstanding temporary loans made by the Minister of Finance to the Fund before the 1st day of April, 1959, estimated at	184,000,000	
			184,065,500
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	National Parks Branch		
765	National Parks and Historic Sites Services—Administration, Operation and Maintenance—Further amount required	284,279	
	Northern Administration and Lands Branch		
766	Yukon Territory—Operation and Maintenance—Further amount required	278,452	
	Forestry Branch		
767	Forestry Operations Division—Contributions to the Provinces for assistance in forest inventory, reforestation and forest fire protection in accordance with agreements that have been or may be entered into by Canada and the Provinces—Further amount required	190,000	
			752,731
	PRIVY COUNCIL		
	Special		
768	Expenses pertaining to the visit to Canada in 1959 of Her Majesty The Queen and His Royal Highness The Prince Philip, Duke of Edinburgh, including authority, notwithstanding the Civil Service Act or any other Act but subject to the approval of Treasury Board, to appoint and to pay persons to be engaged temporarily in connection therewith	.....	33,000

20861-1—2

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC PRINTING AND STATIONERY		
769	Distribution of Official Documents—Further amount required.	13,000	
770	Printing and Binding Official Publications for Sale and Distribution to Departments and the Public—Further amount required	64,000	
771	Printing of Canada Gazette—Further amount required	46,042	
772	Reimbursement of the Queen's Printer's Advance Account for the value of Stores which have become obsolete, unserviceable, lost or destroyed	14,573	
			137,615
	PUBLIC WORKS		
	CENTRAL MORTGAGE AND HOUSING CORPORATION		
773	Expenses incurred by Central Mortgage and Housing Corporation in constructing and supervising construction of married quarters, rental housing, schools and related services on behalf of the Department of National Defence—Further amount required		270,000
	ROYAL CANADIAN MOUNTED POLICE		
	Land and Air Services—		
774	Operation and Maintenance of Divisions—Further amount required		494,000
	SECRETARY OF STATE		
775	Companies Divisions—Further amount required	4,400	
	PATENT AND COPYRIGHT OFFICE		
776	Patent Division—Further amount required	198,000	
			202,400
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
777	Departmental Administration—Further amount required	76,600	
	DOMINION BUREAU OF STATISTICS		
778	Statistics—Further amount required	62,935	
			139,535

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT		
	A—Department		
	Marine Services		
779	Steamship Inspection Service, including the carrying out of the provisions of the conventions for the safety of life at sea and load lines, and contributions as detailed in the Estimates—Further amount required	1	
780	Ship Channel Service—St. Lawrence and Saguenay Rivers—Administration, Operation and Maintenance—Further amount required	259,574	
	Railway and Steamship Services		
	Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1958—Further amounts required—		
781	Prince Edward Island Car Ferry and Terminals	24,689	
782	Newfoundland Ferry and Terminals	2,133,651	
	Strait of Canso—		
783	Transportation Improvements and Facilities—Further amount required	54,500	
784	Construction or Acquisition of Auto-Ferry Vessels and Equipment as listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects—Further amount required	1	
785	Newfoundland Coastal Services—Construction or Acquisition of Passenger-Cargo Vessels and Equipment—Further amount required including authority for expenditures on Harbour Facilities	1	
786	Yarmouth, Nova Scotia-Bar Harbour, Maine, U.S.A., Ferry Service—Deficit 1958—Further amount required	38,346	
787	Payments to Canadian National (West Indies) Steamships, Limited (hereinafter called the Company) upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, in the amount of the deficit, certified by the auditors of the Company, in the operations of the Company in the calendar year 1958—Further amount required	361,954	
788	Canadian National Railways Deficit, 1958—Amount required to provide for payment to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport, made by the National Company to the Minister of Finance, and to be applied by the National Company in payment of the system deficit (certified by the Auditors of the National Company) arising in the calendar year 1958, subject to recovery therefrom of accountable advances made to the National Company from the Consolidated Revenue Fund	51,591,424	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Continued*		
	A—Department—*Continued*		
	General		
789	Reimbursement of the Department of Transport Stores Account for the value of stores which have become obsolete, unserviceable, lost or destroyed	32,738	
790	Expenses of an inquiry into the coasting trade of Canada authorized under the Inquiries Act, including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them in connection with the inquiry—Further amount required	2,710	
	Air Services		
	Telecommunications Division		
791	Radio Aids to Air and Marine Navigation—Administration, Operation and Maintenance—Further amount required	305,000	
	Meteorological Division		
792	Administration, Operation and Maintenance—Further amount required	442,000	
	Civil Aviation Division		
793	Airways and Airports—Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required, including authority to contribute during the current and subsequent fiscal years amounts not exceeding in the aggregate $196,000, to the Corporation of the Township of Richmond, British Columbia, towards construction of a water supply system, for purposes in connection with Vancouver International Airport	1	
794	Contributions toward Airport Development and other Airport Projects on Cost-Sharing Basis, in the amounts detailed in the Estimates—Further amount required	8,578	
795	Contributions, as detailed in the Estimates, to Other Governments or International Agencies for the operation and maintenance of airports, air navigation and airways facilities, including authority to pay the amounts specified in the currencies of the countries indicated, notwithstanding that the payments may exceed or fall short of the equivalent in Canadian dollars—Further amount required, estimated as of March, 1959	3,800	
	General		
796	Reimbursement of the Northwest Communication System Stores Account for the value of stores losses incurred in the disposal of surplus equipment	5,900	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Concluded*		
	A—Department—*Concluded*		
	Air Services—*Concluded*		
	Special		
797	Payment to B.C. Air Lines Limited in reimbursement of loss sustained in providing essential winter services to West Coast Communities from January 1, 1958, to March 31, 1958.....	4,382	
	B—General		
	Air Transport Board		
798	Salaries and Other Expenses, including the Canadian Delegation to the International Civil Aviation Organization—Further amount required.....	8,000	
	Canadian Maritime Commission		
799	Steamship Subventions for Coastal Services, as detailed in the Estimates—Further amount required.....	218,272	
			55,495,522
	VETERANS AFFAIRS		
800	Prosthetic Services—Supply, Manufacture and Administration—Further amount required.....	35,000	
	War Veterans Allowances and Other Benefits		
801	Assistance Fund (War Veterans Allowances)—Further amount required.....	150,000	
802	Treatment and Other Allowances—Further amount required..	160,000	
			345,000
	LOANS, INVESTMENTS AND ADVANCES		
	External Affairs		
803	Additional advance to the working capital fund of the United Nations Organization in the amount of $33,909 U.S., notwithstanding that payment may exceed or fall short of equivalent in Canadian dollars, estimated as of March, 1959, which is.....	32,892	
804	Advance to the working capital fund of the Intergovernmental Maritime Consultative Organization in the amount of $1,300 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of March, 1959, which is.....	1,261	
805	To authorize, for the purpose of supplementing economic assistance given under the Colombo Plan, special loans to Colombo Plan countries to finance the purchase of wheat and flour from Canada, subject to such terms and conditions and at such rates of interest as the Governor in Council prescribes—Further amount required, including authority, notwithstanding section 35 of the Financial Administration Act for the making of payments pursuant to this vote up to June 30, 1959.....	1	

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	LOANS, INVESTMENTS AND ADVANCES—*Concluded*		
	EXTERNAL AFFAIRS—*Concluded*		
806	To increase to $1,100,000 the amount that may be charged at any time to the special account, mentioned in Vote 630 of the Appropriation Act No. 2, 1954, that was established to provide for working capital advances to posts and employees on posting abroad	100,000	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
807	Loans to the Government of the Northwest Territories, during the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Governor in Council	800,000	
	VETERANS AFFAIRS		
	Soldier Settlement and Veterans' Land Act		
808	Purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; and for protection of security under the Veterans' Land Act—Further amount required	1,209,000	
			2,143,154
			284,942,864

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-37.

An Act to provide for the Appointment of Parliamentary Secretaries to Ministers.

First reading, March 24, 1959.

THE PRIME MINISTER.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20511-2

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-37.

An Act to provide for the Appointment of Parliamentary Secretaries to Ministers.

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 *Parliamentary Secretaries Act*.

Appointment of Parliamentary Secretaries.

2. (1) The Governor in Council may appoint a member of the House of Commons to be Parliamentary Secretary to a Minister.

Maximum number.

(2) Not more than sixteen Parliamentary Secretaries shall hold office at any one time.

Tenure.

(3) A Parliamentary Secretary shall be appointed to hold office for a period not exceeding twelve months from the date of his appointment, and he ceases to hold office as such when he ceases to be a member of the House of Commons.

Duties.

3. The Parliamentary Secretary to a Minister shall assist the Minister in such manner as the Minister directs.

Salary.

4. (1) A Parliamentary Secretary shall be paid a salary at the rate of four thousand dollars per annum.

Instalments.

(2) The salary of a Parliamentary Secretary under this Act shall be paid out of the Consolidated Revenue Fund and shall be paid in monthly instalments on the last day of each month.

Travelling and other expenses.

5. The Governor in Council may make regulations providing for the payment to a Parliamentary Secretary of reasonable travelling and other expenses

(*a*) incurred by him in the discharge of his duties during a session of Parliament while away from Ottawa, or

Explanatory Note.

The purpose of this bill is to provide for the appointment on an annual basis of 16 Parliamentary Secretaries to Ministers; and to provide for their salaries at the rate of four thousand dollars per annum. These persons, by reason of their accepting or holding the office of Parliamentary Secretaries or receiving any payment under the Act, will not be rendered ineligible to be members of the House of Commons or disqualified from sitting or voting therein.

(*b*) incurred by him in the discharge of his duties while away from his ordinary place of residence during a period when Parliament is not in session.

No disqualification.

6. A person is not rendered ineligible to be a member of the House of Commons or disqualified from sitting or voting therein by reason of his accepting or holding the office of Parliamentary Secretary or receiving any payment under this Act.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-38.

An Act to make Provision for the Reduction of Certain Class and Commodity Rates on Freight Traffic.

First reading, April 7, 1959.

THE MINISTER OF TRANSPORT.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20614-4

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-38.

An Act to make Provision for the Reduction of Certain Class and Commodity Rates on Freight Traffic.

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 *Freight Rates Reduction Act.*

Definitions.

2. In this Act

"Company."

(*a*) "company" means a transportation company that by Order No. 96300 was authorized to increase its rates on freight traffic;

"Board."

(*b*) "Board" means the Board of Transport Commissioners for Canada; and

"Order No. 96300."

(*c*) "Order No. 96300" means the order of the Board No. 96300 dated November 17, 1958.

Revision of rates.

3. (1) Forthwith upon the coming into force of this Act, the Board shall by order require the companies to revise such of their class rates and commodity rates (other than competitive rates) in effect at the commencement of this Act as were, pursuant to Order No. 96300, increased by seventeen per cent, so that in the opinion of the Board the estimated aggregate gross revenues of the companies on freight traffic during the period of one year commencing on the day on which the order becomes effective will be reduced by twenty million dollars.

Form of order.

(2) In any order made by the Board under this section the Board shall specify the manner in which rates shall be revised and the period, not exceeding one year, during which and the traffic in respect of which the revised rates shall be applicable.

Explanatory Notes.

The purpose of this Bill is to provide for the revision of certain class and commodity freight rates and to compensate the companies to the extent of twenty million dollars.

Payments out of C.R.F.

4. (1) The Minister of Finance may, with the approval of the Governor in Council and on the recommendation of the Board, pay to a company out of the Consolidated Revenue Fund an amount that in the opinion of the Board is equal to the diminution in the gross revenue of the company resulting from an order made by the Board under this Act.

Limit.

(2) The aggregate of all payments under this section shall not exceed twenty million dollars.

Information and material.

5. The Board may by order require any company to furnish to the Board such information and material as the Board deems necessary for the purposes of this Act.

Powers of Board.

6. (1) The Board may for the purposes of this Act exercise all the powers, jurisdiction and authority that it has under the *Railway Act*, and an order made by the Board under this Act shall be deemed to be an order made under the *Railway Act*.

Construction with *Railway Act*.

(2) This Act shall be read and construed as one with the *Railway Act*.

Maritime freight rates.

7. For the purposes of the *Maritime Freight Rates Act*, the amount of a payment to be made to a company under section 4 of this Act by reason of a revision of its rates pursuant to this Act, as estimated by the Board, shall be deemed to be a reduction in the cost of railway operations, but otherwise nothing in this Act or in any order made thereunder shall be construed to affect the provisions of the *Maritime Freight Rates Act*.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-39.

An Act to amend the Transport Act.

First reading, April 13, 1959.

Mr. BROWNE.
(Vancouver-Kingsway).

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20916-3

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-39.

An Act to amend the Transport Act.

R.S., 1952, c. 271; 1955, c. 59.

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

1955, c. 59.

1. Subsection one of section thirty-three of the *Transport Act* is repealed and the following substituted therefor:

Complaints.

"**33.** (1) Where an agreed charge has been in effect for at least three months

(*a*) any carrier, or association of carriers, by water or rail,

(*b*) any association or other body representative of the shippers of any locality, or

(*c*) any association or other body representative of the motor vehicle operators of Canada or of a province thereof

may complain to the Minister that the agreed charge is unjustly discriminatory against a carrier or a motor vehicle operator or a shipper or places his business at an unfair disadvantage, and the Minister may, if he is satisfied that in the public interest the complaint should be investigated, refer the complaint to the Board for investigation."

Explanatory Notes.

The purpose of this amendment is to provide that representatives of the trucking industry shall have the right to make application to the Minister of Transport when they feel that an agreed charge unjustly discriminates against a motor vehicle operator.

The only change in subsection (1) of section 33 consists in the addition of the underlined paragraph (*c*) therein.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-40.

An Act to amend the Railway Act.

First reading, April 13, 1959.

MR. BROWNE.
(Vancouver-Kingsway)

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20920-5

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-40.

An Act to amend the Railway Act.

R.S., c. 234; 1955, cc. 41, 55; 1958, c. 40.

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

1. Section three hundred and thirty-four of the *Railway Act* is amended, by adding immediately after subsection two, the following subsection:

Application to the Board.

"(3) If an association or other body representative of the motor vehicle operators of Canada or of a province thereof considers that a competitive rate has subjected the said operators to an undue, or unreasonable prejudice or disadvantage, the said association or other body may apply to the Board for an order disallowing the rate, and the application shall, on the request of any party to the application, be heard and determined in open court."

Explanatory Notes.

The purpose of this amendment is to provide that representatives of the trucking industry shall have the right to make application to the Board of Transport Commissioners for the disallowance of a competitive rate when they consider that such rate has subjected motor vehicle operators to an undue or unreasonable prejudice or disadvantage.

Section 334 at present reads as follows:

"**334.** (1) The Board may provide that any competitive rate may be acted upon and put into operation immediately upon the issue thereof before it is filed with the Board, or allow any such rate to go into effect as the Board shall appoint.

(2) The Board may require a company issuing a competitive rate tariff to furnish at the time of filing the tariff, or at any time, any information required by the Board to establish that

(*a*) the competition exists;

(*b*) the rates are compensatory; and

(*c*) the rates are not lower than necessary to meet the competition;

and such information, if the Board in any case deems it practicable and desirable, shall include all or any of the following:

(i) the name of the competing carrier or carriers,

(ii) the route over which competing carriers operate,

(iii) the rates charged by the competing carriers, with proof of such rates as far as ascertainable,

(iv) the tonnage normally carried by the railway between the points of origin and destination,

(v) the estimated amount of tonnage that is diverted from the railway or that will be diverted if the rate is not made effective,

(vi) the extent to which the net revenue of the company will be improved by the proposed changes,

(vii) the revenue per ton-mile and per car-mile at the proposed rate and the corresponding averages of the company's system or region in which the traffic is to move, and

(viii) any other information required by the Board regarding the proposed movement."

C-41.

Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-41.

An Act to amend the Federal-Provincial Tax-Sharing Arrangements Act.

First reading, April 30, 1959.

THE MINISTER OF FINANCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20464-4

2nd Session, 24th Parliament, 7 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-41.

An Act to amend the Federal-Provincial Tax-Sharing Arrangements Act.

1956, c. 29; 1957-58, c. 29.

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

1957-58, c. 29, s. 1.

1. Section 12 of the *Federal-Provincial Tax-Sharing Arrangements Act* is repealed and the following substituted therefor:

Alteration of Act in its application to fiscal years ending March 31, 1960.

"**12.** In its application to each of the fiscal years in the period commencing on the 1st day of April, 1958, and ending on the 31st day of March, 1960, paragraph (*f*) of subsection (1) of section 2 shall, for the purposes of this Act and any tax rental agreement, be read and construed as if for the words "ten per cent" therein there were substituted the words "thirteen per cent"."

Explanatory Notes.

The present section 12, as enacted by chapter 29 of the statutes of 1957-58, reads as follows:

"**12.** In its application to the fiscal year commencing on the 1st day of April, 1958, paragraph (*f*) of subsection (1) of section 2 shall, for the purposes of this Act and any tax rental agreement, be read and construed as if for the words "ten per cent" therein there were substituted the words "thirteen per cent"."

The effect of the proposed amendment will be to extend for a further year the rate of 13% for standard individual income tax for the purpose of calculating the tax equalization payments to the provinces and the amounts payable to the provinces under the tax rental agreements.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-42.

An Act to amend the Penitentiary Act.

First reading, May 1, 1959.

Mr. Howard.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21076-5

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-42.

An Act to amend the Penitentiary Act.

R.S., c. 206; 1952-53, c. 53, s. 54; 1958, c. 39.

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

Sleeping arrangement.

1. Subsection (4) of section 66 of the *Penitentiary Act* is repealed and the following substituted therefor:

"(4) He shall be kept in a cell by himself at night except in case of sickness and except also that he may be kept in a dormitory with other convicts at night in accordance with rules and regulations made under section 7 or in accordance with written instructions given under section 31."

Explanatory Notes.

The present section 66 reads as follows:

"**66.** (1) Every convict shall, during the term of his confinement, be clothed, at the expense of the penitentiary, in suitable prison garments.

(2) He shall be supplied with a sufficient quantity of wholesome food.

(3) He shall be provided with a bed and sufficient covering varied according to the season.

(4) He shall, except in case of sickness, be kept in a cell by himself at night."

Under the provisions of the *Penitentiary Act*, the Minister of Justice has the control and management of all penitentiaries and all prisoners and inmates (section 3). The Commissioner of Penitentiaries also has such control and management under the direction of the Minister (section 5(1)). The warden of each penitentiary has executive control and management of his penitentiary (section 31) subject to rules made by the Commissioner and confirmed by the Minister under section 7 and subject to written instructions given by the Commissioner (section 31).

The present subsection (4) is mandatory upon the Minister, the Commissioner and the Warden and requires these authorities to confine a convict by himself at night.

The authorities are thereby restricted in their freedom of discipline and administration.

The purpose of the proposed amendment is to give the Minister and the Commissioner power to relax the law in proper cases and thus authorize the warden to keep selected groups of convicts together in dormitories at night.

C-43.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-43.

An Act to amend the Unemployment Insurance Act.

First reading, May 5, 1959.

THE MINISTER OF LABOUR.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20929-6

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-43.

An Act to amend the Unemployment Insurance Act.

1955, c. 50; 1956, c. 50; 1957-58, c. 8.

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

Repeal.

1. Section 23 of the *Unemployment Insurance Act* is amended by inserting the word "and" at the end of paragraph (*a*) thereof, by striking out the word "and" at the end of paragraph (*b*) thereof, and by repealing paragraph (*c*) thereof.

2. Paragraph (*a*) of section 25 of the said Act is repealed and the following substituted therefor:

"(*a*) employment in Canada, by one or more employers, under any express or implied contract of service or apprenticeship, written or oral, whether the earnings of the employed person are received from the employer or some other person and whether the earnings are reckoned by time or by the piece, or partly by time and partly by the piece, or otherwise;"

3. Paragraph (*q*) of section 27 of the said Act is repealed and the following substituted therefor:

"(*q*) employment in one or more employments at a rate or an aggregate rate of earnings under which rate the earnings of the insured person exceed five thousand four hundred and sixty dollars a year, other than

(i) employment at an hourly, daily, piece or mileage rate or other rate per unit of work accomplished or service rendered, and

(ii) employment of a person in respect of whom an election was made under subsection (3) of section 26;"

Explanatory Notes.

1. The present section 23 reads as follows:

"**23.** The Commission may, with the approval of the Governor in Council, make regulations,

(*a*) defining the functions and scope of the employment service and the principles to be applied in carrying out the duties of the Commission under this Part;

(*b*) for obtaining information respecting persons seeking employment and persons who have engaged or require employees or whose employees have left or are about to leave their employment; and

(*c*) *for regulating, prohibiting and licensing employment services carried on or operated by or on behalf of any person or agency, other than the Government of Canada or the government of a province.*"

2. The present paragraph (*a*) of section 25 reads as follows:

"**25.** Insurable employment is employment that is not included in excepted employment and is

(*a*) employment in Canada, by one or more employers, under any express or implied contract of service or apprenticeship, written or oral, whether the employed person is *remunerated* by the employer or some other person, by time or by piece, or partly by time and partly by the piece, or otherwise;"

The expression "remunerated" is used in this paragraph whereas "earnings" is used or referred to in the other main operating sections of the Act in the same connotation.

3. The present paragraph (*q*) of section 27 reads as follows:

"**27.** Excepted employment is

.....

(*q*) employment in one or more employments at a rate or an aggregate rate of *remuneration* under which the earnings of the insured person exceed *four thousand eight hundred* dollars a year, other than

(i) employment at an hourly, daily, piece, mileage or other rate per unit of work accomplished or service rendered, and

(ii) employment of a person in respect of whom an election was made under subsection (3) of section 26;"

The main amendment is the substitution of five thousand four hundred and sixty dollars for four thousand eight hundred dollars as the "wage ceiling" of insurability. There is also a slight change in the wording of subparagraph (i) to clarify the text.

4. Paragraph (*c*) of subsection (2) of section 28 of the said Act is repealed and the following substituted therefor:

"(*c*) for determining or predetermining the earnings of employed persons for the purposes of paragraph (*q*) of section 27."

5. Paragraph (*c*) of section 30 of the said Act is repealed and the following substituted therefor:

"(*c*) that during any period falling within the periods specified in section 45, a person was or was not

(i) employed in employment that was not insurable,

(ii) engaged in business on his own account, or

(iii) employed in insurable employment in respect of which contributions were not payable,"

6. The Schedule to subsection (1) of section 37 of the said Act is repealed and the following substituted therefor:

"

SCHEDULE

RATES OF CONTRIBUTION.

Column 1	Column 2
Range of Earnings	Weekly Contribution Cents
Less than $9.00	10
$9.00 and under $15.00	20
15.00 and under 21.00	30
21.00 and under 27.00	38
27.00 and under 33.00	46
33.00 and under 39.00	54
39.00 and under 45.00	60
45.00 and under 51.00	66
51.00 and under 57.00	72
57.00 and under 63.00	78
63.00 and under 69.00	86
69.00 and over	94

"

4. The present paragraph (*c*) of subsection (2) of section 28 reads as follows:

"(*c*) for determining or predetermining the *remuneration* of employed persons for the purposes of paragraph (*q*) of section 27."

The amendment would substitute "earnings" for "remuneration", as in clause 2.

5. The present paragraph (*c*) of section 30 reads as follows:

"**30.** Subject to an appeal to the umpire as provided in this Act, a decision of the Commission

.....

(*c*) that during any period falling within the periods specified in section 45, a person was or was not employed

(i) in employment that was not insurable, or

(ii) in insurable employment in respect of which contributions were not payable,

is final and is not subject to appeal to or review by any court."

The proposed amendment is consequential upon the amendment to subsection (3) of section 45 as set out in clause 10 of this Bill.

6. The present subsection (1) of section 37 reads as follows:

"**37.** (1) Every employer shall for every week during which an insured person is employed by him in insurable employment pay, *in respect* of that person,

(*a*) a contribution on behalf of the insured person equal to the amount set out in column 2 of the Schedule to this section opposite the range of earnings in column 1 of that Schedule within which the earnings of the insured person from that employer for that week fall, and

(*b*) a contribution by the employer on his own behalf equal to the contribution payable on behalf of the insured person under paragraph (*a*).

SCHEDULE

RATES OF CONTRIBUTION

Column 1 Range of Earnings	Column 2 Weekly Contribution Cents
Less than $9.00	8
$ 9.00 and under $15.00	16
15.00 and under 21.00	24
21.00 and under 27.00	30
27.00 and under 33.00	36
33.00 and under 39.00	42
39.00 and under 45.00	48
45.00 and under 51.00	52
51.00 and under 57.00	56
57.00 and over	60

"

The amendment replaces the Schedule with a new one incorporating an increase in the rates of contributions in all the present classes.

"Wages" defined.

7. Subsection (4) of section 38 of the said Act is repealed and the following substituted therefor:

"(4) For the purposes of this Part, "wages" includes salary and any other pecuniary earnings."

Separate from estate in bankruptcy, etc.

8. Subsection (2) of section 40 of the said Act is repealed and the following substituted therefor:

"(2) In the event of any liquidation, assignment or bankruptcy of an employer, an amount equal to the amount that by subsection (1) is deemed to be held in trust for Her Majesty is a first charge on the property of the employer, and such property shall to that extent be deemed to be separate from and to form no part of the estate in liquidation, assignment or bankruptcy."

9. Paragraph (*f*) of section 42 of the said Act is repealed and the following substituted therefor:

"(*f*) for defining and determining "earnings" and "pay period", for the allocation of earnings and contributions to pay periods and to weeks, and for calculating and determining for the purposes of this Part the number of contribution weeks and the amount to be taken as the average of the weekly contributions within any period during which earnings and contributions are paid or payable otherwise than in respect of weeks;"

10. Paragraphs (*a*) to (*d*) of subsection (3) of section 45 of the said Act are repealed and the following substituted therefor:

"(*a*) incapacitated for work by reason of some specific disease or bodily or mental disablement,

(*b*) employed in employment that was not insurable,

(*c*) engaged in business on his own account,

(*d*) employed in insurable employment in respect of which contributions were not payable,

(*e*) not working by reason of a stoppage of work owing to a labour dispute at the place of his employment, or

(*f*) serving a sentence of imprisonment in any gaol, penitentiary or other place of confinement,"

Commencement.

11. Subsection (2) of section 46 of the said Act is repealed and the following substituted therefor:

"(2) A benefit period does not commence until the previous benefit period, if any, has terminated."

12. (1) The Schedule to subsection (1) of section 47 of the said Act is repealed and the following substituted therefor:

7. The present subsection (4) of section 38 reads as follows:

"(4) For the purposes of this Part, "wages" includes salary and any other pecuniary *remuneration*."

The amendment would substitute "earnings" for "remuneration" as in clause 2.

8. The present subsection (2) of section 40 of the said Act reads as follows:

"(2) In the event of any liquidation, assignment or bankruptcy of an employer, an amount equal to the amount that by subsection (1) is deemed to be held in trust for Her Majesty shall be deemed to be separate from and to form no part of the estate in liquidation, assignment or bankruptcy."

Under subsection (1) of section 40 deductions made by employers from the wages of their employees for the purpose of unemployment insurance contributions which are not paid to the Unemployment Insurance Fund by means of stamps, etc., are deemed to be trust funds. Subsection (2) further provides that where the employer is in bankruptcy, liquidation, etc., an amount equal to the trust funds is deemed not to form part of the estate of the employer.

The amendment will make it clear to trustees in bankruptcy that these trust funds should be paid from the bankrupt's liquid assets or from moneys realized from a sale of assets.

9. The present paragraph (*f*) of section 42 reads as follows:

"**42.** The Commission may make regulations

.....

(*f*) for defining and determining "earnings" and "pay periods" and for the allocation of earnings and contributions to pay periods and to weeks;"

The amendment is needed because monthly and semi-monthly contributions do not coincide with calendar weeks, which are the basis for computing the number of contributions required to qualify for benefit, and for computing the weekly rate of benefit.

10. The present subsection (3) of section 45 reads as follows:

"(3) Where an insured person proves in the manner prescribed by regulations of the Commission that during any period mentioned in subsection (1) or (2) contributions were not payable in respect of him for the reason that he was for any time

(*a*) incapacitated for work by reason of some specific disease or bodily or mental disablement,

(*b*) employed in employment that was not insurable,

(*c*) employed in insurable employment in respect of which contributions were not payable, or

(*d*) not working by reason of a stoppage of work owing to a labour dispute at the place of his employment,

that period shall, for the purposes of this section and sections 47 and 48, be increased by the aggregate of any such times."

"

SCHEDULE

Rates of Benefit

Range of Average Weekly Contributions	Weekly Rate of Benefit	
Column 1	Column 2	Column 3
Cents	Person Without Dependant	Person With Dependant
Less than 25	$ 6.00	$ 8.00
25 and under 34	9.00	12.00
34 and under 42	11.00	15.00
42 and under 50	13.00	18.00
50 and under 57	15.00	21.00
57 and under 63	17.00	24.00
63 and under 69	19.00	26.00
69 and under 75	21.00	28.00
75 and under 82	23.00	30.00
82 and under 90	25.00	33.00
90 and over	27.00	36.00

"

(2) Subsection (2) of section 47 of the said Act is repealed and the following substituted therefor:

Average weekly contributions.

"(2) Subject to subsection (2a), for the purpose of this section the average of the weekly contributions of an insured person is the average of the contributions paid on his behalf under paragraph (*a*) of subsection (1) of section 37 for the most recent thirty contribution weeks during the one hundred and four weeks immediately before the commencement of the benefit period.

Special case.

(2a) Where an insured person who establishes a benefit period had, within the period specified in paragraph (*a*) of subsection (1) of section 45, established a previous benefit period, and his average weekly contributions as calculated under subsection (2) of this section for the later benefit period falls within a range of averages in the Schedule to subsection (1) of this section lower than the range of averages on the basis of which he was entitled to and was paid benefit in the previous benefit period immediately preceding, then, for the purposes of this section, the average weekly contributions of the insured person for the later benefit period shall be deemed to fall within the first range of averages lower than the range of averages on the basis of which he was entitled to and was paid benefit in the previous benefit period."

The main amendment consists in adding a paragraph (*f*) which contains new grounds for extension of the qualifing periods.

The other amendment consists in the recognition that "self-employment" is a ground for extension of the qualifying periods.

11. The present subsection (2) of section 46 reads as follows:

"(2) A benefit period does not commence until the previous benefit period, if any, has terminated, *except that a benefit period may commence with and include a week during which benefit rights with respect to a previous benefit period are exhausted, and the benefits payable in respect of that week shall be allocated to those benefit periods.*"

The effect of the amendment will be that where entitlement to benefit in the last week of a claim that is being exhausted is less than a full weekly rate, only the amount remaining will be paid for the last week. The claimant will have to requalify on the succeeding week, thus avoiding overlapping of benefit periods.

12. (1) The present subsection (1) of section 47 reads as follows:

"(1) Where the average of the weekly contributions of an insured person is within a range of average weekly contributions set out in column 1 of the Schedule to this subsection, the weekly rate of benefit for a benefit period established in respect of that person is the rate set out opposite to such range in column 2 of that Schedule if he has no dependant or in column 3 of that Schedule if he has a dependant.

SCHEDULE

RATES OF BENEFIT.

Range of Average Weekly Contributions	Weekly Rate of Benefit	
Column 1	Column 2	Column 3
Cents	Person Without Dependant	Person With Dependant
Less than 20	*$ 6.00*	*$ 8.00*
20 and under 27	*9.00*	*12.00*
27 and under 33	*11.00*	*15.00*
33 and under 39	*13.00*	*18.00*
39 and under 45	*15.00*	*21.00*
45 and under 50	*17.00*	*24.00*
50 and under 54	*19.00*	*26.00*
54 and under 58	*21.00*	*28.00*
58 to 60	*23.00*	*30.00*

"

The amendment to subsection (1) consists in substituting a new schedule of rates of benefit, the result of the new table of contributions in subsection (1) of section 37. (See clause 6).

(3) Where, in respect of a benefit period established under the *Unemployment Insurance Act* on or after the day on which this section comes into force, the rate of benefit is dependent upon the contributions made in respect of a time before that day, the weekly contributions during that time shall for the purposes of computing the rate of benefit be deemed to be the amount set out in column 2 in the Schedule to this subsection opposite the range of average weekly contributions in column 1 of that Schedule within which the average weekly contributions for that time fall.

SCHEDULE

Column 1	Column 2
Range of average weekly contributions Cents	Weekly Contributions Cents
Less than 20	20
20 and under 27	30
27 and under 33	38
33 and under 39	46
39 and under 45	54
45 and under 50	60
50 and under 54	66
54 and under 58	72
58 and over	78

13. Paragraph (*a*) of subsection (1) of section 48 of the said Act is repealed and the following substituted therefor:

"(*a*) fifty-two times the weekly rate applicable to him, or"

1957-58, c. 8, s. 1.

14. Paragraph (*b*) of section 50 of the said Act is repealed and the following substituted therefor:

"(*b*) a person who does not meet the requirements of paragraph (*a*) and whose most recent benefit period terminated after the week in which fell the 15th day of May immediately preceding the day on which he makes the claim, and who has complied with such other conditions as are prescribed by regulations made by the Commission with the approval of the Governor in Council."

15. Section 56 of the said Act is repealed and the following substituted therefor:

Deductions.

"**56.** There shall be deducted from the weekly benefit of an insured person

(2) The present subsection (2) of section 47 reads as follows:

"(2) For the purpose of this section the average of the weekly contributions of an insured person is the average of the contributions paid on his behalf under paragraph (*a*) of subsection (1) of section 37 for the most recent thirty contribution weeks during the one hundred and four weeks immediately before the commencement of the benefit period."

The purpose of the amendment is to provide that where successive benefit periods occur within two years, the rate of benefit during the new benefit period will not drop more than one class below that of the previous benefit period during which the claimant was paid benefit.

(3) This is a transitional provision made necessary by the new rates of contributions as set out in clause 6.

13. The present subsection (1) of section 48 reads as follows:

"(1) No person shall, in respect of any benefit period, be paid benefits in excess of

(*a*) *thirty-six times* the weekly rate applicable to him, or

(*b*) the weekly rate applicable to him multiplied by one-half of the number of his contribution weeks

(i) within the period described in paragraph (*a*) of subsection (1) of section 45 in the case of a person to whom subsection (2) of that section does not apply, or

(ii) within the longer of the periods described in paragraphs (*a*) and (*b*) of subsection (2) of section 45, in the case of a person to whom that subsection applies,

whichever is the lesser amount."

Under the proposed amendment the maximum benefits will be increased from thirty-six times to fifty-two times the weekly benefit rate.

14. The present section 50 reads as follows:

"**50.** A seasonal benefit period in respect of an insured person is established when, upon making a claim for benefit during or after the week in which the 1st day of December falls but before the end of the week in which the 15th day of May next following falls, he proves that he is

(*a*) a person who had at least fifteen contribution weeks subsequent to the most recent Saturday preceding the 31st day of March immediately before the day on which he makes the claim, or

(*b*) a person whose most recent benefit period terminated after the week in which fell the 15th day of May immediately preceding the day on which he makes the claim, and who has complied with such other conditions as are prescribed by regulations made by the Commission with the approval of the Governor in Council."

The purpose of the amendment is to make it clear that paragraph (*b*) applies only where paragraph (*a*) is inapplicable.

15. The present section 56 reads as follows:

"**56.** There shall be deducted from the weekly benefit of an insured person the amount of his weekly earnings in excess of the amount set out in coloumn 3 of the Schedule to this section opposite

(*a*) his weekly benefit rate in column 1 of that Schedule, if he has no dependant, or

(*b*) his weekly benefit rate in column 2 of that Schedule, if he has a dependant."

(*a*) if he has no dependant, the amount of his weekly earnings in excess of the amount set out in column 2 of the Schedule to this section opposite his weekly benefit rate in column 1 of that Schedule, or

(*b*) if he has a dependant, the amount of his weekly earnings in excess of the amount set out in column 4 of the Schedule to this section opposite his weekly benefit rate in column 3 of that Schedule.

SCHEDULE

Weekly Benefits	Earnings not Deducted	Weekly Benefits	Earnings not Deducted
Column 1	Column 2	Column 3	Column 4
$ 6.00	$ 3.00	$ 8.00	$ 4.00
9.00	5.00	12.00	6.00
11.00	6.00	15.00	8.00
13.00	7.00	18.00	9.00
15.00	8.00	21.00	11.00
17.00	9.00	24.00	12.00
19.00	10.00	26.00	13.00
21.00	11.00	28.00	14.00
23.00	12.00	30.00	15.00
25.00	13.00	33.00	17.00
27.00	14.00	36.00	18.00 "

16. Subsection (3) of section 57 of the said Act is repealed and the following substituted therefor:

Unemployment.

"(3) For the purposes of this Act, an insured person

(*a*) is unemployed and available for work during any period he is attending a course of instruction or training that the Commission has directed him to attend, and

(*b*) is unemployed or available for work, or both unemployed and available for work, during such other period in such circumstances as are prescribed by regulations of the Commission."

17. Section 65 of the said Act is repealed and the following substituted therefor:

False statements.

"**65.** (1) Where an insurance officer becomes aware of facts that in his opinion establish that an insured person or any person on his behalf has committed an offence against section 106A, the insurance officer may declare the insured person to be disqualified from receiving benefits after such

"

SCHEDULE

Weekly Benefits		Earnings not deducted
Column 1	Column 2	Column 3
$ 6.00	*$ 8.00*	*$ 2.00*
9.00	*12.00*	*3.00*
11.00	*15.00*	*4.00*
13.00	*18.00*	*5.00*
15.00	*21.00*	*6.00*
17.00	*24.00*	*7.00*
19.00	*26.00*	*9.00*
21.00	*28.00*	*11.00*
23.00	*30.00*	*13.00*

"

The proposed amendment will establish a new Schedule of allowable earnings.

16. The present subsection (3) of section 57 reads as follows:

"(3) An insured person is unemployed *and* available for work within the meaning of this Act during any period he is attending a course of instruction or training that the Commission has directed him to attend *or during such other period in such circumstances as are prescribed by regulations of the Commission.*"

The amendment will permit the regulations to deal with unemployment separately from availability for work.

17. The present section 65 reads as follows:

"**65.** Where an insurance officer becomes aware of facts that in his opinion establish that an insured person or any person on his behalf has, *for the purpose of obtaining benefit under this Act, made a false statement or misrepresentation,* the insurance officer may declare the insured person to be disqualified from receiving benefits after such day as the insurance officer may determine, in such amount as the insurance officer may fix but not exceeding six times the insured person's weekly rate of benefit, and the amount so fixed shall be deducted

(*a*) from the first benefits otherwise payable to the insured person after such day, and

(*b*) from the maximum benefits prescribed by section 48 or 53, as the case may be."

The purpose of the amendment, along with the amendment in clause 20, is to establish a uniform offence and to make the alternative punishments mutually exclusive.

day as the insurance officer may determine, in such amount as the insurance officer may fix but not exceeding six times the insured person's weekly rate of benefit, and the amount so fixed shall be deducted

(*a*) from the first benefits otherwise payable to the insured person after such day, and

(*b*) from the maximum benefits prescribed by section 48 or 53, as the case may be.

Alternative punishment.

(2) No declaration shall be made under subsection (1) in any case where in the opinion of an insurance officer any person has committed an offence against section 106A, if a prosecution for that offence has been instituted against that person."

18. Paragraph (*d*) of section 83 of the said Act is repealed and the following substituted therefor:

"(*d*) the amounts paid under paragraph (*h*) of subsection (1) of section 43 and section 103."

19. Section 103 of the said Act is repealed and the following substituted therefor:

Repayment of unauthorized payments.

"103. (1) Where a person has received money by way of benefit for any period in respect of which he is disqualified or any money by way of benefit to which he is not entitled, he is liable to repay an amount equal to the money so received by him.

Exception.

(2) A person is not liable to make a repayment under subsection (1) where he was disqualified or was not entitled to benefit by reason of failure to meet the requirements of section 45 or section 50, unless in the opinion of an insurance officer an offence under section 106A has been committed in connection therewith."

20. The said Act is further amended by adding thereto, immediately after section 106 thereof, the following heading and section:

"False Statements, etc.

Offence for false statements, etc.

106A. Every person is guilty of an offence who

(*a*) in relation to any claim for benefit, makes a statement or representation that he knows to be false or misleading; or

(*b*) being required under this Act or the regulations to furnish information, furnishes any information or makes any representation that he knows to be false or misleading."

18. The present paragraph (*d*) of section 83 reads as follows:

"**83.** There shall be a fund, called the Unemployment Insurance Fund, for the account of which there shall be credited in the Consolidated Revenue Fund,

. . . . . .

(*d*) the amounts paid under paragraph (*h*) of subsection (1) of section 43 and sections *102* and 103."

The amendment is to delete the reference to section 102, which is unnecessary.

19. The present section 103 reads as follows:

"**103.** Where a person has received money by way of benefit for any period in respect of which he is disqualified or is not entitled to benefit, he is liable to repay an amount equal to the money so received by him, but this section does not apply if the person was disqualified or was not entitled to benefit by reason of failure to meet the requirements of section 45 or 50 and *there was no false statement or misrepresentation made by him or any person on his behalf in connection therewith.*"

The purpose of the amendment is to make it clear that the exception to the provision requiring repayment of benefits is lost only where the misrepresentation, etc., is the same as that set out in clause 20.

20. New. See the notes to clauses 17 and 19.

21. Section 110 of the said Act is amended by adding thereto the following subsection:

Alternative punishment.

"(3) No proceedings for an offence under section 106A shall be instituted if a declaration of disqualification in respect of that offence has been made under subsection (1) of section 65."

22. (1) Paragraph (*b*) of section 115 is repealed and the following substituted therefor:

"(*b*) a document purporting to be a copy of or extract from

(i) a document in the custody of the Commission or a document issued under this Act, or

(ii) any entry in any books or records in the custody of the Commission,

and purporting to be certified by the Commission, an inspector or an officer appointed or employed pursuant to this Act,"

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

Evidence of receipt of documents, etc., sent by mail.

"(2) For the purposes of this Act and the regulations and any proceedings thereunder, a document purporting to be a certificate of the Commission or an officer or employee of the Commission to the effect that a notice, request, demand or other document was sent by mail, is, unless the contrary is proved, evidence that the notice, request, demand or other document was received by the addressee in the ordinary course of the mails."

Coming into force.

23. This Act or any section of this Act shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

21. New. See the notes to clause 17.

22. (1) The present section 115 reads as follows:

"**115.** In any proceedings under this Act,

(*a*) a document purporting to be a resolution, record or other proceeding of the Commission or other proceeding under this Act or a copy thereof, and purporting to be certified by a Commissioner or the Secretary of the Commission,

(*b*) a document purporting to be a copy of or extract from a document or any entry in any books or records in the custody of the Commission and purporting to be certified by the Commission, an inspector or an officer appointed or employed pursuant to this Act,

(*c*) a document purporting to be certified by the Commission, an inspector or an officer appointed or employed pursuant to this Act and setting forth the amount of any contributions paid, payable or owing or the amount of any benefit or other amount paid to or owing by any person, and

(*d*) a document purporting to be a copy of any employer's register, books, wage sheets, records of wages, ledgers, accounts or other documents or any extract therefrom and purporting to be certified by an inspector or officer appointed or employed pursuant to this Act to whom they were produced under this Act,

is receivable in evidence as *prima facie* proof of the facts appearing in the document without proof of the signature or official character of the person appearing to have signed the certificate and without further proof."

The purpose of the amendment is to facilitate proof of any document issued under the Act.

(2) The purpose of the proposed amendment is to raise a rebuttable presumption that documents sent by mail were received in the ordinary course of the mails.

C-44.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-44.

An Act to amend the Customs Tariff and The New Zealand Trade Agreement Act, 1932.

First reading, May 8, 1959.

THE MINISTER OF FINANCE

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21058-3

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-44.

An Act to amend the Customs Tariff and The New Zealand Trade Agreement Act, 1932.

R.S. cc. 60, 316; 1952-53, c. 31; 1953-54, c. 53; 1955, c. 51; 1956, c. 36; 1957, c. 21; 1958, c. 27.

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

1932, c. 34; 1932-33, c. 44.

1. Schedule A to *The New Zealand Trade Agreement Act, 1932*, is amended by striking out tariff item 106 and the enumeration of goods and the rates of duty set opposite that item, and by inserting therein the following item, enumeration of goods and rates of duty:

Tariff Item		Tariff Rates on Goods the Produce or Manufacture of New Zealand
106	Fruits, prepared, in air-tight cans or other air-tight containers, the weight of the containers to be included in the weight for duty:	
	(1) Apricots	1½ cts. per pound
	(2) *Cherries*	1½ cts. per pound
	(3) Peaches	1¼ cts. per pound
	(4) Pears	1 ct. per pound
	(6) *Prunes*	1⅓ cts. per pound
	(8) N.o.p.	1 ct. per pound

1958, c. 27, s. 1.

2. Section 2 of the English version of the *Customs Tariff* is amended by adding thereto the following subsection:

"Machinery" construed as "machines."

"(3) The word "machinery" wherever it appears in this Act shall be read and construed as "machines".

3. Section 13 of the *Customs Tariff* is repealed and the following substituted therefor:

Application of specific duties in items 87, 92, 94, 95.

"**13.** (1) The Minister may order that, in lieu of the *ad valorem* rate of duty or the free rate of duty, the specific duty provided for in tariff items 87, 92, 94 and 95 shall apply to goods described in the order imported through ports in a region or part of Canada during such period or periods as may be fixed by the Minister.

Exception.

(2) If, before the coming into operation of an order under subsection (1), a person purchased goods for importation through a port in a region or part of Canada specified in the order, in the expectation in good faith that the *ad valorem* rate of duty or the free rate of duty would apply to the goods, and at the time of the coming into operation of the order the goods were in transit to the purchaser in Canada, the *ad valorem* rate of duty or the free rate of duty shall apply to the goods, notwithstanding the order."

Schedule A amended.

4. Schedule A to the said Act is amended by striking out tariff items

(*a*) 83*b*, 84, 85, 87, 89, 90*e*, 92, 93, 95, 99*d*, 105*i*, 106, 505*c*,

(*b*) 95*a*, 95*b*, 107,

(*c*) 160, 162(*b*), 163(3), 307*a*, 554*b*,

(*d*) 28, 72*a*, 82*f*, 134, 135, 143, 156, 180*a*, 296*g*, 351*c*, 399*a*, 409*f*, 414*a*, 427, 438*b*, 438*c*, 438*d*, 438*e*, 438*f*(1), 438*m*, 440*c*, 440*k*, 442*b*, 442*c*, 446*e*, 462*d*, 462*i*, 502, 502*c*, 504*a*, 505*a*, 682, 691(1) and 696*a*,

and the enumerations of goods and the rates of duty set opposite each of those items, and by inserting therein the items, enumerations of goods and rates of duty specified in the Schedule to this Act.

Commencement.

5. This Act and the Schedule to this Act shall be deemed to have come into force on the 10th day of April, 1959, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day, and to have applied to goods previously imported for which no entry for consumption was made before that day.

SCHEDULE

PART I

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
85	Mushrooms, fresh, the weight of the packages to be included in the weight for duty.....per pound	1 ct.	4½ cts.	5 cts.
87	Vegetables, fresh, in their natural state, the weight of the packages to be included in the weight for duty:			
	(2) Asparagus.....per pound	Free	3½ cts. or 10 p.c.	3½ cts. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of *14* weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(3) Beans, green.....per pound	Free	1½ cts. or Free	1½ cts. or Free
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 14 weeks which may be divided into two separate periods, and the *Free* rate shall apply whenever the specific duty is not in effect.			
	(5) Brussels sprouts.....per pound	Free	3 cts. or 10 p.c.	3 cts. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 16 weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(6) Cabbage.....per pound	Free	Free or 9/10 ct. or 10 p.c.	Free or 9/10 ct. or 10 p.c.
	The Free rate shall apply during the months of March and April. During the remaining months in any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of *30* weeks which may be divided into two separate periods, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(7) Carrots.....per pound	Free	1 ct. or Free	1 ct. or Free
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of *40* weeks which may be divided into two separate periods, and the *Free* rate shall apply whenever the specific duty is not in effect.			
	(8) Cauliflower.....per pound	Free	Free or ¾ ct. or 10 p.c.	Free or ¾ ct. or 10 p.c.
	The Free rate shall apply during the months of January, February, March and April. During the remaining months in any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of *20 weeks which may be divided into two separate periods*, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
87 (cont.)	(*9*) Celery.....per pound	Free	2 cts. or Free	2 cts. or Free
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 24 weeks, and the *Free* rate shall apply whenever the specific duty is not in effect.			
	(*10*) *Corn on the cob*.....*per pound*	Free	1½ cts. or 10 p.c.	1½ cts. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 8 weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*11*) *Cucumbers when imported by manufacturers for use in the manufacture of pickles or preserves*.....	Free	10 p.c.	20 p.c.
	(*12*) Cucumbers, *n.o.p*.....per pound	Free	2¼ cts. or 10 p.c.	2¼ cts. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of *22 weeks which may be divided into two separate periods*, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*13*) Eggplant.....	10 p.c.	10 p.c.	30 p.c.
	(*15*) Lettuce.....per pound	Free	.85 ct. or Free	.85 ct. or Free
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of *26* weeks which may be divided into two separate periods and the *Free* rate shall apply whenever the specific duty is not in effec-			
	(*17*) Onions, n.o.p.....per pound	Free	1½ cts. or 10 p.c.	1½ cts. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of *44 weeks which may be divided into two separate periods*, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*19*) *Parsnips*.....*per pound*	Free	1 ct. or 10 p.c.	1 ct. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 36 weeks which may be divided into two separate periods, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*21*) *Peppers*.....*per pound*	Free	1 ct. or Free	1 ct. or Free
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 8 weeks, and the Free rate shall apply whenever the specific duty is not in effect.			
	(*23*) Spinach.....	Free	Free	30 p.c.

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
87 (conc.)	(*24*) Tomatoes.....per pound	Free	Free or 1½ cts. or 10 p.c.	Free or 1½ cts. or 10 p.c.
	The Free rate shall apply during the months of January, February and March. During the remaining months in any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 32 weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*26*) Whitloof or endive.....	10 p.c.	10 p.c.	30 p.c.
	When the beans (green), beets, Brussels sprouts, carrots, cauliflower, corn on the cob, lettuce, parsnips or peas specified in this item are subject to the specific rates of duty and are imported in packages weighing five pounds or less, each, they shall be subject to an additional duty of	Free	5 p.c.	10 p.c.
89	Vegetables, prepared, in air-tight cans or other air-tight containers, the weight of the containers to be included in the weight for duty:			
	(*1*) *Asparagus*.....	7½ p.c.	22½ p.c.	30 p.c.
90	*Vegetables, frozen:*			
	(*1*) *Asparagus*.....	15 p.c.	22½ p.c.	30 p.c.
	(*2*) *Brussels sprouts*.....	15 p.c.	22½ p.c.	30 p.c.
92	Fruits, fresh, in their natural state, the weight of the packages to be included in the weight for duty:			
	(*1*) Apricots.....per pound	Free	1½ cts. or 10 p.c.	1½ cts. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 10 weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*2*) *Cherries, sour*.....*per pound*	Free	3 cts. or 10 p.c.	3 cts. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of *10* weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*4*) Cranberries.....per pound	Free	2 cts. or 10 p.c.	2 cts. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 12 weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*5*) Peaches.....per pound	Free	1½ cts. or 10 p.c.	1½ cts. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of *14* weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
92 (conc.)	(*6*) Pears.....per pound	Free	Free or 1 ct. or 10 p.c.	Free or 1 ct. or 10 p.c.
	The Free rate shall apply during the months of March, April, May and June. During the remaining months in any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of *22* weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(7) Plums.....per pound	Free	Free or 1 ct. or 10 p.c.	Free or 1 ct. or 10 p.c.
	The Free rate shall apply during the months of May and June. During the remaining months in any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 10 weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*8*) Prunes.....per pound	Free	1½ cts. or 10 p.c.	1½ cts. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of *12* weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*11*) Strawberries.....per pound	Free	Free or 1⅜ cts. or 10 p.c.	Free or 1⅜ cts. or 10 p.c.
	The Free rate shall apply during the months of September, October, November, December, January, February and March. During the remaining months in any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 6 weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
93	Apples, fresh, in their natural state, the weight of the packages to be included in the weight for duty .....per pound	Free	1/4 ct.	20 p.c.
95	Cantaloupes and muskmelons the weight of the packages to be included in the weight for duty...per pound	Free	1¼ cts. or Free	1¼ cts. or Free
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 8 weeks, and the *Free* rate shall apply whenever the specific duty is not in effect.			
99*d*	(*1*) Dates, unpitted, in bulk.....per pound	Free	Free	2/3 ct.
	(2) Dates, unpitted, n.o.p.....per pound When in packages weighing two pounds each, or less, the weight of such packages to be included in the weight for duty.	Free	Free	2½ cts.
106	Fruits, prepared, in air-tight cans or other air-tight containers, the weight of the containers to be included in the weight for duty:			

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
106 (conc.)	(*1*) Apricots.....per pound	2½ cts.	2½ cts.	5 cts.
	(*2*) *Cherries*.....*per pound*	1½ cts.	1½ cts.	5 cts.
	(*3*) Peaches.....per pound	1¾ cts.	2¼ cts.	5 cts.
	(*6*) *Prunes*.....*per pound*	1⅛ cts.	1⅛ cts.	5 cts.
107	*Fruits, frozen:*			
	(*2*) *Cherries*.....*per pound*	2½ cts.	3 cts.	3 cts.
	(*3*) *Peaches*.....*per pound*	2 cts.	2½ cts.	3 cts.
187d	*Sensitized photographic rolls consisting of a photo-sensitive layer and a positive receiving layer, for use in cameras for making positives*.....	Free	15 p.c.	30 p.c.
505*c*	Flooring of beech, birch, maple or oak, tongued and grooved, or jointed; *floor tiles made of individual strips of beech, birch, maple or oak, joined together*.....	12½ p.c.	12½ p.c.	25 p.c.

PART II

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
84	Onion sets and shallots, in their natural state.....	Free	15 p.c.	30 p.c.
85*a*	Mushrooms, dried or otherwise preserved.....	Free	12½ p.c.	30 p.c.
85*b*	Truffles, fresh, dried or otherwise preserved.....	Free	10 p.c.	30 p.c.
87	Vegetables, fresh, in their natural state, the weight of the packages to be included in the weight for duty:			
	(*1*) Artichokes.....	Free	Free	30 p.c.
	(*4*) Beets.....per pound	Free	1 ct. or 10 p.c.	1 ct. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 26 weeks which may be divided into two separate periods, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*14*) Horseradish.....	Free	Free	30 p.c.
	(*16*) Okra.....	Free	Free	30 p.c.
	(*18*) Parsley.....	Free	10 p.c.	30 p.c.
	(*20*) Peas, green.....per pound	Free	2 cts. or 10 p.c.	2 cts. or 10 p.c.

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
87 (conc.)	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 12 weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*22*) Rhubarb.....per pound	Free	½ ct. or 10 p.c.	½ ct. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 10 weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*25*) Watercress.....	Free	10 p.c.	30 p.c.
	(*27*) N.o.p.....	Free	10 p.c.	30 p.c.
89	Vegetables, prepared, in air-tight cans or other air-tight containers, the weight of the containers to be included in the weight for duty:			
	(*2*) Beans, baked or otherwise prepared..per pound	Free	1 ct.	3 cts.
	(*3*) Corn.....per pound	Free	1½ cts.	3 cts.
	(*4*) Peas.....per pound	Free	1½ cts.	3 cts.
	(*5*) Tomatoes.....per pound	Free	2 cts.	3 cts.
	(*6*) N.o.p.....	Free	15 p.c.	30 p.c.
90	Vegetables, frozen:			
	(*3*) N.o.p.....	10 p.c.	17½ p.c.	30 p.c.
92	Fruits, fresh, in their natural state, the weight of the packages to be included in the weight for duty:			
	(*3*) Cherries, *sweet*.....per pound	Free	2 cts. or 10 p.c.	2 cts. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 7 weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*9*) Quinces and nectarines.....	Free	10 p.c.	20 p.c.
	(*10*) Raspberries and loganberries.....per pound	Free	2 cts. or 10 p.c.	2 cts. or 10 p.c.
	In any 12 month period ending March 31, the specific duty shall not be maintained in force in excess of 6 weeks, and the 10 per cent duty shall apply whenever the specific duty is not in effect.			
	(*12*) Berries, edible, n.o.p.....	Free	10 p.c.	20 p.c.
95b	Melons, n.o.p.....each	Free	Free	3 cts.
95c	Passion fruit (passiflora edulis).....	Free	15 p.c.	20 p.c.
105i	Preserved ginger.....	25 p.c.	35 p.c.	35 p.c.

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
106	Fruits, prepared, in air-tight cans or other air-tight containers, the weight of the containers to be included in the weight for duty:			
	(*4*) Pears.....per pound	2 cts.	2 cts.	5 cts.
	(*5*) Pineapples.....per pound	1 ct.	2 cts.	5 cts.
	(*7*) Mixtures containing peaches, pears or apricots .....per pound	2 cts.	2 cts.	5 cts.
	(*8*) N.o.p.....per pound	1 ct.	1 ct.	5 cts.
107	*Fruits, frozen:*			
	(*1*) *Blueberries*.....*per pound*	1¼ cts.	1¾ cts.	3 cts.
	(*4*) N.o.p.....per pound	1½ cts.	2 cts.	3 cts.

PART III

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
160	Alcoholic perfumes: (*a*) When in bottles or flasks containing not more than four ounces each..... (*b*) When in bottles, flasks or other packages, containing more than four ounces each.....per gallon and	22½ p.c. $4.00	22½ p.c. $4.00 22½ p.c.	90 p.c. $5.00 40 p.c.
162	(*b*) Vermouth, aperitif and cordial wines, containing more than thirty-two per cent of proof spirit and not more than forty per cent of proof spirit..... And in addition thereto, under all tariffs 42½ cents per gallon	50 p.c.	50 p.c.	80 p.c.
163	(3) Wines of all kinds, n.o.p., including orange, lemon, strawberry, raspberry, elder and currant wines, containing more than twenty-four per cent but not more than twenty-six per cent of proof spirit, whether imported in wood or in bottles.....per gallon and	50 cts.	50 cts.	55 cts. 30 p.c.
	And in addition thereto, for each degree of strength in excess of twenty-six per cent of proof spirit until the strength reaches forty per cent of proof spirit..... And in addition thereto, under all tariffs 42½ cents per gallon	3 cts.	3 cts.	3 cts.
307*a*	Manufactures of marble, n.o.p.....	20 p.c.	22½ p.c.	40 p.c.

SCHEDULE

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
554*b*	(1) Woven fabrics composed wholly or in part of yarns of wool or hair, n.o.p.	20 p.c.	27½ p.c.	40 p.c.
	and, per pound	20 cts.	38 cts.	40 cts.
	The total duty leviable shall not be in excess of ... per pound	60 cts.	.....	.....
	(2) Woven fabrics composed wholly or in part of yarns of wool or hair and weighing not less than twelve ounces to the square yard	20 p.c.	27½ p.c.	40 p.c.
	and, per pound	15 cts.	33 cts.	40 cts.
	The total duty leviable shall not be in excess of ... per pound	55 cts.	.....	.....
	(3) Woven fabrics composed wholly or in chief part by weight of yarns of wool or hair and weighing not more than nine ounces to the square yard, n.o.p.	20 p.c.	27½ p.c.	40 p.c.
	and, per pound	20 cts.	38 cts.	40 cts.
	The total duty leviable shall not be in excess of ... per pound	60 cts.	$1.10	.....
554*g*	*Woven fabrics composed wholly or in part of yarns of wool, imported in the web in lengths of not less than five yards each, for use exclusively in the manufacture of neckties, scarves or mufflers*	Free	15 p.c.	40 p.c.
	and, per pound			40 cts.
	In the case of such fabrics weighing not more than nine ounces to the square yard, the total duty leviable shall not be in excess of ... per pound	.....	$1.10	.....

PART IV

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
27	Coffee, green, n.o.p. ... per pound	Free	2 cts.	5 cts.
27*a*	*Coffee, green, for use in the manufacture of coffee extract ... per pound*	Free	Free	5 cts.
72*a*	Aromatic seeds, not advanced in value or condition by grinding or refining or by any other process of manufacture, namely: Anise, anise star, caraway, cardamon, coriander, cumin, fennel and fenugreek	Free	Free	Free
79*h*	*Multiflora rosebushes*	12½ p.c.	12½ p.c.	30 p.c.
79*i*	Rosebushes, n.o.p. ... each	1¼ cts.	3 cts.	7 cts.
82*i*	*Highbush blueberry plants, roots and cuttings, for propagation or growing purposes*	Free	Free	30 p.c.
134	All sugar above number sixteen Dutch standard in colour, and all refined sugars of whatever kinds, grades or standards, not covered by tariff item 135,			

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
134 (conc.)	When not exceeding eighty-eight degrees of polarization.....per one hundred pounds	83 cts.	$1.50	$1.50
	When exceeding eighty-eight degrees but not exceeding eighty-nine degrees.....per one hundred pounds	85 cts.	$1.53	$1.53
	When exceeding eighty-nine degrees but not exceeding ninety degrees.....per one hundred pounds	87 cts.	$1.55	$1.55
	When exceeding ninety degrees but not exceeding ninety-one degrees.....per one hundred pounds	89 cts.	$1.58	$1.58
	When exceeding ninety-one degrees but not exceeding ninety-two degrees.....per one hundred pounds	91 cts.	$1.62	$1.62
	When exceeding ninety-two degrees but not exceeding ninety-three degrees.....per one hundred pounds	93 cts.	$1.65	$1.65
	When exceeding ninety-three degrees but not exceeding ninety-four degrees.....per one hundred pounds	95 cts.	$1.68	$1.68
	When exceeding ninety-four degrees but not exceeding ninety-five degrees.....per one hundred pounds	97 cts.	$1.70	$1.70
	When exceeding ninety-five degrees but not exceeding ninety-six degrees.....per one hundred pounds	99 cts.	$1.74	$1.74
	When exceeding ninety-six degrees but not exceeding ninety-seven degrees.....per one hundred pounds	$1.01	$1.77	$1.77
	When exceeding ninety-seven degrees but not exceeding ninety-eight degrees.....per one hundred pounds	$1.03	$1.80	$1.80
	When exceeding ninety-eight degrees but not exceeding ninety-nine degrees.....per one hundred pounds	$1.09	$1.89	$1.89
	When exceeding ninety-nine degrees.....per one hundred pounds	$1.09	$1.89	$1.89
	Refined sugar is entitled to entry under the British Preferential Tariff upon evidence satisfactory to the Minister that such refined sugar has been manufactured wholly from raw sugar produced in the British colonies and possessions, and not otherwise.			
134a	*Sugar, for use in the manufacture of wine.....per one hundred pounds*	$.0109	$.0189	$1.89
135	Sugar above number sixteen Dutch standard in colour when imported or purchased in bond in Canada by a recognized sugar refiner, for refining purposes only, under regulations by the Minister, and sugar, n.o.p., not above number sixteen Dutch standard in colour,			
	When not exceeding seventy-six degrees of polarization.....per one hundred pounds	20.627 cts.	70.851 cts.	70.851 cts.
	When exceeding seventy-six degrees but not exceeding seventy-seven degrees.....per one hundred pounds	20.647 cts.	73.213 cts.	73.213 cts.
	When exceeding seventy-seven degrees but not exceeding seventy-eight degrees...per one hundred pounds	20.667 cts.	75.574 cts.	75.574 cts.
	When exceeding seventy-eight degrees but not exceeding seventy-nine degrees....per one hundred pounds	20.687 cts.	77.936 cts.	77.936 cts.
	When exceeding seventy-nine degrees but not exceeding eighty degrees.....per one hundred pounds	20.707 cts.	80.298 cts.	80.298 cts.
	When exceeding eighty degrees but not exceeding eighty-one degrees.....per one hundred pounds	20.727 cts.	82.659 cts.	82.659 cts.
	When exceeding eighty-one degrees but not exceeding eighty-two degrees.....per one hundred pounds	20.747 cts.	85.021 cts.	85.021 cts.
	When exceeding eighty-two degrees but not exceeding eighty-three degrees.....per one hundred pounds	20.767 cts.	87.383 cts.	87.383 cts.
	When exceeding eighty-three degrees but not exceeding eighty-four degrees.....per one hundred pounds	20.857 cts.	90.040 cts.	90.040 cts.
	When exceeding eighty-four degrees but not exceeding eighty-five degrees.....per one hundred pounds	20.947 cts.	92.697 cts.	92.697 cts.
	When exceeding eighty-five degrees but not exceeding eighty-six degrees.....per one hundred pounds	21.036 cts.	95.353 cts.	95.353 cts.
	When exceeding eighty-six degrees but not exceeding eighty-seven degrees.....per one hundred pounds	21.126 cts.	98.010 cts.	98.010 cts.
	When exceeding eighty-seven degrees but not exceeding eighty-eight degrees.....per one hundred pounds	21.512 cts.	$1.00963	$1.00963

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
135 (conc.)	When exceeding eighty-eight degrees but not exceeding eighty-nine degrees.....per one hundred pounds	21.897 cts.	$1.03915	$1.03915
	When exceeding eighty-nine degrees but not exceeding ninety degrees.....per one hundred pounds	22.872 cts.	$1.07457	$1.07457
	When exceeding ninety degrees but not exceeding ninety-one degrees.....per one hundred pounds	23.848 cts.	$1.11000	$1.11000
	When exceeding ninety-one degrees but not exceeding ninety-two degrees.....per one hundred pounds	24.823 cts.	$1.14542	$1.14542
	When exceeding ninety-two degrees but not exceeding ninety-three degrees.....per one hundred pounds	25.799 cts.	$1.18085	$1.18085
	When exceeding ninety-three degrees but not exceeding ninety-four degrees.....per one hundred pounds	26.762 cts.	$1.21627	$1.21627
	When exceeding ninety-four degrees but not exceeding ninety-five degrees.....per one hundred pounds	27.737 cts.	$1.25170	$1.25170
	When exceeding ninety-five degrees but not exceeding ninety-six degrees.....per one hundred pounds	28.712 cts.	$1.28712	$1.28712
	When exceeding ninety-six degrees but not exceeding ninety-seven degrees.....per one hundred pounds	29.688 cts.	$1.32255	$1.32255
	When exceeding ninety-seven degrees but not exceeding ninety-eight degrees.....per one hundred pounds	30.664 cts.	$1.35798	$1.35798
	When exceeding ninety-eight degrees but not exceeding ninety-nine degrees.....per one hundred pounds	31.64 cts.	$1.47606	$1.47606
	When exceeding ninety-nine degrees..... .....per one hundred pounds	35.606 cts.	$1.47606	$1.47606
143	(*1*) Cigars, the weight of the bands and ribbons to be included in the weight for duty.....per pound and *and in addition thereto, under all tariffs, $1.00 per thousand*	$1.75 15 p.c.	$1.75 15 p.c.	$3.50 25 p.c.
	(*2*) *Cigars, valued for duty at more than $6.00 per pound, the weight of the bands and ribbons to be included in the weight for duty.....per pound* *and* *and in addition thereto, under all tariffs, $1.00 per thousand*	$1.50 10 p.c.	$1.50 10 p.c.	$3.50 25 p.c.
152j	*Dehydrated citrus fruit juices with or without stabilizers or sugar*.....	2½ p.c.	7½ p.c.	25 p.c.
156	(*a*) Whiskey.....per gallon of the strength of proof and in addition thereto, under all tariffs, *$9.00* per gallon of the strength of proof	$4.50	$5.00	$10.00
	(*b*) Gin, n.o.p.....per gallon of the strength of proof and in addition thereto, under all tariffs, *$9.00* per gallon of the strength of proof	$4.50	$5.00	$10.00
	(*c*) Rum, n.o.p.....per gallon of the strength of proof and in addition thereto, under all tariffs, *$9.00* per gallon of the strength of proof	$4.50	$6.00	$10.00
	(*d*) Brandy.....per gallon of the strength of proof and in addition thereto, under all tariffs, *$9.00* per gallon of the strength of proof	$4.00	$4.00	$10.00
	(*e*) Liqueurs.....per gallon of the strength of proof and in addition thereto, under all tariffs, *$9.00* per gallon of the strength of proof	$4.50	$4.50	$10.00

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
156 (conc.)	(*f*) Ethyl alcohol, or the substance commonly known as alcohol, hydrated oxide of ethyl or spirits of wine, n.o.p.; spirituous or alcoholic liquors, n.o.p.; absinthe, arrack or palm spirit, artificial brandy and imitations of brandy, n.o.p.; cordials of all kinds, n.o.p.; mescal, pulque, rum shrub, schiedam and other schnapps; tafia, and alcoholic bitters or beverages, n.o.p.; and wines, n.o.p., containing more than forty per cent of proof spirit..... .....per gallon of the strength of proof and in addition thereto, under all tariffs, *$9.00* per gallon of the strength of proof	$5.00	$10.00	$10.00
	When the goods specified in item 156 are of greater or less strength than the strength of proof, the measurement thereof and the amount of duty payable thereon shall be increased or decreased in proportion for any greater or less strength than the strength of proof. Bottles and flasks and packages of gin, rum, whiskey and brandy of all kinds, and imitations thereof, shall be held to contain the following quantities (subject to the provisions for addition or deduction in respect of the degree of strength), namely: Bottles, flasks and packages, containing not more than one-eighth of a gallon per dozen as one-eighth of a gallon per dozen; Bottles, flasks and packages, containing more than one-eighth of a gallon but not more than one-sixth of a gallon per dozen, as one-sixth of a gallon per dozen; Bottles, flasks and packages, containing more than one-sixth of a gallon but not more than one-fourth of a gallon per dozen, as one-fourth of a gallon per dozen; Bottles, flasks and packages, containing more than one-fourth of a gallon but not more than one-half of a gallon per dozen, as one-half of a gallon per dozen; Bottles, flasks and packages, containing more than one-half of a gallon but not more than three-fourths of a gallon per dozen, as three-fourths of a gallon per dozen; Bottles, flasks and packages, containing more than three-fourths of a gallon but not more than one gallon per dozen, as one gallon per dozen; Bottles, flasks and packages, containing more than one gallon but not more than one and one-half gallons per dozen, as one and one-half gallons per dozen; Bottles, flasks and packages, containing more than one and one-half gallons but not more than two gallons per dozen, as two gallons per dozen; Bottles, flasks and packages, containing more than two gallons but not more than two and four-fifths gallons per dozen, as two and four-fifths gallons per dozen; Bottles, flasks and packages, containing more than two and four-fifths gallons but not more than three gallons per dozen, as three gallons per dozen; Bottles, flasks and packages, containing more than three gallons but not more than three and one-fifth gallons per dozen, as three and one-fifth gallons per dozen. Bottles or phials of liquors for special purposes, such as samples not for sale to the trade, may be entered for duty according to actual measurement, under regulations prescribed by the Minister.			
180*a*	Photographs, *negatives and exposed film*, for use only as news illustrations, under *such* regulations *as the Minister may prescribe*.....	Free	Free	Free

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
296*g*	Sodium calcium borate ore for use as a fire retardant.	Free	Free	25 p.c.
	On and after July 1, *1961*	15 p.c.	20 p.c.	25 p.c.
351*c*	Brass wire *for the manufacture* of fourdrinier wire or of paper-machine wire cloth	Free	15 p.c.	35 p.c.
399*a*	Pipes or tubes of iron or steel, commonly known as "oil-country goods", being casing or tubing and fittings or couplings therefor; *sucker rods, pony rods, polished rods and couplings therefor; all of the foregoing* for use in connection with natural gas or oil wells	5 p.c.	10 p.c.	20 p.c.
409*f*	Animal clippers; Automatic stock watering devices; Barn hay forks, carriage, pulleys and track; Barn litter carriers and track; *Combination excavating and transporting scraper units*; Egg cooling cabinets; Elevators (other than storage elevators); Grain crushers; Grain or hay dryers; Grain or hay grinders; Grain loaders; Gravity discharge farm wagon boxes; Hitches and couplings; Hydraulic hoists for unloading vehicles; Land levellers; Machines and tools for use on tractors, including blades, loaders, rippers, rakes and related operating and controlling gear; Milk coolers; Sodium metabisulphite; Sprinkler irrigation systems; Steel stanchions for confining livestock either in pens or individually, and complete equipment for milking parlors; All the foregoing for use on the farm for farm purposes only; Brooders; Ensilage cutters; Fodder or feed cutters; Hay loaders; Hay tedders; Post hole diggers; Potato diggers; Potato planters; Snaths; Stumping machines; All other agricultural implements or agricultural machinery, n.o.p.; Parts of all the foregoing	Free	Free	Free
414*a*	Parts of typewriters	Free	15 p.c.	25 p.c.
423a	*Chiropody chairs and parts thereof*	Free	Free	35 p.c.
427	(*1*) All machinery composed wholly or in part of iron or steel, n.o.p.; parts of the foregoing	10 p.c.	22½ p.c.	35 p.c.
	(*2*) *Seed and grain cleaning machines of screen and air blast type with a capacity not exceeding 100 bushels per hour; parts of the foregoing*	10 p.c.	15 p.c.	35 p.c.

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
427 (conc.)	(3) *Industrial trucks, gas or gasoline powered, commonly known as "fork-lift" or "lift" trucks, for the movement of goods, having maximum lifting capacities, when equipped with forks, from four thousand pounds to sixteen thousand pounds, inclusive, at a load centre of twenty-four inches from the face of the forks, n.o.p.; accessories and attachments therefor; parts of the foregoing*	10 p.c.	22½ p.c.	35 p.c.
	(4) *Machines, commonly known as convertible power cranes or shovels, crawler mounted, with nominal dipper capacities as shovels from three-eighth to two and one-half cubic yards inclusive, n.o.p.; parts of the foregoing.*	10 p.c.	22½ p.c.	35 p.c.
	(5) *Machines, commonly known as convertible power cranes or shovels, truck or wagon mounted, with nominal dipper capacities as shovels from three-eighth to two and one-half cubic yards inclusive, n.o.p.; machines, commonly known as revolving power cranes, truck or wagon mounted, with maximum rated lifting capacities of ten to forty tons inclusive, n.o.p.; parts of the foregoing...*	10 p.c.	22½ p.c.	35 p.c.
	(6) *Paper machines; machines for calendering (not including super-calenders), slitting, reeling, winding and re-winding paper, n.o.p.; driving mechanisms therefor; parts of the foregoing*	10 p.c.	22½ p.c.	35 p.c.
	(7) *Electricity generating sets, consisting essentially of an internal combustion engine and one or more generators mounted on a common base, n.o.p.; parts of the foregoing*	10 p.c.	22½ p.c.	35 p.c.
	(8) *Vending machines for dispensing soft drinks, coin-operated, incorporating mechanical refrigeration; parts of the foregoing*	10 p.c.	22½ p.c.	35 p.c.
437b	*Motor rail cars or units and chassis for same for use on railways for the carriage of passenger, baggage, mail or express traffic, and parts thereof*	Free	Free	35 p.c.
438b	Bearings, clutch release, with or without collar attached; Bearings, graphite; Bearings, steel or bronze backed, with non-ferrous metal lining, parts and materials therefor; Bearings, steering knuckle thrust; Bushings or sleeve bearings of bronze or powdered metal; Bushings, graphited or oil impregnated; Ceramic insulator spark plug cores not further manufactured than burned and glazed, printed or decorated or not, without fittings; Collars, crankshaft thrust; Compressors and parts thereof, air; Commutator copper segments; commutator insulating end rings; Tapered discs of hot-rolled steel, with or without centre hole, for disc wheels; Diaphragms for fuel and vacuum pumps; Distributor rotors and cam assemblies; Door bumper shoes; Electric wiring terminals, sockets, fittings and connectors and parts and combinations thereof, including brackets and fittings permanently attached thereto, but not to include battery terminals; Gaskets of any material except cork or felt, composite or not, parts and materials therefor; Ignition contact points;			

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
438*b* (conc.)	Keys for shafting; Auxiliary driving control kits, designed for attachment to motor vehicles to facilitate their operation by physically disabled persons, and parts thereof; Laminated composition plastic timing gear blanks; Lenses of glass for motor vehicle lamps and for light reflectors; Lock washers; Magnetic plugs; *Metal frames for convertible soft tops*; *Permanent mould pistons for brake master cylinders*; Piston ring castings in the rough, with or without gates and fins removed; Propeller shaft tubes of steel bonded by rubber; Rails of lock seam section, corners, locks and catches, unplated ventilators and parts thereof, the foregoing being of metal other than aluminum, for the manufacture of window sashes for bus bodies; Shift control, electric, for two speed rear axles; Steel bolts, studs, plugs, rivets or nuts, capped with stainless steel, and parts thereof; Switches, relays, circuit breakers and solenoids and combinations and parts thereof, including starter switch assemblies; Synchronizing cones or blocking rings for transmissions; Vacuum, hydraulic or air control assemblies and parts thereof; Vulcanized fibre in sheets, rods, strips and tubings; Parts for all the foregoing; All of the foregoing for use in the manufacture or repair of goods enumerated in tariff items 410*a* (*iii*), *411a*, 424 and438*a*, or for use in the manufacture of parts therefor:			
	1. When of a class or kind not made in Canada.....	Free	Free	30 p.c.
	2. When a class or kind made in Canada.....	Free	17½ p.c.	30 p.c.
438*c*	Ammeters; Arm rests and wheel housing lining of indurated fibre, pressed to shape; Axle housings, one piece welded, machined or not, including parts welded thereto; Carburetors; Chassis frames and steel shapes for the manufacture thereof; Cigar and cigarette lighters, whether in combination with a cigarette holder or not, including base; *Composite frame and floor structure of metal in the rough;* Control ventilator gear box; Cylinder lock barrels, with or without sleeves and keys therefor; Dash heat indicators; Engine speed governor units; External ornaments unplated, including name plates, letters and numerals, but not including finish or decorative mouldings; Fluid couplings with or without drive plate assemblies: Gauges, gasoline, oil or air; Grilles not plated, polished or not before assembly, and parts thereof not plated or polished after final forming, casting or piercing, not including added finish or decorative mouldings; Hinges, finished or not, for bodies; Horns; Instrument bezel assemblies; instrument board lamps; instrument panel, glove compartment, luggage compartment, hood compartment and door step lamps and wire assemblies;			

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
438*c* (cont.)	Instrument board panels of moulded or laminated glass fibres and plastic; Locks, electric ignition, steering gear, transmission, or combination of such locks; Mouldings of metal, with nails or prongs set in position, lead filled or not; Oil filter parts, namely: perforated filter refill oil board bodies, refill end discs, and roll-seam perforated tubes; Ornaments and identification plates of metal, unplated, not including finished or decorative mouldings; Pipe lines of tubing, rigid, covered or not, with or without fittings, and tubing therefor; Purifiers for gasoline, including brackets and fittings therefor; Radiator shutter assemblies, automatic; Radiator water gauges; Radiator shells not plated nor metal finished in any degree; Shackles, bearing spring; Speedometers; Spring covers of metal and closing strips or shapes therefor; Stampings, body, cowl, fender, front end, hood, instrument board, shields and baffles, of *plain or coated* metal, in the rough, trimmed or not, whether or not welded in any manner before final forming or piercing, but not metal finished in any degree, *including such stampings incorporating pierce or clinch nuts;* Steering wheels, rims and spiders therefor; Sun visor blanks of gypsum weatherboard; Tachometers, with or without tachographs, both electric and gear driven; Thermostatic controls; Throttle, spark, choke, and hood lock release assemblies, including buttons therefor; Torque convertors; Auxiliary transmission overdrive units and controls therefor; Universal joint ball assemblies; Windshield and window wipers; Parts of all the foregoing, including brackets, fittings and connections therefor; All of the foregoing when for use in the manufacture or repair of the goods enumerated in tariff items 410*a* (*iii*), 411*a*, 424 and 438*a*, or for use in the manufacture of parts therefor.....	Free	17½ p.c.	30 p.c.
	(1) If the above articles, when of a class or kind not made in Canada, are for use as original equipment by a manufacturer of passenger automobiles (having a seating capacity for not more than ten persons each) enumerated in tariff item 438*a*, whose total factory output, during the year in which importation is sought, does not exceed ten thousand such complete passenger automobiles, and if not less than forty per cent of the factory cost of production of such automobiles, not including duties and taxes, is incurred in the British Commonwealth, the rates of duty under this item shall be.....	Free	Free	25 p.c.
	(2) If the above articles, when of a class or kind not made in Canada, are for use as original equipment by a manufacturer of passenger automobiles (having a seating capacity for not more than ten persons each) enumerated in tariff item 438*a*, whose total factory output, during the year in which importation is			

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
438*c* (conc.)	sought, exceeds ten thousand, but does not exceed twenty thousand such complete passenger automobiles, and if not less than fifty per cent of the factory cost of production of such automobiles, not including duties and taxes, is incurred in the British Commonwealth, the rates of duty under this item shall be..	Free	Free	25 p.c.
	(3) If the above articles, when of a class or kind not made in Canada, are for use as original equipment by a manufacturer of passenger automobiles (having a seating capacity for not more than ten persons each) enumerated in tariff item 438*a*, whose total factory output, during the year in which importation is sought, exceeds twenty thousand such complete passenger automobiles, and if not less than sixty per cent of the factory cost of production of such automobiles, not including duties and taxes, is incurred in the British Commonwealth, the rates of duty under this item shall be.....	Free	Free	25 p.c.
	(4) If the above articles, when of a class or kind not made in Canada, are for use as original equipment by a manufacturer of motor trucks, motor buses, electric trackless trolley buses, fire fighting vehicles, motor ambulances, and hearses, or chassis for same, as enumerated in tariff items 410*a*(*iii*), *411a*, 424 and 438*a*, whose total factory output of such vehicles during the year in which importation is sought, does not exceed ten thousand such vehicles, and if not less than forty per cent of the factory cost of production of such vehicles, not including duties and taxes, is incurred in the British Commonwealth, the rates of duty under this item shall be.....	Free	Free	25 p.c.
	(5) If the above articles, when of a class or kind not made in Canada, are for use as original equipment by a manufacturer of motor trucks, motor buses, electric trackless trolley buses, fire fighting vehicles, motor ambulances and hearses, or chassis for same, as enumerated in tariff items 410*a*(*iii*), *411a*, 424 and 438*a*, whose total factory output of such vehicles during the year in which importation is sought, exceeds ten thousand units, and if not less than fifty per cent of the factory cost of production of such vehicles, not including duties and taxes, is incurred in the British Commonwealth, the rates of duty under this item shall be.....	Free	Free	25 p.c.
	(6) If the above articles are of a class or kind not made in Canada, and are for use in the repair of the goods enumerated in tariff items 410*a*(*iii*), *411a*, 424 and 438*a*, or are for use in the manufacture of repair parts therefor, the rates of duty under this item shall be.....	Free	Free	25 p.c.
	The Governor in Council may make such regulations, if any, as are deemed necessary for carrying out the provisions of this item.			
438*d*	Axles, front and rear; Bell or clutch housings for vehicles having a gross vehicle weight rating of over 19,500 pounds; Brakes; Brake drums; Clutches; Drive shafts; Fuel pumps;			

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
438*d* (conc.)	Hubs; Hydraulic or fluid couplings; Internal combustion engines of 349 cubic inches and over in displacement; Linkages and controls for use with clutches, transmission assemblies, power dividers or transfer cases, when the main assemblies are of a class or kind not made in Canada; Magnetos; Power dividers or transfer cases; Rims for pneumatic tires; Spring shrouds, spring seats, and spring anchor plates of metal for vehicles having a gross vehicle weight rating of over 19,500 pounds; Steel road wheels; Steering drag links for vehicles having a gross vehicle weight rating of 20,000 pounds or over; Steering gears; Tandem axle suspensions, not to include springs; Transmission assemblies; Universal joints; Parts of the foregoing;			
	All of the foregoing when of a class or kind not made in Canada, and			
	(1) For the manufacture of motor trucks, motor buses, electric trackless trolley buses, fire fighting vehicles, ambulances, hearses, and the chassis for same.....	Free	17½ p.c.	27½ p.c.
	(2) For use as original equipment for motor trucks, motor buses, electric trackless trolley buses, fire fighting vehicles, ambulances, hearses, or for chassis for same, by a manufacturer of the goods enumerated in tariff items 410*a*(*iii*), 411*a*, 424 and 438*a*, and during the year in which importation is sought, not less than forty per cent of the factory cost of production of such vehicles and chassis therefor, not including duties and taxes, is incurred in the British Commonwealth, the rates of duty under this item shall be.....	Free	Free	27½ p.c.
	(3) For use in the repair of motor trucks, motor buses, fire fighting vehicles, ambulances, hearses and electric trackless trolley buses, or for chassis for same or for use in the manufacture of repair parts therefor, the rates of duty under this item shall be.	Free	Free	27½ p.c.
	The Governor in Council may make such regulations, if any, as are deemed necessary for carrying out the provisions of this item.			
438*e*	Internal combustion engines of 348 cubic inches and under in displacement; Parts of the foregoing;			
	All of the foregoing when of a class or kind not made in Canada, and			
	(1) For the manufacture of motor trucks, motor buses, electric trackless trolley buses, fire fighting vehicles, ambulances, hearses, and the chassis for same.....	Free	17½ p.c.	27½ p.c.

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
438*e* (conc.)	(2) For use as original equipment for motor trucks, motor buses, electric trackless trolley buses, fire fighting vehicles, ambulances, hearses, or for chassis for same, by a manufacturer of the goods enumerated in tariff items *410a(iii)*, *411a*, 424 and 438*a*, and during the year in which importation is sought, not less than forty per cent of the factory cost of production of such vehicles and chassis therefor, not including duties and taxes, is incurred in the British Commonwealth, the rates of duty under this item shall be.....	Free	7½ p.c.	27½ p.c.
	(3) For use in the repair of motor trucks, motor buses, fire fighting vehicles, ambulances, hearses and electric trackless trolley buses, or for chassis for same or for use in the manufacture of repair parts therefor, the rates of duty under this item shall be.	Free	7½ p.c.	27½ p.c.
	The Governor in Council may make such regulations, if any, as are deemed necessary for carrying out the provisions of this item.			
438*f*	(1) Parts, n.o.p., electro-plated or not, whether finished or not, for automobiles, motor vehicles, electric trackless trolley buses, fire fighting vehicles, ambulances and hearses, or chassis enumerated in tariff items 424 and 438*a*, including engines, but not to include *ball or roller bearings*, wireless receiving sets, die castings of zinc, electric storage batteries, parts of wood, tires and tubes or parts of which the component material of chief value is rubber.....	Free	25 p.c.	35 p.c.
440*c*	Racing shells or oars therefor, when imported by amateur rowing clubs for use exclusively by such clubs.....	Free	20 p.c.	25 p.c.
440*k*	(1) Engines and parts thereof, n.o.p., for use in boats used exclusively in commercial fishing operations under such regulations as the Minister may prescribe	Free	Free	15 p.c.
	(2) Materials and articles for the manufacture or repair of the engines provided for in item 440k(1).....	Free	Free	15 p.c.
446*e*	*Steel shapes, including* steel balls not larger than three-eighths inch in diameter, *for burnishing*.....	Free	7½ p.c.	10 p.c.
462*d*	Cinematograph and motion picture cameras for use by professional motion picture producers having studios in Canada equipped for motion picture production; parts of the foregoing.....	Free	Free	15 p.c.
	On and after July 1, *1961*	Free	9 p.c.	15 p.c.
462*i*	Optical sound equipment; Dollies, or other mobile mounting units for motion picture cameras; Booms, without wiring, for use with microphones; Motion picture editing equipment, namely: film editing machines, film splicers, film synchronizers, film viewers, rewinds; Parts of the foregoing; All the foregoing when for use in the production of motion pictures by professional producers having studios in Canada equipped for motion picture production.....	Free	Free	15 p.c.
	(Expires July 1, *1961*).			
479	*Orthopedic highchairs and parts thereof*.....	Free	Free	Free

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
502	Felloes of hickory or oak, not further manufactured than rough sawn or bent to shape; Hub, wagon, oar and gun blocks, and all like blocks or sticks, rough hewn or sawn only; Last blocks, *not further manufactured than* sawn, rough hewn *or rough turned*; Mexican saddle trees and stirrups of wood; Scale board for cheese; Shingles of wood; Spokes of hickory or oak, not further manufactured than rough turned, and not tenoned, mitred or sized; Staves of oak, sawn, split or cut, not further manufactured than listed or jointed; Treenails.....	Free	Free	Free
502*c*	Wooden handles or stems for handles, not further manufactured than turned, for use in the manufacture of the goods enumerated in tariff item 431....	Free	Free	Free
505*a*	Ponderosa pine lumber (pinus ponderosa), California sugarpine lumber (pinus Lambertiana) and *California redwood lumber (sequoia semper virens)*, not further manufactured than the product of a planing machine with various profile attachments.....	Free	Free	25 p.c.
611*a*	(*4*) *Conductive shoes for use in hospitals*..... *On and after July 1, 1961*	Free 20 p.c.	Free 27½ p.c.	40 p.c. 40 p.c.
682	Fish hooks, for deep-sea or lake fishing, not smaller in size than number 2.0; Fishing nets and nettings of all kinds; *Lures, jiggers and artificial baits*; *Metal panel devices for use in keeping nets open*; Metal swivels, of a class or kind not made in Canada; Net and line floats of any material except wood; Specially designed needles of a class or kind not made in Canada for use in repairing fish nets; Threads, twines, marlines, fishing lines, rope and cordage, not exceeding one and one-half inches in circumference; All the foregoing for use in commercial fishing, under such regulations as the Minister may prescribe; Carapace measures of any material.....	Free	Free	Free
691	(1) Communion sets; oil stocks; crosiers; benitiers; sprinklers; incensers; incense boats; baptismal shells or fonts; scapulars; chapelets; rosaries; religious statues, statuettes, medals and crosses; *religious figures and plaques, mounted or not*; Scroll sets; Chanuka candlesticks; Kiddush sets; Mezuzah boxes; Havdalah sets; Seder plates; parts of the foregoing.....	Free	Free	Free
696*a*	Moving picture films, sound or silent, separate sound film track, slides and slide films, positive or negative, *and sound recordings for use therewith*; *Sound recordings for use by educational, scientific or cultural institutions or societies*; Sound recordings other than for sale or rental; Models, static and moving; Wall charts, maps and posters; *All the foregoing* when certified by the Government or by a recognized representative authority of the Government of the country of production or by an appropriate representative of the United Nations Educational, Scientific and Cultural Organization as being of an international educational, scientific or cultural character; Under such regulations as the Minister may prescribe..	Free	Free	Free

C-45.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-45.

An Act to amend the Excise Act.

First reading, May 8, 1959.

THE MINISTER OF FINANCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21125-0

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-45.

An Act to amend the Excise Act.

R.S., cc. 99, 319; 1952-53, c. 34; 1953-54, c. 35; 1957, c. 25.

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

R.S., c. 319, s. 12.

1. Subsection (1) of section 1 of Part I of the Schedule to the *Excise Act* is repealed and the following substituted therefor:

"1. (1) On every gallon of the strength of proof distilled in Canada, except as hereinafter otherwise provided, thirteen dollars, and so in proportion for any greater or less strength than the strength of proof and for any less quantity than a gallon."

R.S., c. 319, s. 12.

2. Section 1 of Part II of the Schedule to the said Act is repealed and the following substituted therefor:

"1. On every gallon of the strength of proof, eleven dollars, and so in proportion for any greater or less strength than the strength of proof and for any less quantity than a gallon."

R.S., c. 319, s. 12.

3. Section 4 of Part V of the Schedule to the said Act is repealed and the following substituted therefor:

"4. Cigars, two dollars per thousand."

Coming into force.

4. This Act shall be deemed to have come into force on the 10th day of April, 1959.

Explanatory Notes.

The purpose of this Bill is to implement the Budget Resolution on the Excise Act.

1. The present provision is as follows:

"1. (1) On every gallon of the strength of proof distilled in Canada, except as hereinafter otherwise provided, *twelve* dollars, and so in proportion for any greater or less strength than the strength of proof and for any less quantity than a gallon."

2. The present provision is as follows:

"1. On every gallon of the strength of proof, *ten* dollars, and so in proportion for any greater or less strength than the strength of proof and for any less quantity than a gallon."

3. The present provision is as follows:

"4. Cigars, *one dollar* per thousand."

C-46.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-46.

An Act to amend the Old Age Security Act.

First reading, May 8, 1959.

MINISTER OF FINANCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21145-8

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-46.

An Act to amend the Old Age Security Act.

R.S., c. 200; 1957, c. 14, 1957-58, c. 3.

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 10 of the *Old Age Security Act* is repealed and the following substituted therefor:

Old Age Security tax.

"**10.** (1) There shall be imposed, levied and collected an Old Age Security tax of three per cent on the sale price of all goods in respect of which tax is payable under section 30 of the *Excise Tax Act*, at the same time, by the same persons and subject to the same conditions as the tax payable under that section."

(2) This section shall be deemed to come into force on the 10th day of April, 1959, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day, and to have applied to goods previously imported for which no entry for consumption was made before that day.

2. (1) Subsection (3) of section 10 of the said Act is repealed and the following substituted therefor:

Tax payable by individuals.

"(3) Every individual liable to pay tax under Part I of the *Income Tax Act* for a taxation year shall pay an Old Age Security tax for the year equal to the lesser of

(*a*) three per cent of the taxpayer's taxable income for the year; or

(*b*) ninety dollars."

(2) This section is applicable to the 1959 and subsequent taxation years, except that for the 1959 taxation year paragraphs (*a*) and (*b*) of subsection (3) of section 10 of the said Act shall be read as follows:

EXPLANATORY NOTES.

The purpose of this Bill is to implement the Budget Resolution to amend the *Old Age Security Act.*

Clause 1: This amendment substitutes a rate of 3% for the present rate of 2% on all sales subject to the general sales tax imposed under the *Excise Tax Act.*

Clause 2: (1) This amendment substitutes a rate of 3% with a maximum of $90 for the present rate of 2% with a maximum of $60 on the taxable income of individuals.

(2) This provides the rates of tax on taxable income of individuals for the 1959 taxation year.

(*a*) two and one-half per cent of the taxpayer's taxable income for the year; or

(*b*) seventy-five dollars.

3. (1) Subsection (5) of section 10 of the said Act is repealed and the following substituted therefor:

Tax payable by corporations.

"(5) Every corporation liable to pay tax under Part I of the *Income Tax Act* for a taxation year, other than a corporation liable to pay tax under section 70 of that Act, shall pay an Old Age Security tax for the year equal to three per cent of its taxable income for the year."

(2) This section is applicable to the 1959 and subsequent taxation years, but where a corporation has a taxation year part of which is before and part of which is after the commencement of 1959, the tax payable by the corporation under subsection (5) of section 10 of the said Act for that taxation year is the aggregate of

(*a*) that proportion of the tax computed under subsection (5) of section 10 of the said Act as it was before being amended by this section that the number of days in that portion of the taxation year that is in 1958 is of the number of days in the whole taxation year, and

(*b*) that proportion of the tax computed under subsection (5) of section 10 of the said Act as amended by this section that the number of days in that portion of the taxation year that is in 1959 is of the number of days in the whole taxation year.

Clause 3: This amendment substitutes a rate of 3% for the present rate of 2% on the taxable income of corporations.

C-47.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-47.

An Act to amend the Excise Tax Act.

First reading, May 13, 1959.

THE MINISTER OF FINANCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21129-2

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-47.

R.S., cc. 100, 320; 1952-53, c. 35; 1953-54, c. 56; 1955, c. 53; 1956, c. 37; 1957, c. 26; 1957-58, c. 14; 1958, c. 30.

An Act to amend the Excise Tax Act.

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 2 of the *Excise Tax Act* is amended by re-lettering paragraph (*a*) thereof as paragraph (*aa*) and by inserting immediately before the said paragraph the following paragraph:

"Cosmetics."

"(*a*) "cosmetics" means articles, materials or preparations of whatever composition or in whatever form, commonly or commercially known as toilet articles, preparations or cosmetics, which are intended for use or application for toilet purposes, or for use in connection with the care of the human body, including the hair, nails, eyes, teeth, or any other part or parts thereof, whether for cleansing, deodorizing, beautifying, preserving or restoring, and including shaving soaps and shaving creams, antiseptics, bleaches, depilatories, perfumes, scents and similar preparations;"

(2) Paragraph (*aa*) of subsection (1) of section 2 of the said Act, as re-lettered by subsection (1) of this section, is amended by adding thereto, immediately after subparagraph (iii) thereof, the following subparagraph:

"(iv) a person who sells, otherwise than in a retail store exclusively and directly to consumers, cosmetics or pharmaceuticals that were not manufactured by him but to which, pursuant to an arrangement with the actual manufacturer or producer thereof, there has been applied the trade mark or trade name used by such person in association with such articles or any other mark or name designated by him;"

Explanatory Notes.

The purpose of this Bill is to implement the Budget Resolution to amend the *Excise Tax Act* and to make a number of administrative changes.

1. (1) The definition of "cosmetics" is new, but is in the same terms as the present item 2 in Schedule I to the Act.

(2) This amendment extends the meaning of "manufacturer or producer". It implements paragraph 5 of the *Excise Tax Act* Resolution.

(3) Subsection (1) of section 2 of the said Act is further amended by adding thereto, immediately after paragraph (*c*) thereof, the following paragraph:

"Pharmaceuticals."

"(*cc*) "pharmaceuticals" means any material, substance, mixture, compound or preparation, of whatever composition or in whatever form, sold or represented for use in the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal, or for restoring, correcting or modifying organic functions in man or animal;"

2. (1) The said Act is further amended by adding thereto, immediately after Part I thereof, the following heading and sections:

"

PART II

Export Duty on Electricity.

Export duty on electric power.

8. Every person who exports electric power from Canada by a line of wire or other conductor shall pay an export duty of three one-hundredths of one cent per kilowatt hour on all electric power so exported by him.

Regulations.

9. The Governor in Council may make regulations respecting the time and manner in which the duty imposed by this Part shall be paid, requiring persons exporting electric power to furnish returns and information for the purposes of this Part and generally for giving effect to the purposes and provisions of this Part.

Application of Act.

10. Subsection (1) of section 50 and section 54 apply in respect of the export duty imposed by this Part, but otherwise the provisions of any Part of this Act other than this Part do not apply to such duty."

1955, c. 14.

(2) Section 4 of the *Exportation of Power and Fluids and Importation of Gas Act* is repealed.

Commencement.

(3) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

1953-54, c. 56, s. 3.

3. Paragraph (*b*) of subsection (2) of section 22 of the said Act is repealed and the following substituted therefor:

"(*b*) in calculating the duty paid value of imported goods that, when imported, are wrapped, packaged, put up in boxes or bottles or otherwise prepared for sale, there shall be added to the value of the goods as determined in the manner prescribed in this Part the value, similarly determined, of the wrapper, package, box, bottle or other container in which the goods are contained."

(3) New.

2. The purpose of the new Part is to transfer to this Act the export duty now in effect under the *Exportation of Power and Fluids and Importation of Gas Act*, chapter 14 of the statutes of 1955.

3. The present provision reads as follows:

"(*b*) in calculating the duty paid value of imported goods that, when imported, are wrapped, packaged, put up in boxes or bottles or otherwise prepared for sale, there shall be added to the value of the goods as determined in the manner prescribed in this Part the value, similarly determined, of the wrapper, package, box, bottle or other container in which the goods are contained, *and such wrapper, package, box, bottle or other container, shall be deemed to be subject to the same rate of duty as the goods contained therein.*"

The amendment will remove the requirement that for purposes of the special excise taxes the packages in which imported goods are packed must be deemed to be subject to the same rate of customs duty as their contents.

1957, c. 26, s.4.

4. (1) Subparagraph (v) of paragraph (*e*) of subsection (1) of section 29 of the said Act is repealed and the following substituted therefor:

"(v) any person who wraps, packages, puts up in boxes or otherwise prepares for sale, candy, chocolate, chewing gum or confectionery that may be classed as candy or a substitute for candy, or cosmetics or pharmaceuticals, otherwise than in a retail store for the purpose of sale in such store exclusively and directly to consumers; and"

1953-54, c. 56, s. 6(2).

(2) Paragraph (*b*) of subsection (3) of section 29 of the said Act is repealed and the following substituted therefor:

"(*b*) in calculating the duty paid value of imported goods that, when imported, are wrapped, packaged, put up in boxes or bottles or otherwise prepared for sale, there shall be added to the value of the goods as determined in the manner prescribed in this Part the value, similarly determined, of the wrapper, package, box, bottle or other container in which the goods are contained; and"

5. (1) Paragraph (*c*) of subsection (1) of section 30 of the said Act is repealed and the following substituted therefor:

"(*c*) sold by a licensed wholesaler, payable by him at the time of delivery to the purchaser, and the tax shall be computed

(i) on the duty paid value of the goods, if they were imported by the licensed wholesaler, or

(ii) on the price for which the goods were purchased by the licensed wholesaler, if they were not imported by him, and such price shall include the amount of the excise duties on goods sold in bond; or

(*d*) retained by a licensed wholesaler for his own use or for rental by him to others, payable by the licensed wholesaler at the time the goods are put to his own use or first rented to others, and the said tax shall be computed

(i) on the duty paid value of the goods, if they were imported by the licensed wholesaler, or

(ii) on the price for which the goods were purchased by the licensed wholesaler, if they were not imported by him, and such price shall include the amount of the excise duties on goods sold in bond."

4. (1) The present provision is as follows:

"(v) any person who wraps, packages, puts up in boxes or otherwise prepares for sale, candy, chocolate, chewing gum or confectionery that may be classed as candy or a substitute for candy, otherwise than in a retail store for the purpose of sale in such store; and"

This amendment will implement paragraph 4 of the *Excice Tax Act* Resolution.

(2) The present provision reads as follows:

"(*b*) in calculating the duty paid value of imported goods that, when imported, are wrapped, packaged, put up in boxes or bottles or otherwise prepared for sale, there shall be added to the value of the goods as determined in the manner prescribed in this Part the value, similarly determined, of the wrapper, package, box, bottle or other container in which the goods are contained, *and such wrapper, package, box, bottle or other container shall be deemed to be subject to the same rate of duty as the goods contained therein; and*"

This amendment will make the same change in relation to sales tax as is provided for in clause 3 in relation to special excise taxes.

5. (1) Paragraph (*c*) now reads as follows:

"**30.** (1) There shall be imposed, levied and collected a consumption or sales tax of eight per cent on the sale price of all goods

.....

"(*c*) sold by a licensed wholesaler, payable by the vendor at the time of delivery by him, and the said tax shall be computed on the duty paid value of goods imported or if the goods were manufactured or produced in Canada, on the price for which the goods sold were purchased by the said licensed wholesaler and the said price shall include the amount of the excise duties on goods sold in bond."

The proposed change to paragraph (*c*) is intended for clarification. The proposed new paragraph (*d*) will implement paragraph 6 of the *Excise Tax Act* Resolution.

(2) Paragraphs (*c*) and (*d*) of subsection (2) of section 30 of the said Act are repealed and the following substituted therefor:

"(*c*) imported by a licensed wholesaler otherwise than for his own use or for rental to others, on importation;

(*d*) sold by a licensed manufacturer to a licensed wholesaler otherwise than for his own use or for rental to others;"

6. Section 34 of the said Act is repealed and the following substituted therefor:

Manufacturers' licences.

"**34.** (1) Subject to this section, every manufacturer or producer shall apply for a licence for the purposes of this Part.

Exemption.

(2) The Minister may grant a licence to any person applying therefor under subsection (1), but he may direct that any class of small manufacturer or producer selling his product exclusively by retail shall be exempt from payment of consumption or sales tax on goods manufactured or produced by him and persons so exempted are not required to apply for a licence.

Withdrawal of exemption.

(3) An exemption granted by the Minister under subsection (2) may be withdrawn by the Minister at any time.

Cancellation of licences issued under this Part.

(4) The Minister may cancel a licence issued under this Part if, in his opinion, it is no longer required for the purposes of this Part."

7. Section 35 of the said Act is amended by adding thereto the following subsection:

Cancellation of bond.

"(8) Notwithstanding that a bond of a guarantee company given under this section has been cancelled, the bond shall be deemed to remain in force in relation to all goods in the possession of the licensed wholesaler at the time of cancellation."

8. Section 43 of the said Act is amended by adding thereto the following subsection:

Cancellation of licences.

"(3) The Minister may cancel a licence issued under this section if, in his opinion, it is no longer required for the purposes of this Act."

9. Subsection (2) of section 46 of the said Act is repealed and the following substituted therefor:

Refund on goods sold to province if exempt from tax.

"(2) Where goods have been purchased by Her Majesty in right of any province of Canada for any purpose other than

(*a*) re-sale;

(2) Paragraphs (*c*) and (*d*) now read as follows:

"**30.** (2) Notwithstanding anything in subsection (1), the consumption or sales tax shall not be payable on goods

.....

(*c*) imported by a licensed wholesaler, on importation;

(*d*) sold by a licensed manufacturer to a licensed wholesaler;"

The addition of the underlined words is consequential upon the new paragraph (*d*) added by clause 5.

6. The present section 34 reads as follows:

"**34.** (1) Every manufacturer or producer shall take out a licence for the purposes of this Part.

(2) The Minister may nevertheless direct that any class of small manufacturer or producer selling his product exclusively by retail shall be exempt from payment of consumption or sales tax on goods manufactured or produced by him and persons so exempted shall not be given a licence.

(3) Such exemption may be withdrawn by the Minister."

The amendment will provide for cancellation of licences issued under Part VI, and will bring section 34 into line with section 43 as amended.

7. The proposed new subsection will provide for continuation of a cancelled guarantee bond in relation to goods then on hand.

8. The proposed new subsection will provide for cancellation of licences under Parts IV and V.

9. Subsection (2) of section 46 now provides:

"(2) A refund of taxes paid under Part IV, V or VI may be granted to a manufacturer, producer, wholesaler, jobber or other dealer on goods sold to Her Majesty in right of any province of Canada if the said goods are purchased by Her Majesty, for any purpose other than

(*a*) re-sale;

(*b*) to be used by any board, commission, railway, public utility, university, manufactory, company or agency owned, controlled or operated by the government of the province or under the authority of the legislature or the Lieutenant-Governor in Council; or

(*c*) to be used by Her Majesty or by Her agents or servants in connection with the manufacture or production of goods or to be used for other commercial or mercantile purposes."

The purpose of the proposed amendment is to authorize payment of refunds directly to the provinces.

(*b*) to be used by any board, commission, railway, public utility, university, manufactory, company or agency owned, controlled or operated by the government of the province or under the authority of the legislature or the Lieutenant-Governor in Council; or

(*c*) to be used by Her Majesty or by Her agents or servants in connection with the manufacture or production of goods or to be used for other commercial or mercantile purposes;

a refund of taxes paid under Part IV, V or VI may be granted to Her Majesty or to the manufacturer, producer, wholesaler, jobber or other dealer as the case may require."

10. The said Act is further amended by adding thereto the following section:

False representations as to use.

"**68.** Where a purchaser of goods from a wholesaler, producer, manufacturer or importer has falsely represented that the goods were intended for a use rendering them exempt from tax under any provision of this Act, the wholesaler, producer, manufacturer or importer, as the case may be, is entitled to recover from the purchaser the taxes paid by him under this Act in respect of those goods."

Schedule II amended.

11. Paragraph (*a*) under the heading "Cigarettes and manufactured tobacco" in Schedule II to the said Act is repealed and the following substituted therefor:.

"(*a*) For each five cigarettes or fraction of five cigarettes contained in any package.....two and one-half cents;"

Schedule III amended.

12. (1) Schedule III to the said Act is amended by striking out the words "Stock conditioners, condiments and feed supplements for addition to poultry, cattle and other stock feeds;" under the heading "Farm and Forest", and by inserting after the item "Feeds for fur-bearing animals whose pelts have commercial value" under the said heading the following item:

"Feed supplements for addition to poultry, cattle and other stock feeds and materials to be used exclusively in the manufacture thereof;"

(2) Schedule III to the said Act is further amended by striking out the item "Tanks for collecting milk, not including chassis or cabs", under the heading "Miscellaneous" and substituting therefor the following item:

"Tanks for collecting milk and materials to be used exclusively in the manufacture thereof, but not including chassis or cabs;"

10. New. The purpose of the amendment is to protect vendors from false statements of use furnished to them by purchasers.

11. This amendment substitutes the words "two and one half cents" for the words "two cents". This implements paragraph 1 of the *Excise Tax Act* Resolution.

12. (1) This implements paragraph 2 of the *Excise Tax Act* Resolution.

(2) This implements paragraph 3 of the *Excise Tax Act* Resolution.

Coming into force.

13. Sections 1, 3, 4, 5, 11 and 12 of this Act shall be deemed to have come into force on the 10th day of April, 1959, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day and to have applied to goods previously imported for which no entry for consumption was made before that day.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-48.

An Act to amend the Income Tax Act.

First reading, May 13, 1959.

THE MINISTER OF FINANCE

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21185-4

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-48.

An Act to amend the Income Tax Act.

R.S., c. 148; 1952-53, c. 40; 1953-54, c. 57; 1955, cc. 54, 55; 1956, c. 39; 1957, c. 29; 1957-58, c. 17; 1958, 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 (*a*) of subsection (1) of section 5 of the *Income Tax Act* is repealed and the following substituted therefor:

"(*a*) the value of board, lodging and other benefits of any kind whatsoever (except the benefit he derives from his employer's contributions to or under a registered pension fund or plan, group life, sickness or accident insurance plan, medical services plan or supplementary unemployment benefit plan) received or enjoyed by him in the year in respect of, in the course of or by virtue of the office or employment; and"

(2) This section is applicable to the 1960 and subsequent taxation years.

2. (1) Section 6 of the said Act is amended by adding thereto, immediately after paragraph (*da*) thereof, the following paragraph:

Portion of premium under certain group insurance policies.

"(*db*) the premium in respect of any period in the year for any excess over $25,000 of the amount of life insurance in effect on the life of the taxpayer during that period under a group insurance policy under which any life insurance was effected on the life of the taxpayer in respect of, in the course of or by virtue of his office or employment or former office or employment, determined as the remainder obtained by

Explanatory Notes.

Clause 1: This amendment adds the underlined words to clarify what is meant by a group insurance plan.

Clause 2: (1) This new paragraph dealing with group life insurance implements paragraph 7 of the Income Tax Resolution which reads as follows:

> "7. That for 1960 and subsequent taxation years there shall be included as income from an office or employment the amount of the benefit which an employee derives by virtue of the payment by his employer of a premium under a group life insurance plan to provide the employee with life insurance coverage to the extent that it is in excess of $25,000."

The computation of the amount of the premium to be added to the income of the taxpayer may be illustrated by the following example:

(i) dividing that proportion of the total premium payable on account of life insurance under the policy in respect of the policy year ending in the year, minus the amount of any dividend or experience rating refund payable on account of life insurance under the policy in respect of the policy year, that the number of days in that period is of the number of days in the policy year, by the mean of the total amount of life insurance in effect under the policy at the commencement of the policy year and the total amount of life insurance so in effect at the end of the policy year,

(ii) multiplying the quotient obtained under subparagraph (i) by the excess over $25,000 of the amount of life insurance in effect on the life of the taxpayer during that period under the policy, and

(iii) subtracting from the product obtained under subparagraph (ii) that proportion of any amount paid by the taxpayer in the year in respect of the amount of life insurance in effect on his life during that period under the policy that the excess over $25,000 of the amount of life insurance so in effect on his life is of the amount of life insurance so in effect on his life,

and in the case of a taxpayer on whose life any life insurance was in effect during any period in the year under more than one such group insurance policy,

(iv) this paragraph shall be read as requiring a separate determination of the amount or amounts, if any, to be included in computing his income for the year in respect of each particular policy, and

(v) the expression "$25,000" in this paragraph shall be read as referring, in respect of a particular policy, to that proportion of $25,000 that the amount of life insurance in effect on the life of the taxpayer during that period under the policy is of the aggregate amount of life insurance in effect on his life during that period under all of the policies;"

(2) Section 6 of the said Act is further amended by striking out the word "and" at the end of paragraph (*l*) thereof, by adding the word "and" at the end of paragraph (*m*) thereof and by adding thereto the following paragraph:

Registered retirement savings plan.

"(*n*) amounts received by the taxpayer in the year under a registered retirement savings plan as provided in section 79B."

(3) Section 6 of the said Act is further amended by adding thereto the following subsection:

EXAMPLE

Assume a group life insurance policy with a policy year ending in 1960 with particulars as follows:

Mean total amount of life insurance in effect under the policy in policy year	$ 1,000,000
Total premium for policy year	8,000
Experience rating refund for policy year	1,000

Assume a taxpayer is covered under this group policy in 1960 as follows:

Amount of life insurance	$ 100,000
Period of coverage January 1 to November 30, 1960	334 days
Premium paid by the taxpayer in 1960	$ 300

Calculation of amount of premium to be included in the taxpayer's income for 1960 is as follows:

(i) total premium payable		$ 8,000
minus experience rating refund		1,000
		7,000
proportion $\frac{334}{365} \times 7{,}000$	=	6,405.48
division $\frac{6{,}405.48}{1{,}000{,}000}$	=	.00640548
(ii) taxpayer's life insurance in excess of $25,000	= $	75,000
multiplying quotient under (i) by excess over $25,000 = .00640548 × 75,000	= $	480.41
(iii) proportion which the taxpayer's life insurance in excess of $25,000 is of his total life insurance multiplied by the premium paid by the taxpayer in 1960		
$\frac{75{,}000}{100{,}000} \times 300 = \$225$		
subtracting (iii) from (ii) = 480.41 − 225	= $	255.41

Amount of premium to be added to taxpayer's income in 1960 = $255.41.

Where the taxpayer is covered under more than one group life insurance policy a separate computation must be made in respect of each policy with the $25,000 exemption pro-rated among the policies.

(2) This new paragraph adds a cross reference. Section 6 of the Act lists the amounts that must be included in computing income and should include a cross reference to amounts received under a registered retirement savings plan.

Reference to policy year ending in taxation year.

"(2) A reference in subparagraph (i) of paragraph (*db*) of subsection (1) to "the policy year" ending in a taxation year shall, where there is no such year ending in the taxation year, be construed as a reference to the period commencing on the anniversary in the immediately preceding taxation year of the date of issue of the policy, or, where there is no such anniversary, on the date of issue of the policy, and ending on the last day in the taxation year on which the policy was in effect."

(4) Subsection (1) is applicable to the 1960 and subsequent taxation years.

3. (1) Subsection (1) of section 11 of the said Act is amended by adding thereto, immediately after paragraph (*cb*) thereof, the following paragraph:

Share transfer and other fees.

"(*cc*) in the case of a taxpayer that is a corporation,

(i) an amount payable in the year as a fee for services rendered by a person as a registrar of or agent for the transfer of shares of the capital stock of the taxpayer or as an agent for the remittance to shareholders of the taxpayer of dividends declared by it,

(ii) an amount payable in the year as a fee to a stock exchange for the listing of shares of the capital stock of the taxpayer, and

(iii) an expense incurred in the year in the course of printing and issuing a financial report to shareholders of the taxpayer or to any other person entitled by law to receive such report;"

(2) Subsection (1) of section 11 of the said Act is further amended by striking out the word "and" at the end of paragraph (*s*) thereof, by adding the word "and" at the end of paragraph (*t*) thereof and by adding thereto the following paragraph:

Transfer of pension fund contributions.

"(*u*) such part of any amount included in computing the income of the taxpayer for the year by virtue of subparagraph (iv) of paragraph (*a*) of section 6 as does not exceed the amount by which

(i) any amount paid by him in the year or within 60 days after the end of the year as a contribution to or under a registered pension fund or plan or as a premium, as defined by section 79B, under a registered retirement savings plan,

exceeds

(ii) the aggregate of the amounts, if any, deductible under paragraph (*i*) or section 79B in computing his income for the year."

(3) This new subsection, stating how a reference to "the policy year" shall be construed in certain circumstances, is consequential upon the amendment relating to group life insurance contained in subclause (1) of this clause.

Clause 3: (1) This new paragraph permits a corporation to deduct in computing income share transfer fees, share listing fees, and expenses of dividend distributions and the printing of financial reports. Deduction of these expenses has been permitted in the past but the right to such a deduction under existing law has been questioned by a recent court decision.

(2) This new paragraph dealing with transfers of pension funds implements paragraph 5 of the Income Tax Resolution which reads as follows:

> "5. That for the 1959 and subsequent taxation years an individual be allowed to deduct in computing income, in addition to the amounts now permitted by the Act, any amount received by him out of a pension fund or plan upon withdrawal or retirement from employment or upon the winding up of the fund, not exceeding the portion thereof that is paid in the year, or within 60 days after the end of the year, as a contribution to a registered pension fund or plan or as a premium under a registered retirement savings plan."

(3) Section 11 of the said Act is further amended by adding thereto, immediately after subsection (3c) thereof, the following subsection:

Uncollectable portion of proceeds of disposition of property.

"(3d) Where an amount that is owing to a taxpayer as or on account of the proceeds of disposition of depreciable property of the taxpayer of a prescribed class as determined for the purpose of section 20 is established by him to have become a bad debt in a taxation year, there may be deducted in computing his income for the year the lesser of

(*a*) the amount so owing to him, or

(*b*) the amount, if any, by which the capital cost to him of that property as determined for the purpose of section 20 exceeds the aggregate of the amounts, if any, realized by him on account of the proceeds of disposition."

(4) Subsection (1) is applicable to the 1955 and subsequent taxation years and subsections (2) and (3) are applicable to the 1959 and subsequent taxation years.

4. (1) Section 14 of the said Act is amended by adding thereto the following subsection:

Idem.

"(3) Notwithstanding subsection (2), for the purpose of computing income for a taxation year the property described in an inventory at the commencement of the year shall be valued at the same amount as the amount at which it was valued at the end of the immediately preceding year for the purpose of computing income for that preceding year."

(2) This section is applicable to the 1958 and subsequent taxation years.

5. (1) Subsection (2) of section 15 of the said Act is repealed and the following substituted therefor:

Fiscal period for individual member of partnership wound up.

"(2) Where an individual was a member of a partnership the affairs of which were wound up during a fiscal period of the partnership, for the purposes of subsection (1), the fiscal period may, if the taxpayer so elects, be deemed to have ended at the time it would have ended if the affairs of the partnership had not been so wound up."

(2) This section is applicable to the 1959 and subsequent taxation years.

6. (1) Paragraph (*a*) of subsection (5) of section 20 of the said Act is repealed and the following substituted therefor:

"(*a*) "depreciable property" of a taxpayer as of any time in a taxation year means property in respect of which the taxpayer has been allowed, or is entitled to, a deduction under regulations made under paragraph (*a*) of subsection (1) of section 11 in computing income for that or a previous taxation year;"

(3) When depreciable property is disposed of for more than its depreciated value there is provision in the Act for recapture of this excess. However, the proceeds of disposition may not always be collected in full by the taxpayer. This new subsection will permit the deduction from income of a certain part of the proceeds of disposition that can be established to have become a bad debt.

Clause 4: (1) This new subsection is intended to make it clear that the figure used as the value of the opening inventory in any year shall be the same as that used as the value of the closing inventory in the immediately preceding year.

Clause 5: This amendment extends the application of the present subsection dealing with the fiscal period of a partnership to all cases where the affairs of the partnership are wound up.

Subsection (2) presently reads as follows:

"(2) Where an individual was a member of a partnership the affairs of which were wound up during a fiscal period of the partnership by reason of the death or withdrawal of a partner or by reason of a new member being taken into the partnership, for the purpose of subsection (1), the fiscal period may, if the taxpayer so elects, be deemed to have ended at the time it would have ended if the affairs of the partnership had not been so wound up."

Clause 6: These amendments reduce the number of words within the quotation marks to make it clear that the definitions in question apply in the context of the present provisions of section 20.

Paragraph (*a*) presently reads as follows:

"(*a*) "depreciable property of a taxpayer" as of any time in a taxation year means property in respect of which the taxpayer has been allowed, or is entitled to, a deduction under regulations made under paragraph (*a*) of subsection (1) of section 11 in computing income for that or a previous taxation year;"

(2) Paragraph (*d*) of subsection (5) of section 20 of the said Act is repealed and the following substituted therefor:

"(*d*) "total depreciation" allowed to a taxpayer before any time for property of a prescribed class means the aggregate of all amounts allowed to the taxpayer in respect of property of that class under regulations made under paragraph (*a*) of subsection (1) of section 11 in computing income for taxation years before that time; and"

(3) All that portion of paragraph (*e*) of subsection (5) of section 20 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

"(*e*) "undepreciated capital cost" to a taxpayer of depreciable property of a prescribed class as of any time means the capital cost to the taxpayer of depreciable property of that class acquired before that time minus the aggregate of"

7. Subsection (1) of section 5 of chapter 39 of the Statutes of 1956 is applicable in respect of amounts paid under any enactment of the Parliament of Canada passed in the year 1959.

8. (1) Subparagraph (vii) of paragraph (*c*) of subsection (1) of section 27 of the said Act is repealed and the following substituted therefor:

"(vii) for or in respect of an artificial limb, iron lung, rocking bed for poliomyelitis victims, wheelchair, crutches, spinal brace, brace for a limb, iliostomy or colostomy pad, truss for hernia, artificial eye or aid to hearing for the taxpayer, his spouse or any such dependant,"

(2) Section 27 of the said Act is further amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

Medical expenses where right to reimbursement under provincial, etc. hospital insurance plan.

"(4a) For the purposes of this Part, there shall not be included in the medical expenses paid by or on behalf of a taxpayer or his legal representative any expenses for which the taxpayer or such representative has been reimbursed or is entitled to be reimbursed under

(*a*) a law of a province with which the Minister of National Health and Welfare has entered into an agreement under section 3 of the *Hospital Insurance and Diagnostic Services Act* that provides for the payment by Canada to the province of contributions in respect of the cost of insured services incurred by the province pursuant to that provincial law, or

Paragraph (*d*) presently reads as follows:

"(*d*) "total depreciation allowed to a taxpayer" before any time for property of a prescribed class means the aggregate of all amounts allowed to the taxpayer in respect of property of that class under regulations made under paragraph (*a*) of subsection (1) of section 11 in computing income for taxation years before that time; and"

The portion of paragraph (*e*) preceding subparagraph (i) presently reads as follows:

"(*e*) "undepreciated capital cost to a taxpayer of depreciable property" of a prescribed class as of any time means the capital cost to the taxpayer of depreciable property of that class acquired before that time minus the aggregate of"

Clause 7: This clause extends to the 1959 taxation year the provision enacted in the 1956 Statutes that children in respect of whom amounts are paid as family assistance to immigrants and settlers shall be classed as children qualified for family allowance for income tax purposes.

Clause 8: (1) This amendment dealing with medical expenses adds the underlined words to implement paragraph 4 of the Income Tax Resolution which reads as follows:

"**4.** That amounts paid on or after January 1, 1959 for iliostomy and colostomy pads, crutches, trusses for hernia and rocking beds for poliomyelitis patients be included in the medical expenses that are deductible in computing taxable income."

(2) This amendment dealing with medical expenses implements paragraph 3 of the Income Tax Resolution which reads as follows:

"**3.** That commencing January 1, 1959 the definition of medical expenses exclude those amounts which the taxpayer is not required to pay because they are paid with the assistance of the government of Canada under the *Hospital Insurance and Diagnostic Services Act*."

The amendment also provides a similar rule for amounts paid under a hospital care insurance plan for employees of Canada who are serving outside of Canada.

(*b*) an enactment of the Parliament of Canada that authorizes the provision of a hospital care insurance plan for employees of Canada and their dependants and for dependants of members of the Royal Canadian Mounted Police and the regular forces where such employees or members were appointed in Canada and are serving outside of Canada."

(3) Subsection (1) is applicable in respect of amounts paid as or on account of medical expenses after 1958, and subsection (2) is applicable in respect of medical expenses incurred after 1958.

9. (1) Paragraph (*d*) of section 30 of the said Act is repealed and the following substituted therefor:

"(*d*) gifts made out of the shareholders' account by the taxpayer in the year to organizations in Canada operated exclusively for charitable purposes not exceeding in the aggregate for the year 10% of the amount so credited or appropriated minus the amounts described by paragraphs (*a*) and (*b*)."

(2) This section is applicable to the 1958 and subsequent taxation years.

10. (1) Paragraphs (*a*) to (*p*) of subsection (1) of section 32 of the said Act are repealed and the following substituted therefor:

"(*a*) 11% of the amount taxable if the amount taxable does not exceed $1,000,

(*b*) $110 plus 14% of the amount by which the amount taxable exceeds $1,000 if the amount taxable exceeds $1,000 and does not exceed $2,000,

(*c*) $250 plus 17% of the amount by which the amount taxable exceeds $2,000 if the amount taxable exceeds $2,000 and does not exceed $3,000,

(*d*) $420 plus 19% of the amount by which the amount taxable exceeds $3,000 if the amount taxable exceeds $3,000 and does not exceed $4,000,

(*e*) $610 plus 22% of the amount by which the amount taxable exceeds $4,000 if the amount taxable exceeds $4,000 and does not exceed $6,000,

(*f*) $1,050 plus 26% of the amount by which the amount taxable exceeds $6,000 if the amount taxable exceeds $6,000 and does not exceed $8,000,

(*g*) $1,570 plus 30% of the amount by which the amount taxable exceeds $8,000 if the amount taxable exceeds $8,000 and does not exceed $10,000,

(*h*) $2,170 plus 35% of the amount by which the amount taxable exceeds $10,000 if the amount taxable exceeds $10,000 and does not exceed $12,000,

Clause 9: This amendment substitutes 10% for 5% as the maximum amount deductible by life insurance corporations as donations to charitable organizations. This provides the same maximum for life insurance corporations as that provided for other corporations.

Clause 10: (1) This amendment provides the graduated rates of income tax on taxable income of individuals for 1960 and subsequent taxation years. This implements that part of paragraph 1 of the Income Tax Resolution that reads as follows:

> "1. That for the 1960 and subsequent taxation years each of the graduated rates of tax at present applicable to individuals on taxable income in excess of $3,000 be increased by two percentage points ..."

(*i*) $2,870 plus 40% of the amount by which the amount taxable exceeds $12,000 if the amount taxable exceeds $12,000 and does not exceed $15,000,

(*j*) $4,070 plus 45% of the amount by which the amount taxable exceeds $15,000 if the amount taxable exceeds $15,000 and does not exceed $25,000,

(*k*) $8,570 plus 50% of the amount by which the amount taxable exceeds $25,000 if the amount taxable exceeds $25,000 and does not exceed $40,000,

(*l*) $16,070 plus 55% of the amount by which the amount taxable exceeds $40,000 if the amount taxable exceeds $40,000 and does not exceed $60,000,

(*m*) $27,070 plus 60% of the amount by which the amount taxable exceeds $60,000 if the amount taxable exceeds $60,000 and does not exceed $90,000,

(*n*) $45,070 plus 65% of the amount by which the amount taxable exceeds $90,000 if the amount taxable exceeds $90,000 and does not exceed $125,000,

(*o*) $67,820 plus 70% of the amount by which the amount taxable exceeds $125,000 if the amount taxable exceeds $125,000 and does not exceed $225,000,

(*p*) $137,820 plus 75% of the amount by which the amount taxable exceeds $225,000 if the amount taxable exceeds $225,000 and does not exceed $400,000,

(*q*) $269,070 plus 80% of the amount by which the amount taxable exceeds $400,000 if the amount taxable exceeds $400,000."

(2) Paragraph (*a*) of subsection (5) of section 32 is repealed and the following substituted therefor:

"(*a*) salary or wages, superannuation or pension benefits, retiring allowances, death benefits, royalties in respect of a work or invention of which the taxpayer was the author or inventor, amounts included in computing the income of the taxpayer by virtue of paragraph (*d*), (*da*) or (*db*) of section 6, amounts allocated to the taxpayer by a trustee under an employees profit sharing plan, amounts received by the taxpayer from a trustee under a supplementary unemployment benefit plan and amounts included in computing the income of the taxpayer by virtue of section 79B,"

(3) Subsection (1) is applicable to the 1959 and subsequent taxation years and subsection (2) is applicable to the 1960 and subsequent taxation years, except that for the 1959 taxation year paragraphs (*a*) to (*q*) of subsection (1) of section 32 of the said Act shall be read as follows:

(*a*) 11% of the amount taxable if the amount taxable does not exceed $1,000,

(2) This amendment adds the underlined words to provide that the amount of any premium under a group life insurance policy included in income as a result of the new paragraph (*db*) added by clause 2 shall be regarded as earned income.

(3) This subclause provides the graduated rates of income tax on taxable income of individuals for the 1959 taxation year. This implements that part of paragraph 1 of the Income Tax Resolution that reads as follows:

> "... and that for the 1959 taxation year each of the graduated rates of tax applicable to individuals on taxable income in excess of $3,000 be increased by one percentage point."

(*b*) $110 plus 14% of the amount by which the amount taxable exceeds $1,000 if the amount taxable exceeds $1,000 and does not exceed $2,000,

(*c*) $250 plus 17% of the amount by which the amount taxable exceeds $2,000 if the amount taxable exceeds $2,000 and does not exceed $3,000,

(*d*) $420 plus 18% of the amount by which the amount taxable exceeds $3,000 if the amount taxable exceeds $3,000 and does not exceed $4,000,

(*e*) $600 plus 21% of the amount by which the amount taxable exceeds $4,000 if the amount taxable exceeds $4,000 and does not exceed $6,000,

(*f*) $1,020 plus 25% of the amount by which the amount taxable exceeds $6,000 if the amount taxable exceeds $6,000 and does not exceed $8,000,

(*g*) $1,520 plus 29% of the amount by which the amount taxable exceeds $8,000 if the amount taxable exceeds $8,000 and does not exceed $10,000,

(*h*) $2,100 plus 34% of the amount by which the amount taxable exceeds $10,000 if the amount taxable exceeds $10,000 and does not exceed $12,000,

(*i*) $2,780 plus 39% of the amount by which the amount taxable exceeds $12,000 if the amount taxable exceeds $12,000 and does not exceed $15,000,

(*j*) $3,950 plus 44% of the amount by which the amount taxable exceeds $15,000 if the amount taxable exceeds $15,000 and does not exceed $25,000,

(*k*) $8,350 plus 49% of the amount by which the amount taxable exceeds $25,000 if the amount taxable exceeds $25,000 and does not exceed $40,000,

(*l*) $15,700 plus 54% of the amount by which the amount taxable exceeds $40,000 if the amount taxable exceeds $40,000 and does not exceed $60,000,

(*m*) $26,500 plus 59% of the amount by which the amount taxable exceeds $60,000 if the amount taxable exceeds $60,000 and does not exceed $90,000,

(*n*) $44,200 plus 64% of the amount by which the amount taxable exceeds $90,000 if the amount taxable exceeds $90,000 and does not exceed $125,000,

(*o*) $66,600 plus 69% of the amount by which the amount taxable exceeds $125,000 if the amount taxable exceeds $125,000 and does not exceed $225,000,

(*p*) $135,600 plus 74% of the amount by which the amount taxable exceeds $225,000 if the amount taxable exceeds $225,000 and does not exceed $400,000,

(*q*) $265,100 plus 79% of the amount by which the amount taxable exceeds $400,000 if the amount taxable exceeds $400,000.

11. In its application to the 1959 taxation year, subsection (1) of section 33 of the said Act shall be read and construed as though there were substituted for the expression "10%" in each case where that expression appears therein, the expression "13%".

12. (1) Section 36 of the said Act is amended by adding thereto the following subsection:

Transferred pension fund contributions to be subtracted.

"(3) In determining the amount of any payment or payments made in a taxation year that shall be deemed, for the purpose of this section, not to be income of the taxpayer by whom it or they are received, there shall be subtracted from the amount of the payment or payments so made any amount deductible under paragraph (*u*) of subsection (1) of section 11 in computing the income of the taxpayer for that year."

(2) This section is applicable to the 1959 and subsequent taxation years.

13. (1) Paragraph (*b*) of subsection (1) of section 39 of the said Act is repealed and the following substituted therefor:

"(*b*) $4,500 plus 47% of the amount by which the amount taxable exceeds $25,000, if the amount taxable exceeds $25,000."

(2) Subsection (2) of section 39 of the said Act is repealed and the following substituted therefor:

Associated corporations.

"(2) Where two or more corporations are associated with each other in a taxation year, the tax payable by each of them under this Part for the year is, except where otherwise provided by another section, 47% of the amount taxable for the year."

(3) Paragraph (*b*) of subsection (3) of section 39 of the said Act is repealed and the following substituted therefor:

"(*b*) 47% of the amount, if any, by which the amount taxable exceeds the amount, if any, so allocated to it."

(4) This section and section 22 are applicable to the 1959 and subsequent taxation years, but where a corporation has a taxation year part of which is before and part of which is after the commencement of 1959, the tax payable by the corporation under Part I of the said Act for that taxation year is the aggregate of

(*a*) that proportion of the tax computed under Part I of the said Act as it was before being amended by this section and section 22 that the number of days in that portion of the taxation year that is in 1958 is of the number of days in the whole taxation year, and

Clause 11: This amendment provides that the credit allowed to individual taxpayers in the Province of Quebec against their Federal income tax for 1959 will be 13% of their federal tax otherwise payable. This credit of 13% corresponds to the standard individual income tax rate for 1959 provided in the *Federal-Provincial Tax-Sharing Arrangements Act.*

Clause 12: This new subsection is consequential upon the amendment in clause 3(2) which permits the deduction from income of amounts received out of a pension plan to the extent that they are used as contributions under a new pension plan or as premiums under a registered retirement savings plan. Section 36 of the Act, which is being amended by this clause, provides that payments out of a pension plan may at the option of the taxpayer be deemed not to be income of the taxpayer for purpose of the graduated rates but be taxed instead under a special formula. This new subsection provides that amounts deductible under the first mentioned amendment shall be excluded from the payments taxed under the special formula available under section 36 of the Act.

Clause 13: (1) (2) and (3) These amendments substitute 47% for 45% as the rate of tax on the taxable income of corporations. They implement that part of paragraph 2 of the Income Tax Resolution that reads as follows:

> "2. That with respect to income of corporations earned on and after January 1, 1959 the 45 per cent rate of tax on taxable income in excess of $25,000 be increased to 47 per cent."

(4) This subclause provides for the application of the new rates of tax of those corporations that have part of their taxation year before January 1, 1959 and part after that date.

(*b*) that proportion of the tax computed under Part I of the said Act as amended by this section and section 22 that the number of days in that portion of the taxation year that is in 1959 is of the number of days in the whole taxation year.

14. (1) Subsection (1) of section 58 of the said Act is repealed and the following substituted therefor:

Notice.

"**58.** (1) A taxpayer who objects to an assessment under this Part may, within 90 days from the day of mailing of the notice of assessment, serve on the Minister a notice of objection in duplicate in prescribed form setting out the reasons for the objection and all relevant facts."

(2) This section is applicable in respect of any notice of objection to an assessment where the notice of assessment was mailed after February 8, 1959.

15. Paragraph (*gb*) of subsection (1) of section 62 of the said Act is repealed and the following substituted therefor:

Canadian Universities Foundation.

"(*gb*) the Canadian Universities Foundation, incorporated by letters patent dated the 4th day of February, 1959 under the seal of the Secretary of State of Canada;"

16. (1) All that portion of subsection (11) of section 63 of the said Act following paragraph (*b*) thereof is repealed and the following substituted therefor:

"shall be deemed, for the purposes of section 38 and this subsection, to be a dividend in respect of shares of the capital stock of a taxable corporation; and in computing the deduction that a trust or estate may make from its tax for the year under section 38, the same proportion of its income for the year (after making the deduction therefrom permitted by subsection (4)) shall be deemed to be such a dividend."

(2) This section is applicable to the 1959 and subsequent taxation years.

17. (1) The said Act is further amended by adding thereto, immediately after section 68A thereof, the following section:

Conversion of provincial life insurance corporation into mutual corporation.

"**68B.** Where a corporation that is incorporated under the laws of a province with authority to transact the business of life insurance has applied an amount in payment for shares of the corporation purchased by it under the authority of a law of the province that provides for the conversion of the corporation into a mutual corporation by the purchase of its shares in accordance with the provisions of such law,

Clause 14: This amendment substitutes "90 days" for "60 days".

Clause 15: This amendment provides exemption from income tax for the Canadian Universities Foundation. The new Foundation replaces the National Conference of Canadian Universities.

Paragraph (*gb*) presently reads as follows:

> "(*gb*) the National Conference of Canadian Universities, incorporated by letters patent dated the 18th day of January, 1957 under the seal of the Secretary of State of Canada;"

Clause 16: This amendment adds the underlined words. This will permit a beneficiary of a trust or estate to claim the 20% dividend tax credit for dividends received from a trust or estate which is the beneficiary of another trust or estate.

Clause 17: This new section provides rules for the tax treatment of amounts paid by a provincial life insurance corporation for its shares upon conversion into a mutual corporation. These rules are similar to those provided in the *Canadian and British Insurance Companies Act* for life insurance corporations that convert to mutual corporations under authority of that Act.

(*a*) section 8 does not apply to require the inclusion, in computing the income of a shareholder of the corporation, of any part of that amount, and

(*b*) no part of that amount shall be deemed, for the purposes of section 30, to have been credited to shareholders' account or otherwise appropriated for or on account of shareholders or, for the purposes of section 81, to have been received as a dividend."

(2) This section is applicable in respect of amounts applied after 1958.

18. (1) Paragraph (*ba*) of subsection (4) of section 70 of the said Act is repealed and the following substituted therefor:

"(*ba*) not more than 10% of its gross revenue was derived from rents, hire of chattels or charterparty fees or remunerations;"

(2) This section is applicable to the 1960 and subsequent taxation years.

19. Section 71 of the said Act is amended by adding thereto the following subsection:

Application of section.

"(5) This section does not apply to exempt a corporation from tax under this Part upon its taxable income for a taxation year ending after April 9, 1959 (hereinafter in this subsection referred to as a "particular taxation year") unless,

(*a*) in the case of a corporation that had a taxation year ending before 1959, the corporation was during its last taxation year ending before 1959 and each subsequent taxation year, if any, previous to the particular taxation year a foreign business corporation,

(*b*) in the case of a corporation incorporated on or before April 9, 1959 that did not have a taxation year ending before 1959, the corporation was during its first taxation year ending after 1958 and each subsequent taxation year, if any, previous to the particular taxation year a foreign business corporation, or

(*c*) in the case of a corporation that had a taxation year ending on or before April 9, 1959 the corporation was during its taxation year in which that date occurred and each subsequent taxation year, if any, previous to the particular taxation year a foreign business corporation, and had during that part of its taxation year in which that date occurred that was before April 10, 1959 business operations that complied with one of the conditions contained in paragraph (*c*) of subsection (2)."

Clause 18: This amendment which adds the underlined words extends one of the conditions a corporation must comply with in order to qualify as a non-resident-owned investment corporation.

Clause 19: This new subsection dealing with foreign business corporations implements paragraph 9 of the Income Tax Resolution which reads as follows:

> "9. That the privilege of qualifying as a foreign business corporation be withdrawn except for those corporations that were so qualified for the 1958 taxation year or in the case of corporations incorporated prior to April 10, 1959 that did not have a 1958 taxation year, that so qualify for the first fiscal period ending after 1958."

20. (1) All that portion of subsection (5) of section 79B of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Amount of premium deductible.

"(5) There may be deducted in computing the income for a taxation year of a taxpayer who is an annuitant under a registered retirement savings plan or becomes, within 60 days after the end of the taxation year, an annuitant thereunder, the amount of any premium paid by the taxpayer under the plan during the taxation year or within 60 days after the end of the taxation year (to the extent that it was not deductible in computing his income for a previous taxation year), not exceeding, however,"

(2) Paragraph (*a*) of subsection (5) of section 79B of the said Act is repealed and the following substituted therefor:

"(*a*) in the case of a taxpayer in respect of whom any amount is deductible under paragraph (*g*) or (*h*) of subsection (1) of section 11 in computing the income of any other person for that taxation year (or would be so deductible if that other person were a person taxable under subsection (1) of section 2), or in the case of a taxpayer who is an employee of a life insurance corporation and is a beneficiary, contingently or otherwise, under a registered pension plan instituted or established by the corporation, an amount that, when added to the amount deductible under subparagraph (i) of paragraph (*i*) of subsection (1) of section 11 in computing the income of the taxpayer for that taxation year, does not exceed the lesser of $1,500 or 10% of his earned income for that taxation year; and"

(3) This section is applicable to the 1959 and subsequent taxation years.

21. (1) Section 84 of the said Act is amended by adding thereto the following subsection:

Crown agents.

"(7) No deduction may be made under section 40 from the tax otherwise payable under this Part for a taxation year by a corporation specified in Schedule D to the *Financial Administration Act* that is an agent of Her Majesty."

(2) This section is applicable to the 1957 and subsequent taxation years.

22. (1) Paragraphs (*b*) and (*c*) of subsection (3) of section 85 of the said Act are repealed and the following substituted therefor:

Clause 20: (1) This amendment adds the underlined words and extends the time within which a taxpayer may enter into a registered retirement savings plan to 60 days after the end of the taxation year.

(2) This amendment adds the underlined words to make it clear that employees of life insurance corporations, who are members of a registered pension plan established by such corporations for their employees, are subject to the limitations on the amount they may deduct as premiums under a registered retirement savings plan in the same manner as other taxpayers who are members of employee pension plans. The present wording of the paragraph being amended does not cover employees of life insurance corporations because these corporations have special rules for computing their taxable income.

Clause 21: This new subsection provides that corporations that are agents of Her Majesty shall not be entitled to the 9% deduction from federal income tax allowed in respect of taxable income earned in those provinces that impose corporation income taxes.

Clause 22: (1) and (2) These amendments substitute 45% for 43% as the rate of tax on the taxable income of certain corporations. They implement that part of paragraph 2 of the Income Tax Resolution that reads as follows:

"... that ... the 43 per cent rate of tax on taxable income in excess of $25,000 applicable to corporations deriving more than half their gross revenue from the sale for delivery in Canada of electrical energy, gas or steam be increased to 45 per cent."

"(*b*) 47% of

(i) the corporation's class B taxable income for the year,

minus

(ii) $25,000, and

(*c*) 45% of

(i) the corporation's class A taxable income for the year,

minus

(ii) the amount, if any, by which the corporation's class B taxable income for the year is less than $25,000."

(2) Paragraphs (*a*) and (*b*) of subsection (4) of section 85 of the said Act are repealed and the following substituted therefor:

"(*a*) 47% of the corporation's class B taxable income for the year, and

(*b*) 45% of the corporation's class A taxable income for the year."

23. (1) All that portion of paragraph (*d*) of subsection (1) of section 85B of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

"(*d*) where an amount has been included in computing the taxpayer's income from the business for the year or for a previous year in respect of property sold in the course of the business and that amount or a part thereof is not receivable until a day"

(2) Paragraph (*e*) of subsection (1) of section 85B of the said Act is repealed and the following substituted therefor:

"(*e*) there shall be included the amounts deducted under paragraphs (*c*) and (*d*) in computing the income of the taxpayer for the immediately preceding year."

(3) Subsection (1) is applicable to the 1958 and subsequent taxation years and subsection (2) is applicable to the 1959 and subsequent taxation years.

24. Subparagraph (ii) of paragraph (*d*) of subsection (2) of section 85I of the said Act is repealed and the following substituted therefor:

"(ii) in determining the undepreciated capital cost to the new corporation of depreciable property of a prescribed class at any time,

(A) there shall be added to the capital cost to the new corporation of depreciable property of that class acquired before that time the undepreciated capi-

Clause 23: (1) This amendment adds the underlined words to make it clear that where payment for goods is not to be received until the expiration of more than two years after the date of sale a reasonable reserve may be deducted by the taxpayer in respect of the whole profit to be realized from the sale.

(2) Paragraph (*e*) being repealed reads as follows:

"(*e*) there shall be included the amounts deducted under paragraphs (*c*) and (*d*) in computing the income from a business for the immediately preceding year."

This amendment provides that the taxpayer must include in his income amounts deducted as reserves in computing his income for the preceding year even although he did not continue to have income from a business in the preceding year.

Clause 24: This amendment deals with the computation of the undepreciated capital cost of property of a new corporation that has been formed by the amalgamation of two or more predecessor corporations. It should be read in conjunction with sections 85 I (2)(*d*)(i) and 20 (5)(*e*) of the Act. The effect of this amendment is that in computing the undepreciated capital cost of depreciable property of a prescribed class in the hands of the new corporation at any time there must be taken into account the undepreciated capital cost to each of the predecessor corporations of property of that class immediately before the amalgamation.

Subparagraph (ii) presently reads as follows:

"(ii) in determining the undepreciated capital cost to the new corporation of property of the same class at any time, there shall be included in the aggregate of the amounts to be subtracted from the capital cost to the new corporation of depreciable property of that class, the aggregate of the amounts that would have been so subtracted in computing the undepreciated capital cost to each of the predecessor corporations of property of that class immediately before the amalgamation;"

tal cost to each of the predecessor corporations of property of that class immediately before the amalgamation, and

(B) there shall be subtracted from the capital cost to the new corporation of depreciable property of that class acquired before that time the capital cost to the new corporation of property of that class acquired by virtue of the amalgamation;"

25. All that portion of subsection (2a) of section 105 of the said Act following paragraph (*b*) thereof is repealed and the following substituted therefor:

"may elect, in prescribed manner and in prescribed form, to be assessed and to pay a tax of 15% on an amount not exceeding

(*c*) the aggregate of

(i) the dividends declared by it that were paid by it in the taxation years beginning with the 1950 taxation year and ending with the last complete taxation year before the election under this subsection, and

(ii) the dividends that were, by subsection (3) of section 81, deemed to have been received by shareholders of the corporation in consequence of the corporation having paid a stock dividend in the taxation years referred to in subparagraph (i),

except such portions thereof as, by virtue of subsection (4) of section 81 or subsection (1) of section 141, have not been taken into account in computing income of shareholders of the corporation,

minus

(*d*) the aggregate of the amounts upon which it has previously paid tax under this subsection or under subsection (2) or (2b), and

(*e*) such part of the dividends described in subparagraphs (i) and (ii) of paragraph (*c*) as were paid by it, or were deemed to have been received by its shareholders, as the case may be, when it was a subsidiary controlled corporation and was not subsidiary to a personal corporation."

26. (1) The said Act is further amended by adding thereto, immediately after Part IIB thereof, the following heading and Part:

PART IIC.

TAX IN RESPECT OF UNDISTRIBUTED INCOME AFTER AMALGAMATION.

Tax.

105c. (1) Where, for the purpose of computing the undistributed income of a new corporation on hand im-

Clause 25: This amendment deals with the right of a corporation to elect to pay a 15% tax on that amount of undistributed income accumulated since 1949 that has been matched by the payment of dividends in that period. The general rule is that a subsidiary controlled corporation may not make such an election but section 105(2a) of the Act permits such an election to a subsidiary controlled corporation that is subsidiary to a personal corporation, with respect to dividends paid when it was subsidiary to a personal corporation. This amendment extends the right of such a corporation to make such an election with respect to dividends paid when it was not a subsidiary controlled corporation.

The portion of subsection (2a) being amended presently reads as follows:

"may elect, in prescribed manner and in prescribed form, to be assessed, and to pay, a tax of 15% on an amount not exceeding

(i) the aggregate of the dividends declared by it that were paid by it when it was subsidiary to a personal corporation in the taxation years beginning with the 1950 taxation year and ending with the last complete taxation year before the election except such portion thereof as, by virtue of subsection (1) of section 141, has not been taken into account in computing income of shareholders of the corporation,

minus

(ii) the aggregate of the amounts upon which it has previously paid tax under this subsection plus the aggregate of the dividends defined by paragraph (i) that may reasonably be regarded as having been used as the basis for payment of tax under subsection (2)."

Clause 26: This new Part provides for a 20% tax on an amount equal to a part of undistributed income in certain circumstances after an amalgamation of two or more corporations to form a new corporation. The tax will be imposed on the amount, if any, by which the undistributed income of the predecessor corporations on hand immediately before the amalgamation exceeds the value of the assets of the new corporation (other than goodwill) less its liabilities immediately after the amalgamation.

mediately after an amalgamation, any amount is required by paragraph (*k*) of subsection (2) of section 85I to be added to the amount determined under paragraph (*a*) of subsection (1) of section 82 from which the aggregate of the amounts referred to in subparagraphs (i) to (viii) thereof is to be subtracted, the new corporation shall, on or before the day on or before which it is required to file a return of income under Part I for its first taxation year, pay a tax equal to 20% of the amount, if any, by which

(*a*) the aggregate of each of the amounts so required to be added,

exceeds

(*b*) the value of the assets of the new corporation (other than goodwill) less the liabilities of the new corporation, immediately after the amalgamation.

Interpretation.

(2) Words and expressions used in this section and section 85I have the same meaning as in section 85I.

Application of provisions of Part I.

(3) Section 46 and sections 55 to 61 are applicable *mutatis mutandis* to this Part."

(2) This section is applicable in respect of any amalgamation after May 13, 1959.

27. Subsection (10) of section 123 of the said Act is repealed and the following substituted therefor:

Idem.

"(10) The Minister may assess any person for any amount that has been deducted or withheld under this Act or a regulation or that is payable under this section and, upon his sending a notice of assessment to that person, Division F of Part I is applicable *mutatis mutandis*."

28. (1) Subparagraph (ii) of paragraph (*j*) of subsection (1) of section 139 of the said Act is repealed and the following substituted therefor:

"(ii) an amount equal to the employee's remuneration for the last year in the office or employment or $10,000, whichever is the lesser, minus the amounts deductible in computing for previous years the death benefits received in respect of his service;"

(2) This section is applicable in respect of any amount received upon or after the death of an employee whose death occurred after April 9, 1959.

Clause 27: The subsection being amended concerns notices of assessment that are sent to employers in respect of tax withheld from employees' remuneration or that are sent to the payers of income to non-residents. The amendment deletes the requirement that these notices of assessment must be sent by registered mail.

The subsection presently reads as follows:

"(10) The Minister may assess any person for any amount that has been deducted or withheld under this Act or a regulation or that is payable under this section and, upon his sending a notice of assessment by registered mail to that person, Division F of Part I is applicable *mutatis mutandis*."

Clause 28: This amendment to the definition of a death benefit implements paragraph 6 of the Income Tax Resolution which reads as follows:

"6. That with respect to deaths occurring after April 9, 1959 the exemption for a portion of a death benefit paid by an employer upon or after the death of an officer or employee in recognition of his service be changed from an amount equal to the employee's remuneration for the last 90 days in the office or employment to an exemption for an amount equal to the remuneration of the employee for the last 12 months in the office or employment or the amount of $10,000 whichever is the lesser."

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II. 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-49.

An Act to provide for the Establishment of a National Energy Board.

First reading, May 19, 1959.

MINISTER OF TRADE AND COMMERCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20640-9

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-49.

An Act to provide for the Establishment of a National Energy Board.

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 *National Energy Board Act.*

INTERPRETATION.

Definitions.

2. In this Act

"Board."
(*a*) "Board" means the National Energy Board;

"Certificate."
(*b*) "certificate" means a certificate of public convenience and necessity issued under Part III;

"Company."
(*c*) "company" means a person having authority under a Special Act to construct or operate pipe lines;

"Export."
(*d*) "export" means
(i) with reference to power, to send from Canada by a line of wire or other conductor, and
(ii) with reference to hydrocarbons, to send from Canada by any means;

"Gas."
(*e*) "gas" means any hydrocarbon that, at a temperature of 60 degrees Fahrenheit and a pressure of 14.73 pounds per square inch absolute, is in a gaseous state;

"Hydrocarbon."
(*f*) "hydrocarbon" means any chemical compound composed exclusively of carbon and hydrogen;

"Import."
(*g*) "import" means
(i) with reference to gas, to bring gas into Canada through pipe lines, and
(ii) with reference to oil, to bring oil into Canada through pipe lines, by railway tank car, by tank truck or by tanker;

Explanatory Note.

The purpose of this Bill is to establish a National Energy Board which shall, in order to assure to the people of Canada the best use of energy resources in this country, regulate in the public interest the construction and operation of oil and gas pipe lines subject to the jurisdiction of the Parliament of Canada, the tolls charged for transmission by such pipe lines, the export and import of gas, the export of electric power and the construction of those lines over which such power is exported. The Board shall also study and keep under review all matters relating to energy within the jurisdiction of the Parliament of Canada, and shall recommend to the Minister of Trade and Commerce such measures as it considers necessary or advisable in the public interest with regard to such matters. The Bill also authorizes the extension of the export and import provisions to oil.

"International power line." (*h*) "international power line" means facilities for the transmission of power from any place in Canada to any place outside Canada;

"Licence." (*i*) "licence" means a licence issued under Part VI;

"Member." (*j*) "member" means a member of the Board;

"Minister." (*k*) "Minister" means the Minister of Trade and Commerce;

"Oil." (*l*) "oil" means any hydrocarbon other than gas;

"Pipe line." (*m*) "pipe line" means a line for the transmission of hydrocarbons connecting a province with any other or others of the provinces, or extending beyond the limits of a province, and includes all branches, extensions, tanks, reservoirs, pumps, racks, compressors, loading facilities, interstation systems of communication by telephone, telegraph or radio, and real and personal property and works connected therewith;

"Power." (*n*) "power" means electrical power that is produced in Canada;

"Registrar of deeds." (*o*) "registrar of deeds" includes the registrar of land titles or other officer with whom title to land is registered;

"Secretary." (*p*) "Secretary" means the Secretary of the Board;

"Special Act." (*q*) "Special Act" means an Act of the Parliament of Canada that

(i) authorizes a person named in the Act to construct or operate a pipe line, or

(ii) is enacted with special reference to a pipe line that a person is by such an Act authorized to construct or operate;

"Toll." (*r*) "toll" includes any toll, rate, charge or allowance charged or made for the shipment, transmission, care, handling or delivery of hydrocarbons, or for storage or demurrage or the like.

PART I.

NATIONAL ENERGY BOARD.

Board Established.

Board established. **3.** (1) There shall be a Board, to be called the National Energy Board, consisting of five members to be appointed by the Governor in Council.

Tenure of members. (2) Subject to subsections (3) and (4), each member of the Board shall be appointed to hold office during good behaviour for a period of seven years, but may be removed at any time by the Governor in Council upon address of the Senate and House of Commons.

First appointments.

(3) The first five members appointed after the coming into force of this Act may be appointed to hold office during good behaviour for a term less than seven years.

Retirement at age 70.

(4) A member ceases to hold office upon attaining the age of seventy.

Eligibility.

(5) A person is not eligible to be appointed or to continue as a member of the Board if he is not a Canadian citizen or if as owner, shareholder, director, officer, partner or otherwise, he is engaged in the business of producing, selling, buying, transmitting, exporting, importing or otherwise dealing in hydrocarbons or power.

Temporary substitute members.

(6) If any member of the Board by reason of absence or other incapacity is unable at any time to perform the duties of his office, the Governor in Council may appoint a temporary substitute member upon such terms and conditions as the Governor in Council may prescribe.

Residence of members.

(7) Each member shall during his term of office reside in the City of Ottawa or within twenty-five miles thereof or within such other distance thereof as the Governor in Council determines.

Other employment prohibited.

(8) Members shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with their duties and functions under this Act.

Salaries.

4. (1) The Chairman shall be paid a salary of twenty thousand dollars per annum, the Vice-Chairman shall be paid a salary of eighteen thousand dollars per annum and each of the other members shall be paid a salary of sixteen thousand dollars per annum.

Expenses.

(2) Each member is entitled to be paid reasonable travelling and other expenses incurred by him in the performance of his duties while away from his ordinary place of residence.

Executive Officers.

Chairman and Vice-Chairman.

5. (1) The Governor in Council shall designate one of the members to be Chairman of the Board and one of the members to be Vice-Chairman of the Board.

Duties of Chairman.

(2) The Chairman is the chief executive officer of the Board, and has supervision over and direction of the work and the staff of the Board.

Duties of Vice-Chairman.

(3) If the Chairman is absent or is unable to act or if the office is vacant, the Vice-Chairman has and may exercise all the powers and functions of the Chairman.

Acting Chairman.

(4) The Board may authorize one or more of its members to act as Chairman for the time being in the event that the Chairman and Vice-Chairman are absent or unable to act or if the offices are vacant.

Head Office and Meetings.

Head office.

6. (1) The head office of the Board shall be at Ottawa.

Quorum.

(2) Three members constitute a quorum of the Board.

Vacancy.

(3) A vacancy in the membership of the Board does not impair the right of the remainder to act.

Time and place of sittings.

(4) The Board may sit at such times and places as it considers necessary or desirable for the proper conduct of its business.

Rules.

Rules.

7. The Board may make rules respecting

(*a*) the sittings of the Board;

(*b*) the procedure for making applications, representations and complaints to the Board and the conduct of hearings before the Board, and generally the manner of conducting any business before the Board;

(*c*) the apportionment of the work of the Board among its members, and the assignment of members to sit at hearings, and to preside thereat; and

(*d*) generally, the carrying on of the work of the Board, the management of its internal affairs, and the duties of its officers and employees.

Staff.

Secretary and other officers and employees.

8. (1) There shall be a Secretary of the Board who shall be appointed by the Governor in Council to hold office during pleasure, and the other officers and employees necessary for the proper conduct of the business of the Board shall be appointed under the provisions of the *Civil Service Act*.

Salary and residence of Secretary.

(2) The Secretary shall be paid such salary as the Governor in Council may fix, and he shall reside in the City of Ottawa or within twenty-five miles thereof or within such other distance thereof as the Governor in Council determines.

Superannuation.

(3) For the purposes of the *Public Service Superannuation Act*, the members and Secretary of the Board and the officers and employees appointed as provided in subsection (1) shall be deemed to be persons employed in the Public Service.

Experts.

9. The Governor in Council may appoint and fix the remuneration of experts or persons having technical or special knowledge to assist the Board in any matter in an advisory capacity.

Powers of Board.

Board a Court. Official seal.

10. (1) The Board is a court of record.

(2) The Board shall have an official seal, which shall be judicially noticed.

Powers as to witnesses, etc.

(3) The Board has, as regards the attendance, swearing and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry upon and inspection of property and other matters necessary or proper for the due exercise of its jurisdiction, all such powers, rights and privileges as are vested in a superior court of record.

Jurisdiction.

11. The Board has full and exclusive jurisdiction to inquire into, hear and determine any matter

(*a*) where it appears to the Board that any person has failed to do any act, matter or thing required to be done by this Act or by any regulation, certificate, licence or permit, or any order or direction made by the Board, or that any person has done or is doing any act, matter or thing contrary to or in violation of this Act, or any such regulation, certificate, licence, permit, order or direction, or

(*b*) where it appears to the Board that the circumstances may require the Board, in the public interest, to make any order or give any direction, leave, sanction or approval that by law it is authorized to make or give, or with respect to any matter, act or thing that by this Act or any such regulation, certificate, licence, permit, order or direction is prohibited, sanctioned or required to be done.

Mandatory orders.

12. The Board may order and require any person to do, forthwith, or within or at any specified time and in any manner prescribed by the Board so far as it is not inconsistent with this Act, any act, matter or thing that such person is or may be required to do under this Act, or any regulation, certificate, licence or permit, or any order or direction made or given under this Act and may forbid the doing or continuing of any act, matter or thing that is contrary to this Act or any such regulation, certificate, licence, permit, order or direction and, for the purposes of this Act, has full jurisdiction to hear and determine all matters, whether of law or of fact.

Delegation.

13. The Board may delegate to one or more of its members, either jointly or severally, all or any of the powers, functions and duties of the Board under this Act, except those under section 36, 37, 38, 39, 42, 44, 46, 47, 49, 82, 84, 85 or 88, or under Part IV.

Powers of single member.

14. (1) The Board or the Chairman may authorize any one of the members to report to the Board upon any question or matter arising in connection with the business of the Board, and the person so authorized has all the powers of the Board for the purpose of taking evidence or acquiring the necessary information for the purpose of such report, and upon such a report being made to the Board, it may be adopted as the order of the Board or otherwise dealt with as the Board considers advisable.

Board may act upon own motion.

(2) The Board may of its own motion inquire into, hear and determine any matter or thing that under this Act it may inquire into, hear and determine.

Orders and Decisions.

Enforcement of Board orders.

15. (1) Any decision or order made by the Board may, for the purpose of enforcement thereof, be made a rule, order or decree of the Exchequer Court or of any superior court of any province of Canada and shall be enforced in like manner as any rule, order or decree of such court.

Procedure for enforcement.

(2) To make a decision or order of the Board a rule, order or decree of the Exchequer Court of Canada or a superior court, the usual practice and procedure of the court in such matters may be followed, or in lieu thereof the Secretary may file with the Registrar of the court a certified copy of the decision or order under the seal of the Board and thereupon the decision or order becomes a rule, order or decree of the court.

General or particular orders.

16. Where under this Act the Board may make or issue any order or direction or prescribe any terms or conditions or do any other thing in relation to any person, the Board may do so, either generally or in any particular case or class of cases.

Review of orders by Board.

17. The Board may review, rescind, change, alter or vary any order or decision made by it, or may rehear any application before deciding it, except that, where an order was made by the Board with the approval of the Governor in Council, no rescission, change, alteration or variation of such order is effective unless the Governor in Council approves of the rescission, change, alteration or variation, as the case may be.

Appeal to Supreme Court.

18. (1) An appeal lies from a decision or order of the Board to the Supreme Court of Canada upon a question of law, or a question of jurisdiction, upon leave therefor being obtained from a judge of the Supreme Court upon application made within one month after the making of the decision or order sought to be appealed from or within such further time as the judge under special circumstances allows.

Entry of appeal.

(2) No appeal lies after leave therefor has been obtained under subsection (1) unless it is entered in the Supreme Court within sixty days from the making of the order granting leave to appeal.

Orders and decisions final.

19. (1) Except as provided in this Act, every decision or order of the Board is final and conclusive.

Jurisdiction as to prerogative writs.

(2) The Exchequer Court of Canada has exclusive original jurisdiction to hear and determine every application for a writ of *certiorari*, prohibition or *mandamus* or for an injunction in relation to any decision or order of the Board or any proceedings before the Board.

Limitations.

(3) A decision or order of the Board is not subject to review or to be restrained, removed or set aside by *certiorari*, prohibition, *mandamus* or injunction or any other process or proceeding in the Exchequer Court on the ground

(*a*) that a question of law or fact was erroneously decided by the Board; or

(*b*) that the Board had no jurisdiction to entertain the proceedings in which the decision or order was made or to make the decision or order.

Decision or order defined.

(4) Any minute or other record of the Board or any document issued by the Board, in the form of a decision or order, shall for the purposes of this section be deemed to be a decision or order of the Board.

Public hearings.

20. Hearings before the Board with regard to the issue, cancellation or suspension of certificates or licences shall be public, and the Board may hold public hearings in respect of any other matter if it considers it advisable to do so.

Proof of Documents.

Proof of documents.

21. In any action or other proceedings

(*a*) any document purporting to be certified by the Secretary, or by any other person authorized by the Board to certify documents for the purposes of this section, and sealed with the seal of the Board to be a true copy of any minute, decision, licence, certificate, permit, order, instruction, book of reference, book entry, plan, drawing or other document or any part thereof, is, without proof of the signature of the Secretary or other person, evidence of the original document of which it purports to be a copy, and that the same was made, given, issued or deposited at the time stated in the certification, if a time is stated therein, and is signed, certified, attested or executed by the persons by whom and in the manner in which

the same purports to be signed, certified, attested or executed as shown or appearing from such certified copy; and

(*b*) a document purporting to be certified by the Secretary, or by any other person authorized by the Board to certify documents for the purposes of this section, and sealed with the seal of the Board stating that a valid and subsisting document of authorization under this Act has or has not been issued by the Board to a person or persons named in the certified document, is evidence of the facts therein stated, without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof.

PART II.

ADVISORY FUNCTIONS.

Board to make continuing studies and reports.

22. (1) The Board shall study and keep under review matters over which the Parliament of Canada has jurisdiction relating to the exploration for, production, recovery, manufacture, processing, transmission, transportation, distribution, sale, purchase, exchange and disposal of energy and sources of energy within and outside of Canada, shall report thereon from time to time to the Minister and shall recommend to the Minister such measures within the jurisdiction of the Parliament of Canada as it considers necessary or advisable in the public interest for the control, supervision, conservation, use, marketing and development of energy and sources of energy.

At request of Minister.

(2) The Board shall, at the request of the Minister, prepare studies and reports on any matter relating to energy or sources of energy, and shall recommend to the Minister the making of such arrangements as it considers desirable for co-operation with governmental or other agencies in or outside Canada in respect of matters relating to energy and sources of energy.

Use of government agencies.

(3) In carrying out its duties and functions under this section, the Board shall, wherever appropriate, utilize agencies of the Government of Canada to obtain technical, economic and statistical information and advice.

Publication of studies and reports.

23. Studies and reports of the Board made under this Part may be made public with the approval of the Minister.

Powers of Board.

24. For the purposes of this Part, the Board has all the powers of commissioners under Part I of the *Inquiries Act*.

PART III.

Certificates of Public Convenience and Necessity.

Construction and Operation of Pipe Lines.

Who may construct or operate pipe lines.

25. (1) No person, other than a company, shall construct or operate a pipe line.

Exception.

(2) Nothing in this section shall be construed to prohibit or prevent any person from operating or improving a pipe line constructed before the 1st day of October, 1953, but every such pipe line shall be operated in accordance with the provisions of this Act.

Powers of liquidators, trustees, etc.

(3) For the purposes of this Act,

(*a*) a liquidator, receiver or manager of the property of a company, appointed by a court of competent jurisdiction to carry on the business of the company,

(*b*) a trustee for the holders of bonds, debentures, debenture stock or other evidence of indebtedness of the company, issued under a trust deed or other instrument and secured on or against the property of the company, if the trustee is authorized by the trust deed or other instrument to carry on the business of the company, and

(*c*) a person, other than a company, operating a pipe line constructed before the 1st day of October, 1953,

shall be deemed to be a person having authority under a Special Act to construct or operate pipe lines.

Operation of pipe line.

26. (1) No company shall operate a pipe line unless

(*a*) there is a certificate in force with respect to that pipe line, and

(*b*) leave has been given under this Part to the company to open the pipe line.

Compliance with conditions.

(2) No company shall operate a pipe line otherwise than in accordance with the terms and conditions of the certificate issued with respect thereto.

Location of Pipe Lines.

Approval of Board.

27. Except as otherwise provided in this Act, a company shall not begin the construction of a section or part of a pipe line until

(*a*) the Board has by the issue of a certificate granted the company leave to construct the line;

(*b*) the plan, profile and book of reference of the section or part of the proposed line have been approved by the Board; and

(*c*) copies of the plan, profile and book of reference so approved, duly certified as such by the Secretary, have been deposited in the offices of the registrars of deeds for the districts or counties through which such section or part of the pipe line is to pass.

Application for certificate; material to be filed.

28. (1) Upon an application for a certificate, the company shall file with the Board a map showing the general location of the proposed line, the termini, and all cities, towns, villages, railways and navigable waters through, under or across which the line is to pass.

Notice to provincial Attorney-General.

(2) The company shall file a copy of the application and of the map with the Attorney-General of each province to which the application relates in whole or in part, and the Board shall require notice of the application to be given by publication in newspapers or otherwise.

Plan, Profile and Book of Reference.

Plan, profile, book of reference.

29. (1) When the Board has issued a certificate, the company shall prepare and submit to the Board a plan, profile and book of reference.

Details.

(2) The plan and profile shall be drawn with such detail as the Board may require.

Description of lands.

(3) The book of reference shall describe the portion of land proposed to be taken in each parcel of land to be traversed, giving the numbers of the parcels, and the area, length and width of the portion of each parcel to be taken, and the names of the owners and occupiers so far as they can be ascertained.

Further information.

(4) The plan, profile and book of reference shall be prepared to the satisfaction of the Board, and the Board may require the company to furnish any further or other information that the Board considers necessary.

Effect of approval.

30. The Board shall not, by the issue of a certificate or by approving a plan, profile and book of reference, be deemed to have relieved the company from otherwise complying with this Act.

Time for acquiring lands.

31. At the time the Board approves a plan, profile and book of reference, or gives leave under this Act to take lands without the consent of the owner, or at any time thereafter, the Board may fix a period within which a company shall acquire the lands or take the necessary steps for such purpose.

Errors.

Application for correction of errors.

32. (1) Where any omission, mis-statement or error is made in the registered plan, profile or book of reference, a company may apply to the Board for a permit to correct the omission, mis-statement or error.

How corrected.

(2) The Board may in its discretion issue a permit setting forth the nature of the omission, mis-statement or error and the correction allowed.

Registration.

(3) Upon the deposit of copies of the permit, certified as such by the Secretary, with the registrars of deeds of the districts or counties, respectively, in which such lands are situate, the plan, profile or book of reference shall be taken to be corrected in accordance therewith, and the company may, thereupon, subject to this Act, construct its line in accordance with the correction.

Error as to names.

33. A pipe line may be made, carried or placed across, upon or under the lands of a person on the located line, although, through error or any other cause, the name of that person has not been entered in the book of reference, or although some other person is erroneously mentioned as the owner of or entitled to convey or as interested in the lands.

Duties of Registrars of Deeds.

Registration of plans, etc.

34. (1) Every registrar of deeds shall receive and preserve in his office all plans, profiles, books of reference, certified copies thereof and other documents, required by this Act to be deposited with him, and shall endorse thereon the day, hour and minute when they were so deposited.

Copies.

(2) All persons may resort to such plans, profiles, books of reference, copies and documents so deposited, and may make extracts therefrom and copies thereof, as occasion requires.

Certified copies.

(3) A registrar of deeds shall, at the request of any person, certify copies of any plan, profile, book of reference, certified copy thereof or other document, deposited in his office under the provisions of this Act, or of such portions thereof as may be required, on being paid therefor at the rate of twenty cents for each hundred words copied, and such additional sum for any copy of plan or profile furnished by him as is reasonable and customary in like cases, together with one dollar for each certification given by him.

Certification of registrar.

(4) The certification of the registrar of deeds shall set forth that the plan, profile or document, a copy of which, or any portion of which, is certified by him, is deposited in his office, and shall state the time when it was so deposited, and that he has carefully compared the copy certified with the document on file, and that it is a true copy of the original.

Evidence.

(5) The certified copy is *prima facie* evidence of the original so deposited and is *prima facie* evidence that the original was so deposited at the time stated and certified, and that it was signed, certified, attested or otherwise executed by the persons by whom and in the manner in which the original purports to be signed, certified, attested or executed, as shown or appearing by the certified copy; and in the case of a plan, that the plan is prepared according to a scale and in a manner and form sanctioned by the Board.

Further Plans.

Further plans.

35. In addition to the plans, profiles and books of reference elsewhere provided for in this Act, a company shall, with all reasonable expedition, prepare and deposit with the Board any other or further plans, profiles or books of reference with respect to any portion of its pipe line or works, that the Board may, from time to time, order or require.

Deviations.

Approval of deviations.

36. (1) When a deviation, change or alteration is required by a company to be made in its pipe line, or any portion thereof, as already constructed, or as merely located and approved, a plan, profile and book of reference of the portion of such line proposed to be changed, showing the deviation, change or alteration proposed to be made, shall be submitted for the approval of the Board.

Construction of works after approval.

(2) When the plan, profile and book of reference of the portion of the line so proposed to be changed have been approved by the Board, and copies thereof have been deposited as provided in this Act with respect to the original plan, profile and book of reference, the company may make such deviation, change or alteration, and all the provisions of this Act are applicable to the portion of the pipe line, at any time so changed or proposed to be changed, in the same manner as they are applicable to the original line.

Exemptions.

(3) The Board may exempt a company from all or any of the provisions of this section where the deviation, change or alteration was made or is to be made for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting a pipe line, or for any other purpose of public advantage, as may seem to the Board expedient, but such deviation, change or alteration shall not exceed such distance as the Board requires from the centre line of the pipe line, located or constructed in accordance with the plans, profiles and books of reference approved by the Board under this Act.

Diversion or Relocation.

Board may order diversions.

37. The Board may, upon such terms and conditions as it considers proper, direct a company to divert or relocate its pipe line if the Board is of the opinion that the diversion or relocation is necessary to facilitate the construction, reconstruction or relocation of a highway or a railway or any other work affecting a public interest.

Leave to Open Pipe Lines.

Leave to open line.

38. (1) No pipe line and no section thereof shall be opened for the transmission of hydrocarbons by a company until leave therefor has been obtained from the Board.

Grant of leave.

(2) Leave may be granted by the Board under this section if the Board is satisfied that the pipe line may safely be opened for transmission.

Public Safety.

Safety.

39. (1) To promote safety of operation of a pipe line, the Board may order the company to repair, reconstruct or alter part of the pipe line and may direct that, until the work has been done, such part of the pipe line shall not be used.

Regulations as to safety.

(2) The Board may, with the approval of the Governor in Council, make regulations providing for the protection of property and the safety of the public and of the company's employees in the operation of a pipe line.

Penalty.

(3) Every person who violates a regulation made under subsection (2) is guilty of an offence punishable on summary conviction as provided in the *Criminal Code*.

Construction and Operation of International Power Lines.

Leave to construct power lines.

40. Except as otherwise provided in this Act, no person shall begin the construction of any international power line unless the Board has by the issue of a certificate authorized the construction thereof.

Material to be filed.

41. A person applying for a certificate for an international power line shall furnish to the Board such plans, documents, information and other materials as are prescribed by the Board.

Regulations.

42. The Board may, with the approval of the Governor in Council, make regulations respecting the location of international power lines, the registration of plans, profiles, books of reference or other documents and the correction of errors therein and the duties of registrars of deeds with respect thereto, deviations, changes or alterations in international power lines and the diversion of international power lines.

Operation of International Power Lines.

Operation of power line.

43. (1) No person shall operate an international power line unless there is a certificate in force with respect to that international power line.

Compliance with conditions.

(2) No person shall operate an international power line otherwise than in accordance with the terms and conditions of the certificate issued with respect thereto.

Issue of Certificates for Pipe Lines and International Power Lines.

Issue of certificates.

44. The Board may, subject to the approval of the Governor in Council, issue a certificate in respect of a pipe line or an international power line if the Board is satisfied that the line is and will be required by the present and future public convenience and necessity, and, in considering an application for a certificate, the Board shall take into account all such matters as to it appear to be relevant, and without limiting the generality of the foregoing, the Board may have regard to the following:

(*a*) the availability of oil or gas to the pipe line, or power to the international power line, as the case may be;

(*b*) the existence of markets, actual or potential;

(*c*) the economic feasibility of the pipe line or international power line;

(*d*) the financial responsibility and financial structure of the applicant, the methods of financing the line and the extent to which Canadians will have an opportunity of participating in the financing, engineering and construction of the line; and

(*e*) any public interest that in the Board's opinion may be affected by the granting or the refusing of the application.

Objections of interested persons.

45. Upon an application for a certificate the Board shall consider the objections of any interested person, and the decision of the Board as to whether a person is or is not an interested person for the purpose of this section is conclusive.

Conditions to certificates.

46. The Board may issue a certificate subject to such terms and conditions as to the construction, ownership and operation of the pipe line or international power line as it considers necessary or desirable in order to give effect to the purposes and provisions of this Act.

Revocation and Suspension.

Revocation and suspension of certificate.

47. (1) Subject to subsection (2), the Board may by order, with the approval of the Governor in Council, revoke or suspend a certificate if, in the opinion of the

Board, the person to whom it was issued has violated or failed to comply with any term or condition thereof.

Notice and hearing.

(2) No order shall be made under this section unless notice has been given to the holder of the certificate who is alleged to have violated or failed to comply with any term or condition thereof and an opportunity has been afforded to him of being heard.

Conditions to Certificate.

Compliance with conditions and Act.

48. Every certificate is subject to the condition that the person to whom it is issued will comply with the provisions of this Act and the regulations as in force at the date of the issue thereof and as subsequently enacted, made or amended, and will comply with every order made under the authority of this Act.

Exemptions.

Exemptions.

49. (1) The Board may make orders exempting lines or parts of lines, not exceeding in any case a length of twenty-five miles or such other length as the Governor in Council may prescribe, from any or all of the provisions of this Part relating to location, construction or operation of lines.

Terms.

(2) In any order made under this section the Board may impose such terms and conditions as it considers proper.

PART IV.

Traffic, Tolls and Tariffs.

Powers of Board.

Regulation of traffic, tolls and tariffs.

50. The Board may make orders with respect to all matters relating to traffic, tolls or tariffs.

Filing of Tariff.

Tolls to be approved.

51. A company shall not charge any tolls except tolls specified in a tariff that has been filed with the Board and is in effect.

Just and Reasonable Tolls.

Tolls to be just and reasonable.

52. All tolls shall be just and reasonable, and shall always, under substantially similar circumstances and conditions with respect to all traffic of the same description carried over the same route, be charged equally to all persons at the same rate.

Disallowance of Tariff.

Disallowance of tariff.

53. The Board may disallow any tariff or any portion thereof that it considers to be contrary to any of the provisions of this Act or to any order of the Board, and may require a company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tariffs in lieu of the tariff or portion thereof so disallowed.

Suspension of tariff.

54. The Board may suspend any tariff or any portion thereof before or after the tariff goes into effect.

Discrimination.

No unjust discrimination.

55. A company shall not make any unjust discrimination in tolls, service or facilities against any person or locality.

Burden of proof.

56. Where it is shown that a company makes any discrimination in tolls, service or facilities against any person or locality, the burden of proving that the discrimination is not unjust lies upon the company.

No rebates, etc.

57. (1) A company or shipper or an officer, employee or agent of the company or shipper who

(*a*) offers, grants, gives, solicits, accepts or receives a rebate, concession or discrimination, or

(*b*) knowingly is party or privy to a false billing, false classification, false report or other device,

whereby a person obtains transmission of hydrocarbons by a company at a less rate than that named in the tariffs then in force, is guilty of an offence punishable on summary conviction as provided in the *Criminal Code*.

Prosecution.

(2) No prosecution shall be had or instituted for an offence under this section without leave of the Board.

Contracts Limiting Liabilities.

Contracts limiting liability of company.

58. (1) Except as provided in this section, no contract condition or notice made or given by a company impairing, restricting or limiting its liability in respect of the transmission of hydrocarbons relieves the company from its liability, unless such class of contract, condition or notice has been first authorized or approved by order or regulation of the Board.

Board may determine limits.

(2) The Board may determine the extent to which the liability of a company may be impaired, restricted or limited as provided in this section.

Terms and conditions.

(3) The Board may prescribe the terms and conditions under which hydrocarbons may be transmitted by a company.

Transmission of Oil.

Duty of oil pipe line company.

59. (1) Subject to such exceptions, conditions or regulations as the Board may prescribe or approve, a company operating a pipe line for the transmission of oil shall, according to its powers, without delay and with due care and diligence, receive, transport and deliver all oil offered for transmission by means of its pipe line.

Extension of facilities.

(2) The Board may, if it considers it necessary or desirable to do so in the public interest, require a company operating a pipe line for the transmission of oil to provide adequate and suitable facilities for the receiving, transmission and delivering of all oil offered for transmission by means of its pipe line and adequate and suitable facilities for the storage of oil and the junction of its line with other facilities for the transmission of oil, if the Board finds that no undue burden will be placed upon the company thereby.

Transmission of Gas.

Extension of services of gas pipe line companies.

60. Where the Board finds such action necessary or desirable in the public interest, it may direct a company operating a pipe line for the transmission of gas to extend or improve its transmission facilities to provide facilities for the junction of its pipe line with any facilities of, and sell gas to, any person or municipality engaged or legally authorized to engage in the local distribution of gas to the public, and for such purposes to construct branch lines to communities immediately adjacent to its pipe line, if the Board finds that no undue burden will be placed upon the company thereby, but the Board has no power to compel a company to sell gas to additional customers if to do so would impair its ability to render adequate service to its existing customers.

Tolls for transmission of gas.

61. Where the gas transmitted by a company through its pipe line from any place within a province to any place outside the province is the property of the company, such proportion as the Board may fix of the differential between the amount paid by the company for the gas and the amount for which the gas is sold by the company shall for the purposes of this Part be deemed to be a toll charged by the company to the purchaser for the transmission thereof.

PART V.

POWERS OF PIPE LINE COMPANIES.

General Powers.

Powers of company.

62. A company may, for the purposes of its undertaking, subject to the provisions of this Act and its Special Act,

(*a*) enter into and upon any Crown land without previous licence therefor, or into or upon the land of any person, lying in the intended route of its pipe line, and make surveys, examinations or other necessary arrangements on such land for fixing the site of the pipe line, and set out and ascertain such parts of the land as are necessary and proper for the pipe line;

(*b*) purchase, take and hold of and from any person any land or other property necessary for the construction, maintenance and operation of its pipe line and alienate, sell or dispose of any of its land or property that for any reason has become unnecessary for the purpose of the line;

(*c*) construct, lay, carry or place its pipe line across, upon or under the land of any person on the located line of the pipe line;

(*d*) join its pipe line with the transmission facilities of any other person at any point on its route;

(*e*) construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharves, docks and other structures, and construct, purchase and acquire machinery and other apparatus necessary for the construction, maintenance and operation of its pipe line;

(*f*) construct, maintain and operate branch lines, and for that purpose exercise all the powers, privileges and authority necessary therefor, in as full and ample a manner as for a pipe line;

(*g*) from time to time alter, repair or discontinue the works or any of them, mentioned in this section, and substitute others in their stead;

(*h*) transmit hydrocarbons by pipe line and regulate the time and manner in which hydrocarbons shall be transmitted, and the tolls to be charged therefor; and

(*i*) do all other acts necessary for the construction, maintenance and operation of its line.

Limitations on purchase and sale, etc.

63. A company shall not, without the leave of the Board,

(*a*) sell, convey or lease to any person its pipe line, in whole or in part;

(*b*) purchase or lease from any person any line for the transmission of hydrocarbons;
(*c*) enter into an agreement for amalgamation with any other company; or
(*d*) abandon the operation of a pipe line.

Damages and compensation.

64. A company shall, in the exercise of the powers granted by this Act or a Special Act, do as little damage as possible, and shall make full compensation in the manner provided in this Act and in a Special Act, to all persons interested, for all damage sustained by them by reason of the exercise of such powers.

Exercise of powers outside Canada.

65. A company operating a pipe line from a place in Canada to a place on the international boundary line may exercise, beyond such boundary, in so far as permitted by the laws there in force, the powers that it may exercise in Canada.

Taking and Using Lands

Crown lands.

66. (1) No company shall take possession of, use or occupy lands vested in Her Majesty without the consent of the Governor in Council.

Consent.

(2) A company may, with the consent of the Governor in Council and upon such terms as the Governor in Council may prescribe, take and appropriate, for the use of its pipe line and works, so much of the lands of Her Majesty lying on the route of the line that have not been granted or sold, as is necessary for the pipe line, and also so much of the public beach, or bed of a lake, river or stream, or of the lands so vested covered with the waters of such lake, river or stream as is necessary for making, completing and using its pipe line and works.

Compensation where lands held in trust.

(3) Where lands are vested in Her Majesty for a special purpose, or subject to a trust, the compensation money that a company pays therefor shall be held and applied by the Governor in Council for the like purpose or trust.

Indian lands.

67. (1) No company shall take possession of or occupy lands in an Indian reserve without the consent of the Governor in Council.

Compensation.

(2) Where, with the consent of the Governor in Council, lands in an Indian reserve are taken possession of, used or occupied by a company, or where they are injuriously affected by the construction of a pipe line, compensation shall be made therefor as in the case of lands taken without the consent of the owner.

Protection of mines.

68. No company shall, without the authority of the Board, locate the line of its proposed pipe line, or construct the pipe line or portion thereof, so as to obstruct or interfere with or injuriously affect the working of or the access or adit to a mine then open, or for the opening of which preparations are, at the time of such location, being lawfully and openly made.

Right to minerals.

69. A company is not entitled to mines, ores, metals, coal, slate, oil, gas or other minerals in or under lands purchased by it, or taken by it under compulsory powers given to it by this Act, except only the parts thereof that are necessary to be dug, carried away or used in the construction of the works, and except as provided in this section, all such mines and minerals shall be deemed to be excepted from the conveyance of such lands.

Protection of pipe line from mining operations.

70. (1) No person shall work or prospect for mines or minerals lying under a pipe line or any of the works connected therewith, or within forty yards therefrom, until leave therefor has been obtained from the Board.

Use of oil and gas.

(2) Notwithstanding subsection (1), leave from the Board is not required in the case of a well taking oil or gas from lands lying under a pipe line or any of the works connected therewith if the well is not drilled within forty yards of the pipe line.

Application for leave.

(3) Upon an application to the Board for leave to work or prospect for mines or minerals, the applicant shall submit a plan and profile of the portion of the pipe line to be affected thereby, giving all reasonable and necessary information and details as to the proposed operations.

Terms of leave.

(4) The Board may grant the application upon such terms and conditions for the protection and safety of the public as to the Board seem expedient, and may order that such things be done as under the circumstances appear to the Board best adapted to remove or diminish the danger arising or likely to arise from the proposed operations.

Examination of site of mining operations.

71. If necessary in order to ascertain whether any mining or prospecting operations have been carried on so as to injure or to be detrimental to a pipe line or its safety or the safety of the public, a company may, with the written permission of the Board and after giving twenty-four hours' notice in writing, enter upon any lands through or near which its pipe line passes where any mining or prospecting operations are being carried on, and enter into and return from the site of the operations; and for such

purposes the company may make use of any apparatus used in connection with such operations and use all necessary means for discovering the distance from its pipe line to the place where the operations are being carried on.

Compensation for severance of mining property.

72. A company shall, from time to time, pay to the owner, lessee or occupier of any mines such compensation as the Board shall fix and order to be paid for or by reason of any severance by a pipe line of the land lying over such mines, or because of the working of the mines being prevented, stopped or interrupted, or because of the mines having to be worked in such manner and under such restrictions as not to injure or be detrimental to the pipe line, and also for any minerals not purchased by the company that cannot be obtained by reason of the construction and operation of its line.

Extent of Lands that may be Taken.

Lands that may be taken.

73. Subject to section 74, the lands that may, without the consent of the owner, be taken for the right of way of a pipe line shall not exceed sixty feet in breadth.

Leave to Take Additional Lands.

Additional lands.

74. (1) Where a company at any time requires more ample space than it possesses or may take under section 73, for the efficient construction, maintenance or operation of a pipe line or for constructing or taking any works or measures ordered by the Board, it may apply to the Board for authority to take, without the consent of the owner, the additional lands required for such purposes.

Notice to owners.

(2) The company shall give to the owner or possessor of the additional lands required, ten days' notice of its application to the Board, and shall, upon such application, furnish to the Board copies of such notices, with affidavits of the service thereof.

Plans, etc.

(3) The company, upon the application, shall also furnish to the Board such plans, profiles and books of reference and additional information as the Board may require.

Authority of Board.

(4) After the time stated in such notices, and the hearing of such parties interested as may appear, the Board may, in its discretion and upon such terms and conditions as it deems expedient, authorize in writing the taking for the said purposes of the whole or any portion of the lands applied for.

Registration.

(5) Copies of the authorization of the Board and of the plan, profile and book of reference, certified as such by the Secretary of the Board, shall be deposited with the registrars of deeds of the districts or counties in which the lands are situate.

Purchase and Conveyance; Expropriation.

Expropriation provisions of *Railway Act* incorporated.

75. Sections 207 to 246 and 248 of the *Railway Act*, in so far as they are reasonably applicable and not inconsistent with this Act, apply *mutatis mutandis* to companies and their works and undertakings.

Construction over other Utility Lines, etc.

Definitions.

"Appropriate authority."

"Utility."

76. (1) In this section

(*a*) "appropriate authority" means

(i) with respect to a navigable water other than a canal, the Minister of Public Works,

(ii) with respect to a canal, the Minister of Transport,

(iii) with respect to a railway, the Board of Transport Commissioners for Canada, and

(iv) with respect to any other utility, the National Energy Board; and

(*b*) "utility" means a navigable water, canal, railway, highway or irrigation ditch or an underground telegraph or telephone line or a line for the transmission of hydrocarbons or power.

Construction of pipe line over other utilities.

(2) The pipe line of a company may, if leave therefor is first obtained from the appropriate authority, be carried across any utility and for such purpose may be constructed upon, along or under any such utility.

Application for leave.

(3) Upon any application for leave under this section, a company shall submit to the appropriate authority such plans and profiles and other information as the appropriate authority may require.

Terms.

(4) The appropriate authority may, by order, grant the application in whole or in part and upon such terms and conditions as the appropriate authority considers proper.

Construction without leave.

(5) The appropriate authority may provide that leave under this section is not necessary, if the pipe line is constructed in accordance with the orders, regulations, plans and specifications made, adopted or approved by the appropriate authority for such purposes.

Leave in emergency cases.

(6) The appropriate authority may grant leave under this section after construction of the proposed work has commenced if, prior to the commencement of construction, the appropriate authority was satisfied that the work was urgently required and consented in writing to the commencement of construction.

Approval under other Acts.

(7) No approval under the *Navigable Waters Protection Act* or section 251 of the *Railway Act* is required for the construction of any work if leave for the construction thereof has been obtained under this section.

Construction without leave prohibited.

(8) Except as provided in this section, a pipe line shall not be constructed as described in subsection (2) without leave of the appropriate authority under this section.

Leave to construct highways, etc., across pipe lines.

77. (1) A highway, private road, railway, irrigation ditch, drain, telegraph, telephone or line for the transmission of hydrocarbons or power may, by leave of the Board, be carried across any pipe line and for such purposes may be constructed upon, along, under or across such pipe line.

Terms.

(2) Upon application for leave, the Board may grant the application in whole or in part and upon such terms and conditions as the Board considers proper.

Weeds.

Company to cut down weeds.

78. A company shall cut thistles and all noxious weeds growing on the right of way, and upon the land of the company adjoining its pipe line, and shall cut down or root out and destroy such thistles and weeds each year before they have sufficiently matured to seed.

Executions, etc.

Assets of company subject to executions, etc.

79. It is hereby declared

(*a*) that nothing in this Act restricts or prohibits any of the following transactions, namely,

(i) the sale under execution of any property of a company, or

(ii) the creation of any lien, mortgage, charge or other security on the property of the company, or the sale, pursuant to an order of a court, of any property of the company to enforce or realize on any such lien, mortgage, charge or other security; and

(*b*) that a transaction mentioned in paragraph (*a*) in respect of any property of the company is subject to the same laws to which it would be subject if the work and undertaking of the company were a local work or undertaking in the province in which that property is situated.

Construing Special Acts.

Construing Special Acts.

80. Except as otherwise provided in this Part,

(*a*) this Act shall be construed as incorporate with a Special Act, and

(*b*) where the provisions of this Part and a Special Act relate to the same subject-matter, the provisions of the Special Act shall, in so far as is necessary to give effect to the Special Act, be taken to override the provisions of this Act.

PART VI.

EXPORTS AND IMPORTS.

Gas and Power.

Licences required.

81. Except as provided in the regulations, no person shall export any gas or power or import any gas except under the authority of and in accordance with a licence issued under this Part.

Issue of Licences.

Issue of licences.

82. (1) Subject to the regulations, the Board may issue licences, upon such terms and conditions as are prescribed by the regulations,

(*a*) for the exportation of power or gas, and

(*b*) for the importation of gas.

Restrictions.

(2) A licence issued under this Part may be restricted or limited as to area, quantity or time or as to class or kind of products.

Considerations applicable to issue of licences.

83. Upon an application for a licence the Board shall have regard to all considerations that appear to it to be relevant and, without limiting the generality of the foregoing, the Board shall satisfy itself that

(*a*) the quantity of gas or power to be exported does not exceed the surplus remaining after due allowance has been made for the reasonably foreseeable requirements for use in Canada; and

(*b*) the price to be charged by an applicant for gas or power exported by him is just and reasonable in relation to the public interest.

Revocation and Suspension.

Revocation and suspension of licences.

84. (1) Subject to subsection (2) and the regulations, the Board may by order revoke or suspend a licence issued under this Part if, in the opinion of the Board, the person to whom it was issued has violated or failed to comply with any term or condition thereof.

Notice and hearing.

(2) No order shall be made under this section unless notice has been given to the holder of the licence who is alleged to have violated or failed to comply with any term or condition thereof and an opportunity has been afforded to him of being heard.

Regulations.

Regulations.

85. (1) The Governor in Council may make regulations for carrying into effect the purposes and provisions of this

Part and, without restricting the generality of the foregoing, may make regulations respecting

(*a*) the information to be furnished by applicants for licences and the procedure to be followed in applying for licences and in issuing licences;

(*b*) the duration of licences, not exceeding twenty-five years, the quantities that may be exported or imported under licences and any other terms or conditions to which licences may be subject;

(*c*) units of measurement and measuring instruments or devices to be used in connection with the exportation of gas or power or the importation of gas;

(*d*) the inspection of any instruments, devices, plant, equipment, books, records or accounts or any other thing used for or in connection with the exportation of gas or power or the importation of gas; and

(*e*) reports or other information to be supplied by persons to whom licences have been issued and any other matter associated with their use.

Exemption.

(2) The Governor in Council may by regulation exempt any person or class of persons or any product or class of products or any transactions, persons or areas from the operation of all or any of the provisions of this Part or the regulations.

Penalties.

Penalties.

86. (1) Every person who violates any of the provisions of this Part or the regulations made under this Part is guilty of an offence punishable on summary conviction as provided in the *Criminal Code*.

Separate offence for each day.

(2) Every person who violates section 81 is guilty of a separate offence for each day on which such violation takes place.

Extension to Oil.

Extension of Part to oil.

87. (1) The Governor in Council may by proclamation extend the application of this Part to oil.

"Hydrocarbons" substituted for "gas".

(2) Upon the issue of a proclamation under subsection (1), the expression "hydrocarbons" shall be deemed to be substituted for the expression "gas" wherever it occurs in this Part and in section 88.

PART VII

GENERAL.

Regulations.

Regulations as to accounts, etc.

88. (1) The Board may, with the approval of the Governor in Council, make regulations

(*a*) respecting the manner in which the accounts of a company shall be kept;

(*b*) prescribing the classes of property for which depreciation charges may, for the purpose of establishing tolls, properly be included under operating expenses and the rate of depreciation that for such purpose shall be charged with respect to each such class of property;

(*c*) prescribing a uniform system of accounts applicable to any class of company; and

(*d*) requiring companies and persons exporting gas or power or importing gas to furnish returns and information respecting capital, traffic, revenues, expenses and such other information as may be required for the purposes of this Act.

Penalty.

(2) Every person who violates a regulation made under this section is guilty of an offence punishable on summary conviction as provided in the *Criminal Code*.

General regulations.

89. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect.

Her Majesty Bound.

Her Majesty bound.

90. Her Majesty is bound by this Act.

Report to Parliament.

Report to Parliament.

91. The Board shall within three months after the 31st day of December in each year submit to the Minister a report on the activities of the Board under this Act for that year, 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.

Expenditures.

Expenditures.

92. All expenditures for the purposes of this Act shall be paid out of money appropriated by Parliament therefor.

Coming into Force.

Commencement of Act.

93. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

PART VIII.

TRANSITIONAL AND REPEAL.

Repeal.

Repeal.

94. The *Pipe Lines Act* and the *Exportation of Power and Fluids and Importation of Gas Act*, except section 4 thereof, are repealed.

Companies Operating under Pipe Lines Act.

Certain companies entitled to certificate.

95. (1) Every company that was granted leave by the Board of Transport Commissioners under the *Pipe Lines Act* to construct a company pipe line, and every person referred to in paragraph (*c*) of subsection (3) of section 25 of this Act, is entitled to a certificate under this Act, and the Board shall as soon as conveniently may be issue a certificate under the provisions of this Act to such company and person.

Issue of certificate.

(2) Notwithstanding section 94, until a certificate is issued to a company or person described in subsection (1), the provisions of the *Pipe Lines Act* continue to apply to such company or person in lieu of Part III of this Act.

Leave under *Pipe Lines Act*.

(3) Leave to open a pipe line for the transmission of hydrocarbons granted by the Board of Transport Commissioners under section 34 of the *Pipe Lines Act* prior to the coming into force of this Act shall be deemed to be leave granted by the Board under section 38 of this Act.

Existing International Power Lines.

Operators of existing power lines entitled to certificate.

96. (1) Every person who, on the day this Act comes into force, is operating an international power line, is entitled to a certificate under this Act, and the Board shall, as soon as conveniently may be, issue a certificate under the provisions of this Act to such person.

Application of Act pending issue of certificate.

(2) Until a certificate is issued to a person mentioned in subsection (1), the provisions of Part III of this Act do not apply to such person.

Tariffs and Tolls.

Application of Part IV.

97. (1) Part IV of this Act does not apply to any person who, on the day this Act comes into force, is operating a pipe line, until the Board so orders.

Current tariffs to be filed.

(2) Within sixty days from the day on which this Act comes into force, every person who is operating a pipe line shall file with the Board a tariff of all tolls charged for the transmission of hydrocarbons, and a tariff filed with the

Board pursuant to this section shall be deemed to have been filed under the provisions of Part IV of this Act.

Pending Applications under Pipe Lines Act.

Pending applications.

98. Any application before the Board of Transport Commissioners under the *Pipe Lines Act* at the coming into force of this Act shall be deemed to be an application under this Act and shall be dealt with under the provisions of this Act, and the Board of Transport Commissioners shall transfer to the Board all such applications and all documents and material relating thereto.

Licences to Export or Import.

Prior licences carried forward.

99. A licence issued under the *Exportation of Power and Fluids and Importation of Gas Act* before the coming into force of this Act shall be deemed to have been issued under this Act, subject to the terms and conditions set out in the licence or applicable thereto under the *Exportation of Power and Fluids and Importation of Gas Act* or the regulations thereunder.

Pending applications.

100. Any application for a licence under the *Exportation of Power and Fluids and Importation of Gas Act* pending at the coming into force of this Act shall be deemed to be an application for a licence under Part VI of this Act and shall be dealt with under the provisions of this Act.

Northern Ontario Pipe Line Crown Corporation.

Northern Ontario Pipe Line Crown Corporation.

101. The reference to the *Pipe Lines Act* in subsection (6) of section 5 of the *Northern Ontario Pipe Line Crown Corporation Act* shall be construed as a reference to this Act, and the reference in subsection (7) of section 5 of the *Northern Ontario Pipe Line Crown Corporation Act* to section 10 of the *Pipe Lines Act* shall be construed as a reference to section 63 of this Act.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-50.

An Act to amend the Veterans' Land Act.

First reading, May 19, 1959.

MINISTER OF VETERANS AFFAIRS.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21206-8

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-50.

An Act to amend the Veterans' Land Act.

R.S., c. 280; 1953-54, c. 66.

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

1. Subsection (4a) of section 10 of the *Veterans' Land Act* is repealed.

2. The said Act is further amended by adding thereto immediately after section 10 thereof, the following section:

Director may resell livestock, etc., to veteran.

"**10A.** Notwithstanding anything in this Act, where the Director requires a veteran to repay the cost of the livestock and farm equipment sold to him under a contract made under this Act, the Director may sell to that veteran livestock and farm equipment up to a total cost to the Director of an amount equal to the amount repaid by that veteran."

3. (1) All that portion of subsection (2) of section 11 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Use of proceeds from sale of land.

"(2) Where the property sold or otherwise disposed of pursuant to subsection (1) consists of land, improvements or building materials, the Director shall use the proceeds for one or more of the following purposes:"

(2) All that portion of subsection (3) of section 11 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Application of surplus.

"(3) Where a surplus remains after the amounts to be expended, if any, under paragraphs (*a*) and (*b*) of subsection (2) have been determined by the Director, (hereinafter called the "surplus"),"

(3) Subsection (6) of section 11 of the said Act is repealed and the following substituted therefor:

Explanatory Notes.

1. Subsection (4a) of section 10 at present reads as follows:

"(4a) Notwithstanding subsection (4), at any time after the expiration of the ten year period referred to in subsection (4), a veteran who has complied with the terms of his agreement for that period and is not otherwise in default thereunder may, with the consent of the Director, assign the agreement to any person; and, notwithstanding anything in this Act or the agreement, the interest payable by any assignee of any such agreement from and after the date of the assignment on any remaining indebtedness to the Director under that agreement shall be at the rate of five per cent per annum."

The standard agreement of sale between a veteran and the Director contains certain beneficial provisions applicable only to veterans. Accordingly, when a veteran wishes to dispose of his property to a person other than a veteran, the contract to be assigned should be that which is used in sales by the Director to civilian purchasers. Under section 23A as set out in clause 6 a veteran who wishes to dispose of his property by assignment of his agreement would terminate that agreement, enter into a civilian purchase contract with the Director, and then assign the latter contract. As a result, subsection (4a) is no longer required.

2. New. Circumstances sometimes require that a veteran repay to the Director all or part of the cost to the Director of the livestock and farm equipment purchased on behalf of that veteran. The purpose of this amendment is to permit the Director to purchase on behalf of that veteran further livestock and farm equipment up to a cost equivalent to the amount repaid by that veteran.

3. (1) The portion of subsection (2) of section 11 being amended at present reads as follows:

"(2) Where the property sold pursuant to subsection (1) consists of land, improvements or building materials, the Director shall use the proceeds for one or more of the following purposes:"

Under subsection (1) of section 11, the property of a veteran may be disposed of otherwise than by way of a sale. The purpose of this amendment is to authorize the Director to use the proceeds resulting from that disposition for the same purposes for which he may at present use the proceeds of a sale.

(2) The portion of subsection (3) of section 11 being amended at present reads as follows:

"(3) Where a surplus remains after the expenditures, if any, have been made under paragraphs (*a*) and (*b*) of subsection (2), (hereinafter called the "surplus"),"

Where only part of the proceeds from a sale or other disposition of property under subsection (1) of section 11 is to be used to acquire land or to effect permanent improvements to land, the amount to be so used may not be expended in full immediately. The purpose of this amendment is to permit the Director to apply the amount of those proceeds

Use of proceeds from sale of livestock or farm equipment.

"(6) Where the property sold or otherwise disposed of pursuant to subsection (1) consists of livestock or farm equipment, the Director may use the proceeds for one or more of the following purposes:

(*a*) to purchase for the veteran other or additional livestock or farm equipment, which shall for the purposes of the contract be substituted for the livestock or farm equipment so sold;

(*b*) to purchase, subject to the conditions set out in subsection (1) of section 10, land for sale to the veteran; or

(*c*) to effect, subject to the conditions set out in subsection (1) of section 10, improvements to the lands sold to the veteran or to any other lands purchased for sale to him."

(4) Subsection (8) of section 11 of the said Act is amended by adding the word "and" at the end of paragraph (*b*) thereof, by deleting the word "and" at the end of paragraph (*c*) thereof, and by repealing paragraph (*d*).

4. Sections 16 and 17 of the said Act are repealed and the following substituted therefor:

Director may require insurance policies.

"**16.** While a veteran is indebted to the Director in connection with the sale of land or other property to him, in connection with any mortgage or hypothec taken under section 15, or in connection with any loan made under Part III, the Director may require that the veteran shall insure in favour of the Director any property to the extent of its insurable value and shall assign and deliver over unto the Director, as the interest of the Director may appear, the policy or policies of insurance; if the veteran fails or neglects to keep such property insured then it is lawful for the Director to insure such property and all moneys so expended by the Director shall be repaid by the veteran on demand with interest at the rate of five per cent per annum computed from the time of advancing the same, and in the meantime the amount of such payment shall be added to the sale price of or amount outstanding on such property, or to the amount of the mortgage or hypothec, as the case may be, and shall become a part of the principal.

Director may pay taxes, etc.

"**17.** If the veteran fails or neglects to pay any lawful rates, taxes or assessments due in respect of property in which the Director has under this Act any interest the Director may pay such rates, taxes or assessments and all moneys so expended by the Director shall be repaid by the veteran on demand with interest at the rate of five per cent per annum computed from the time of such payment by the Director and until so repaid the amount of such payment

that he determines will be surplus against the veteran's indebtedness prior to the actual expenditure of the portion of the proceeds he estimates will be used to acquire land or effect permanent improvements on land.

(3) Subsection (6) of section 11 at present reads as follows:

"(6) Where the property sold pursuant to subsection (1) consists of livestock or farm equipment, the Director may use the proceeds to purchase for the veteran other or additional livestock or farm equipment, which shall for the purposes of the contract be substituted for the livestock or farm equipment so sold."

At present the Director can use the proceeds from the sale of livestock and farm equipment only for the purchase of other or additional livestock or farm equipment. The purpose of this amendment is to permit the Director to use those proceeds as well for the purchase of land and the effecting of permanent improvements to land.

(4) The present paragraph (*d*) of subsection (8) of section 11 reads as follows:

"(8) For the purposes of this section

(*d*) where the contract with a veteran was made under subsection (2) of section 10 the words "commercial fishing equipment" shall be substituted for the words "livestock or farm equipment"."

Provision for this substitution is already provided for in subsection (2) of section 10. Paragraph (*d*) is therefore unnecessary.

4. Sections 16 and 17 at present read as follows:

"**16.** While a veteran is indebted to the Director in connection with the sale of land or other property to him, or in connection with any mortgage or hypothec taken under section 15, the Director may require that the veteran shall insure in favour of the Director any property to the extent of its insurable value and shall assign and deliver over unto the Director, as the interest of the Director may appear, the policy or policies of insurance; if the veteran fails or neglects to keep such property insured then it is lawful for the Director to insure such property and all moneys so expended by the Director shall be repaid by the veteran on demand with interest at the rate of three and one-half per cent per annum computed from the time of advancing the same, and in the meantime the amount of such payment shall be added to the sale price of such property, or to the amount of the mortgage or hypothec, as the case may be, and shall become a part of the principal.

"**17.** If the veteran fails or neglects to pay any lawful rates, taxes or assessments due in respect of property in which the Director has under this Act any interest the Director may pay such rates, taxes or assessments and all moneys so expended by the Director shall be repaid by the veteran on demand with interest at the rate of three and one-half per cent per annum computed from the time of such payment by the Director and until so repaid the amount of such payment shall be added to the sale price of such property or shall become a part of the principal secured by any charge, mortgage or hypothec in favour of the Director, as the case may be; failure of the veteran to repay the amount of such payment on demand constitutes a default warranting rescission under section 19."

The purpose of the amendments to these sections is threefold; firstly, to require the veteran to whom a loan under Part III has been made to insure any property held by the Director as security for that loan; secondly, to empower the Director to insure that property where the veteran fails to do so; and, thirdly, to increase from three and one-half per cent to five per cent the rate of interest on amounts paid by the Director to insure property or pay taxes thereon where the veteran has failed to do so.

shall be added to the sale price of or amount outstanding on such property or shall become a part of the principal secured by any charge, mortgage or hypothec in favour of the Director, as the case may be; failure of the veteran to repay the amount of such payment on demand constitutes a default warranting rescission under section 19."

1953-54, c. 66, s. 6.

5. Section 18 of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

Reference of rescission to Board in adjacent province.

"(3) Notwithstanding subsection (2), where the Director is of opinion that it is impracticable to refer the question of the rescission of an agreement with a veteran to an Advisory Board in the province in which the land concerned is situated, the Director may, upon due notice to the veteran concerned, refer the question of rescission to the appropriate Advisory Board in an adjacent province."

6. The said Act is further amended by adding thereto, immediately after section 23 thereof, the following section:

Sale on new terms.

"**23A.** Notwithstanding anything in this Act, where a veteran with whom the Director has a subsisting contract under section 10, subsection (9) of section 11 or section 23 notifies the Director that he does not wish to be bound by the provisions of the contract respecting residence or personal operation of the property to which the contract relates, the Director may terminate that contract and enter into another contract with the veteran for the sale of that property for an amount equal to the outstanding indebtedness of that veteran to the Director under this Act, with interest at the rate prescribed by regulation of the Governor in Council and on such other terms and conditions as may be agreed on by the veteran and the Director."

7. The said Act is further amended by adding thereto, immediately after section 24 thereof, the following heading and section:

"LANDS TAKEN FOR PUBLIC PURPOSES.

Local authorities may take lands with consent of Governor in Council.

"**24A.** (1) Where by an Act of the Parliament of Canada or a provincial legislature, Her Majesty in right of a province, a municipal or local authority or a corporation is empowered to take or to use lands or any interest therein without the consent of the owner, the power may, with the consent of the Governor in Council and subject to any terms that may be prescribed by the Governor in Council, be exercised in relation to lands vested in the Director.

5. New. The district boundaries of the veterans' land administration do not always coincide with provincial boundaries. The purpose of this amendment is to permit the Director, in cases where the respective boundaries do not coincide, to refer the question of the rescission of an agreement to the appropriate Provincial Advisory Board in an adjacent province.

6. New. At present when a veteran does not wish to continue to reside on or personally operate his property in accordance with the agreement entered into with the Director, his contract may be terminated and, with the approval of the Governor in Council, a new contract entered into under section 23. The purpose of this amendment is to permit the Director to terminate that contract and enter into another contract with that veteran respecting the same property on a civilian purchase basis.

7. New. Except in cases of establishments made under section 15, title to the land on which a veteran is settled is vested in the Director and the Director by virtue of subsection (1) of section 5 is, for the purpose of acquiring, holding, conveying and transferring property, an agent of Her Majesty in right of Canada. As a result, the powers vested in a province, corporation or municipal authority for the compulsory taking of land cannot be used in respect of lands vested in the Director. The purpose of this amendment is to provide that the powers of such provinces, corporations and municipal bodies can, where the Governor in Council so consents, be used in respect of lands vested in the Director.

Procedure.

(2) Unless the Governor in Council otherwise directs, all matters relating to compulsory taking or using under subsection (1) of lands vested in the Director shall be governed by the statute by which the power is conferred.

Payment.

(3) Any amount that is awarded in respect of the compulsory taking or using of land under this section or that is paid for a transfer or conveyance of land pursuant to this section shall be paid to the Director for the use and benefit of the person, if any, who is entitled to compensation or payment as a result of the exercise of the power referred to in subsection (1), and where the person so entitled is a veteran the amount so awarded shall be distributed in accordance with section 11 and, for the purposes of that section, shall be deemed to be proceeds of the sale of the land."

8. The said Act is further amended by adding thereto, immediately after section 25 thereof, the following section:

Time limit on obtaining benefits.

"**25A.** No veteran is eligible to participate in the benefits of this Part who is not certified by the Director to be qualified to participate in the benefits of this Act within a period of fifteen years after the 30th day of September, 1947, or the date of his discharge, whichever is the later."

Repeal.

9. Section 32 of the said Act is repealed.

10. Subsection (5) of section 38 of the said Act is repealed and the following substituted therefor:

Grant not in addition to other grant or sale.

"(5) A veteran who has received a grant under this section is not entitled to enter into a contract with the Director under section 10 or 15 and a veteran who has entered into a contract with the Director under section 10, 15 or 23 is not entitled to a grant under this section unless, in either case, all disbursements made under this Act on behalf or in respect of the veteran together with interest thereon at the rate of three and one-half per cent per annum are repaid to the Director."

11. Subsection (3) of section 39 of the said Act is repealed and the following substituted therefor:

Grant not in addition to other grant or sale.

"(3) An Indian veteran on whose behalf a grant has been made under this section is not entitled to enter into a contract with the Director under section 10 or 15, and an Indian veteran who has entered into a contract with the Director under section 10, 15 or 23 is not eligible for a grant under this section unless, in either case, all disbursements made under this Act on behalf of or in respect of the veteran together with interest thereon at the rate of three and one-half per cent per annum are repaid to the Director."

8. New. The purpose of this amendment is to establish a time limit by which a veteran who wishes to be settled under Part I must be certified by the Director as qualified to participate in the benefits of this Act.

9. Section 32 at present reads as follows:

"**32.** All mail matter deposited in any post office in Canada addressed to the Director or any officer attached to his service at the offices of the Director at Ottawa and all mail matter addressed by the Director or any officer attached to his service at the offices of the Director at Ottawa to any place in Canada and bearing thereon by imprint or writing the words "The Director, Veterans' Land Act" shall be carried free, registered or otherwise, in the Canadian mails other than air mail."

Provision is made in the *Post Office Act* for the free transmission of mail and this section is therefore, unnecessary.

10. Subsection (5) of section 38 at present reads as follows:

"(5) A veteran who has received a grant under this section is not entitled to enter into a contract with the Director under section 10 or section 15 and a veteran who has entered into a contract with the Director under section 10 or section 15 is not entitled to a grant under this section unless, in either case, all disbursements made under this Act on behalf or in respect of the veteran together with interest thereon at the rate of three and one-half per cent per annum are repaid to the Director."

The purpose of this amendment is to permit a veteran who previously had been settled on property sold to him by the Director under section 23 and who repays all the disbursements made on his behalf, to settle on Dominion or provincial lands and receive the grant available under section 38.

11. Subsection (3) of section 39 at present reads as follows:

"(3) An Indian veteran on whose behalf a grant has been made under this section is not entitled to enter into a contract with the Director under section 10 or section 15, and an Indian veteran who has entered into a contract with the Director under section 10 or section 15 is not eligible for a grant under this section."

The purpose of this amendment is to permit an Indian veteran settled on reserve lands who repays all disbursements made on his behalf under this Act to settle elsewhere and to permit an Indian veteran who purchased land from the Director and who repays all disbursements made on his behalf under this Act to settle on Indian reserve lands.

12. Subsection (1) of section 41 of the said Act is amended by adding thereto, immediately after paragraph (*f*) thereof, the following paragraph:

"(*fa*) the rate of interest to be paid on a contract entered into under section 23A;"

1953-54, c. 66, s. 10.

13. Section 46 of the said Act is amended by adding the word "and" at the end of paragraph (*a*) thereof, and by repealing paragraph (*b*).

1953-54, c. 66, s. 10.

14. Subsection (3) of section 47 of the said Act is repealed and the following substituted therefor:

Where land not owned by Director.

"(3) Where the land in respect of which a loan referred to in subsection (1) has been approved is not owned by the Director, the veteran shall, before any contract is entered into by him with the Director under section 48,

(*a*) convey such land or cause the same to be conveyed to the Director, with a good and marketable title free from all encumbrances, or

(*b*) assign to the Director his leasehold interest in the property, if the property is held by the veteran under a long-term lease, free from all encumbrances,

and if the land so conveyed or the leasehold interest so assigned is appraised by the Director at a value of less than eight hundred dollars, the veteran shall in addition pay to the Director in cash the amount by which eight hundred dollars exceeds such appraised value."

1953-54, c. 66, s. 10.

15. (1) Subsection (1) of section 48 of the said Act is repealed and the following substituted therefor:

Director may enter into construction contract.

"**48.** (1) Subject to section 47, the Director may enter into a contract with any eligible veteran certified by the Director to be qualified under subsection (1) of section 47, for the construction by that veteran of a single-family dwelling for his own use, at a cost to the Director not exceeding

(*a*) the amount of the loan approved by the Corporation in respect of the construction by that veteran of the proposed dwelling, or

(*b*) ten thousand dollars,

whichever is the lesser."

12. New. The amendment to this section is consequential on the amendment to section 23A.

13. Paragraph (*b*) of section 46 at present reads as follows:

"**46.** Subject to this Part, and notwithstanding anything in Part I or any other Act of the Parliament of Canada, every veteran is eligible to participate in the benefits of this Part, except

(*b*) a veteran to whom an allowance has been paid under the *Veterans Rehabilitation Act*, for the purpose of taking an undergraduate or post-graduate course at a university as defined in that Act, for a period of more than nine months; and"

The purpose of this amendment is to make a veteran, who was paid an allowance under the *Veterans Rehabilitation Act* while taking a university course of more than nine months, eligible to participate in the benefits of Part II of this Act.

14. Subsection (3) of section 47 at present reads as follows:

"(3) Where the land in respect of which any loan referred to in subsection (1) has been approved is not owned by the Director, the veteran shall, before any contract is entered into by him with the Director under section 48, convey such land or cause the same to be conveyed to the Director, with a good and marketable title free from all encumbrances, and, if the land so conveyed is appraised by the Director at a value of less than eight hundred dollars, the veteran shall in addition pay to the Director in cash the amount by which eight hundred dollars exceeds such appraised value."

At present the Director may only enter into a contract under this Part with a veteran in respect of land title to which is held in fee simple. The purpose of this amendment is to permit the Director to enter into a contract with a veteran for the construction of a house on land held by that veteran under a long term lease, the leasehold interest in which has been assigned to the Director.

15. (1) Subsection (1) of section 48 at present reads as follows:

"**48.** (1) Subject to section 47, the Director may enter into a contract with any eligible veteran certified by him to be qualified under subsection (1) of section 47, for the construction by that veteran of a single-family dwelling for his own use, at a cost to the Director not exceeding

(*a*) *eighty five per cent of the market value of the land and the proposed dwelling, as estimated by the Director*,

(*b*) the amount of the loan approved by the Corporation in respect of the construction by that veteran of the proposed dwelling, or

(*c*) *eight* thousand dollars,

whichever is the least."

The purpose of this amendment is to remove the provision that the cost to the Director under the construction contract cannot exceed eighty-five per cent of the estimated market value of the land and the proposed dwelling and to increase the financial assistance the Director may make available to a veteran under this Part from eight thousand dollars to ten thousand dollars.

1953-54, c. 66, s. 10.

(2) All that portion of subsection (2) of section 48 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Additional payment may be required.

"(2) Where the cost of construction of the proposed dwelling, as estimated by the Director, exceeds the lesser of the amounts mentioned in paragraphs (*a*) and (*b*) of subsection (1), the veteran shall, before any contract is entered into by him with the Director under this section, pay to the Director in cash the full amount of such excess, less"

16. The said Act is further amended by adding thereto, immediately after section 48 thereof, the following section:

Assignment of construction contract.

"**48A.** Where the Director has, pursuant to section 48, entered into a contract with an eligible veteran for the construction by that veteran of a single-family dwelling for his own use, the veteran may, with the consent of the Director and subject to such terms and conditions as the Director deems necessary, assign all his rights and interest under the contract to any eligible veteran with whom the Director could enter into a contract pursuant to section 48, and the provisions of this Part respecting a veteran with whom the Director has entered into a contract shall be deemed to apply, *mutatis mutandis*, to the veteran to whom the contract is assigned."

1953-54, c. 66, s. 10.

17. (1) Subsection (1) of section 49 of the said Act is repealed and the following substituted therefor:

Collateral agreements.

"**49.** (1) Every veteran who enters into a contract with the Director under section 48 or to whom a contract is assigned pursuant to section 48A shall, at the time of entering into that contract or at the time the assignment thereof is consented to by the Director, enter into a collateral agreement with the Director providing, *inter alia*, for the execution by the veteran, upon the completion of the dwelling as required under the contract,

(*a*) of a mortgage under the *National Housing Act*, 1954 in favour of the Corporation or an approved lender for the outstanding amount advanced by the Director under the contract, and the insurance fee required under paragraph (*a*) of subsection (6) of section 6 of the *National Housing Act, 1954* in respect of the instalment loan under that Act; and

(*b*) if the land on which the dwelling was built was owned by the Director and he so requests, of a mortgage in favour of the Director,

(i) in an amount equal to the difference between the cost to the Director of the land and the market value thereof at the time the contract was entered into as determined by the Director, and

(2) The portion of subsection (2) of section 48 being amended at present reads as follows:

"(2) Where the cost of construction of the proposed dwelling, as estimated by the Director, exceeds the least of the amounts mentioned in paragraphs (*a*), (*b*) *and* (*c*) of subsection (1), the veteran shall, before any contract is entered into by him with the Director under this section, pay to the Director in cash the full amount of such excess, less"

This amendment is consequential on the amendment to subsection (1) of section 48 as set out in subclause (1).

16. New. The purpose of this amendment is to permit a veteran who has entered into a contract with the Director under this Part to assign his contract with the consent of the Director to another eligible veteran.

17. (1) Subsection (1) of section 49 at present reads as follows:

"**49.** (1) Every veteran who enters into a contract with the Director under section 48 shall, at the time of entering into that contract, enter into a collateral agreement with the Director providing, *inter alia*, for the execution by the veteran, upon the completion of the dwelling as required under the contract, of a mortgage under the *National Housing Act, 1954* in favour of the Corporation or an approved lender for the amount of the approved loan referred to in subsection (1) of section 47 and the insurance fee required under paragraph (*a*) of subsection (6) of section 6 of the *National Housing Act, 1954* in respect of an instalment loan under that Act."

The amendments to the opening portions of this subsection are consequential on the amendment to section 48A set out in clause 16.

Occasions occur where a veteran, on completion of the construction of his house, does not require the full amount of the loan approved for him by Central Mortgage and Housing Corporation. The purpose of the amendment to paragraph (*a*) is to permit that veteran to execute a mortgage for an amount less than the amount of his approved loan.

In some cases, where the lot on which a veteran is to construct his home is part of a subdivision developed by the Director, there is a substantial difference between the market value of the lot and the cost thereof to the Director. The purpose of the amendment to paragraph (*b*) is to provide in cases of this nature for a mortgage to be given to the Director by the veteran for that difference in order to prevent the speculative use of the property.

(ii) for a term not in excess of ten years as determined by the Governor in Council,

the said mortgage to have priority over all other mortgages except the mortgage given to the corporation or approved lender pursuant to paragraph (*a*)." 5

1953-54, c. 66, s. 10.

(2) Section 49 of the said Act is further amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

Forgiving of payment of mortgage where veteran living on land.

"(3) The Director may, from time to time, forgive payment of the amount due from a veteran under a mortgage described in paragraph (*b*) of subsection (1) for any portion of the term thereof that the veteran continues to live on the land in respect of which the mortgage was given." 10

1953-54, c. 66, s. 10.

18. All that portion of subsection (1) of section 51 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor: 15

Registration of mortgage, conveyance of land, etc.

"**51.** (1) Upon the completion of the dwelling as required under the contract and upon the execution of the mortgages mentioned in subsection (1) of section 49, if any, the Director shall, at his own expense, provide for the registration of such mortgages and for the conveyance to the veteran of the land in respect of which the contract was entered into, at which time the Corporation or the approved lender, whichever is the mortgagee, shall remit to the Director" 20 25

1953-54, c. 66, s .10.

19. Section 53 of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

"Proceeds of sale."

"(3) In this section, "proceeds of sale" includes any rents obtained from the leasing of the property prior to the sale thereof." 30

1953-54, c.66, s. 10.

20. Part III of the said Act is repealed and the following substituted therefor:

"PART III.

"FARM IMPROVEMENT ASSISTANCE.

INTERPRETATION.

Definitions. "Cost to the Director."

"**63.** In this Part, 35

(*a*) "cost to the Director" means the cost to the Director of the land and improvements thereon, building materials, livestock and farm equipment sold to a veteran under a Part I contract;

(2) New. The purpose of this amendment is to provide that the mortgage described in paragraph (*b*) of subsection (1) of section 49 will be self-liquidating without payment by the veteran for such period of the mortgage that the veteran continues to reside on the property.

18. The portion of subsection (1) of section 51 preceding paragraph (*a*) at present reads as follows:

> "**51.** (1) Upon the completion of the dwelling as required under the contract and upon the execution of the mortgage mentioned in subsection (1) of section 49, the Director shall, at his own expense, provide for the registration of such mortgage and for the conveyance to the veteran of the land in respect of which the contract was entered into, at which time the Corporation or the approved lender, whichever is the mortgagee, shall remit to the Director"

This amendment is consequential upon the amendment to paragraph (*a*) of subsection (1) of section 49.

19. New. The purpose of this amendment is to provide that, where it is found necessary to terminate a construction contract and the Director is unable to effect an immediate sale of the property, any rents received by the Director from that property will be treated in the same manner as proceeds of the sale.

20. This amendment is a revision of Part III of the Act. The first purpose of this Part is to enable full-time farming veterans already settled to build up their enterprises to economic farm unit proportions, and to make it possible for full-time farming veterans not already settled to be established on farm units that meet present-day requirements for a minimum family size economic farm unit with its proper complement of livestock and farm equipment. To achieve this purpose, the maximum financial assistance available under the Act is increased from nine thousand dollars to twenty thousand dollars, the purposes for which a loan under this Part may be made are expanded and the basis of security for a loan is broadened.

The second purpose of the revision is to increase from fourteen hundred dollars to three thousand dollars the

"Part I contract."

(*b*) "Part I contract" means a contract entered into under section 10, subsection (9) of section 11 or section 23 or an agreement relating to an advance made under section 15;

"Prescribed."

(*c*) "prescribed" means prescribed by regulation of the Governor in Council; and

"Security value."

(*d*) "security value" means, with respect to farm land, the agricultural value thereof, and with respect to basic herd livestock or farm equipment, the resale value thereof.

LOANS TO FULL-TIME FARMER.

Assistance loans to full-time farmers.

64. (1) Subject to this Part, where a veteran certified by the Director to be a full-time farmer

(*a*) has requested that contemporaneously with the making of a Part I contract there be advanced by way of a loan to him supplementary financial assistance under or in respect of that contract, or

(*b*) has a subsisting Part I contract with the Director and has requested additional financial assistance,

the Director may, upon the veteran complying with such terms and conditions as the Governor in Council may prescribe, advance by way of a loan to that veteran for one or more of the purposes specified in subsection (2) amounts that, together with the amount of any loan previously made under this Part to that veteran and the amount of any cost to the Director outstanding on the date after the coming into force of this section that an agreement respecting a loan under this Part is entered into, do not exceed the lesser of

(*c*) twenty thousand dollars, or

(*d*) three-quarters of the security value as determined by the Director of the land, basic herd livestock and farm equipment held by the Director as security for the repayment of amounts owing by that veteran under this Act or to be acquired or taken by the Director as additional security for the repayment of amounts advanced to that veteran under this section.

Purposes for which loan may be made.

(2) The Director may, subject to subsection (3), make an advance by way of a loan to a veteran for one or more of the following purposes:

(*a*) the purchase of farm land to form part of or to be used in connection with the land to which a Part I contract relates;

(*b*) the erection or improvement of buildings or the providing of additions thereto on the lands mentioned in paragraph (*a*);

(*c*) the clearing, breaking, draining, fencing or irrigating of the lands mentioned in paragraph (*a*) or the

amount of the loan that may be advanced to part-time farmers and commercial fishermen.

In the notes below, the references to sections are to sections of the present Part III.

New.

effecting of other improvements of a permanent nature that, in the opinion of the Director, will tend to increase the productive value or promote the conservation of the soil thereof;

(*d*) the purchase of cattle, sheep or swine to be used as basic herd livestock;

(*e*) the purchase of farm equipment necessary for the economic operation of the veteran's farm; or

(*f*) the payment of debts that, in the opinion of the Director, were reasonably incurred by the veteran for any of the purposes specified in paragraphs (*a*) to (*e*).

Loans only for establishment of economic farm unit.

(3) No advance shall be made under this section by the Director unless the financial assistance requested by the veteran is, in the opinion of the Director, necessary for the development and proper operation by that veteran of an economic farm unit, and will add value to that unit commensurate with the money to be advanced by the Director.

LOANS TO PART-TIME FARMERS.

Assistance loans to part-time farmers and commercial fishermen.

65. (1) Subject to this Part, where a veteran certified by the Director to be a part-time farmer or a commercial fisherman has requested that, contemporaneously with the making of a Part I contract, there be advanced by way of a loan to him supplementary financial assistance, the Director may, upon payment to him by that veteran of an amount equal to one-third of the assistance so requested for use by the Director for the purpose for which the loan is to be made, advance, by way of a loan to that veteran for one or more of the purposes specified in paragraphs (*a*) to (*c*) of subsection (2) of section 64, an amount not exceeding three thousand dollars.

Amounts deemed paid to Director.

(2) For the purposes of subsection (1), there shall be deemed to have been paid to the Director by a veteran who, at the time of entering into a Part I contract had any equitable or other interest in the land to which that contract relates, the amount or value of that interest, as determined by the Director.

FORM OF AGREEMENT.

Form and content of agreement.

66. Every loan made under this Part shall be evidenced by an agreement entered into between the veteran and the Director, which agreement shall be in such form as the Governor in Council prescribes and shall be supplementary to and form part of the Part I contract entered into between the Director and that veteran, and shall contain

(*a*) a description of the land to which the Part I contract relates and any additional land purchased or to be purchased with the proceeds of the loan;

New.

Section 66

(*b*) a statement setting forth the amount of the loan, the interest payable in respect thereof, and the terms of repayment thereof; and

(*c*) such additional terms and conditions as the Governor in Council deems necessary or advisable for the purpose of protecting the rights of the Director and of the veteran under this Part or Part I.

TERMS OF LOAN.

Amount to be paid by veteran.

67. Notwithstanding sections 64 and 65, no amount may be advanced by the Director by way of loan to any veteran unless the veteran, at the time of the making of the loan, pays to the Director in cash for use by the Director for the purpose for which the loan is to be made, an amount by which the total amount that may be required for that purpose, as estimated by the Director, exceeds the amount to be advanced by the Director by way of a loan to him.

Terms of repayment and interest rate.

68. (1) Every advance by way of a loan made by the Director under this Part shall bear interest at the rate of five per cent per annum and shall be repayable in equal instalments as set forth in the agreement of loan amortized

(*a*) in the case of an advance made to a full-time farmer, over a period not in excess of thirty years; and

(*b*) in the case of an advance made to a part-time farmer or commercial fisherman, over a period not in excess of twenty-five years.

Extension of time for repayment.

(2) The Director may extend the period of time over which a loan made under this Part to a veteran certified to be a full-time farmer may be repaid for a further period that, together with the period of repayment set out in the agreement of the loan, does not exceed thirty years.

Other terms.

69. It shall be a term of every agreement of loan entered into under this Part that, in the event of the sale, lease or other disposition by the veteran of the land upon which the Director has, by virtue of section 72, a first and paramount lien, any portion of the loan then outstanding shall, at the option of the Director, forthwith become due and payable.

SECURITY.

Director to take security.

70. Subject to this Act, the Director shall hold as security for a loan made under this Part to a veteran certified to be a full-time farmer, farm land, basic herd livestock or farm equipment sufficient, in the opinion of the Director, to secure the repayment of the amount of the veteran's outstanding indebtedness under that loan.

Section 64

New.

Section 69(2)

New.

Amount of Director's security to be in land, etc.

71. The Director shall ensure at all times that not less than sixty per cent of the security held by him to secure repayment of a loan made under this Part and the outstanding cost to the Director owing under a Part I contract by a veteran certified to be a full-time farmer is in farm land and the balance, if any, in basic herd livestock and farm equipment not in excess of such amounts as the Governor in Council may prescribe.

Director's lien.

72. As long as any portion of a loan made under this Part remains unpaid, the Director has a first and paramount lien in respect thereof upon the land, livestock or farm equipment to which a Part I contract relates, and upon any land, basic herd livestock or farm equipment purchased or taken as security by the Director under this Part, which lien has priority over all other rights, interests, liens, charges, claims or demands whatsoever of any other person.

Lien where additional land purchased.

73. Where proceeds of a loan made under this Part are used by the Director to purchase land, the land so purchased shall be held as security for the repayment of the loan in the same manner and subject to the same terms and conditions, as nearly as may be, as the land to which the Part I contract relates.

No transfer, etc. of land subject to Part I contract.

74. (1) Subject to this Act, no transfer or conveyance of the land to which a Part I contract relates or discharge of any mortgage thereon shall be given by the Director to any veteran to whom a loan under this Part has been made, until such time as the veteran has repaid in full his indebtedness to the Director under this Part in respect of that loan.

Title to land, etc. to be released to veteran.

(2) The Director may, subject to section 70 and on such terms and conditions as he deems necessary, transfer to a veteran certified to be a full-time farmer the title to any land, livestock or farm equipment held by the Director as security to secure the repayment by that veteran of his indebtedness under this Act, but such release does not relieve that veteran from making repayment thereof as provided by this Part.

REGULATIONS.

Regulations.

75. The Governor in Council may make regulations

(*a*) prescribing the terms and conditions on which a loan may be made to a veteran;

(*b*) prescribing, for the purposes of section 71, the maximum amounts of basic herd livestock or farm equipment that the Director may hold as security to secure a loan made under this Part; and

New.

Section 67

Section 68(1) (*a*)

Section 68(2)

(2) New.

New.

(*c*) for defining, for the purposes of this Act, "agricultural value", "basic herd livestock", "economic farm unit", "farm equipment" and "farm land".

GENERAL.

Prohibition.

76. Notwithstanding anything in this Part, no loan shall be made under this Part to a veteran who is in default under a Part I contract or who is indebted in respect of any loan made pursuant to the *Veterans' Business and Professional Loans Act*."

Section 70

C-51.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-51.

An Act to provide for the Development of certain Provinces by the Distribution of Industry and for the Reduction of Unemployment therein.

First reading, May 20, 1959.

MR. COATES.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21181-3

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-51.

An Act to provide for the Development of certain Provinces by the Distribution of Industry and for the Reduction of Unemployment therein.

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 *Industrial Development Bank Act, 1959.*

Interpretation.

Definitions.

2. In this Act,

"Basic service."

(*a*) "basic service" means the provision of facilities for transport, whether by road, rail, water or air, or facilities for power, lighting or heating, or housing, health or other services on which the development of a development area, and in particular of industrial enterprises therein, depends;

"Development area".

(*b*) "development area" means a province named in the Schedule to this Act or any locality therein;

"Industrial estate company."

(*c*) "industrial estate company" means a body corporate and politic that is constituted by the authority of a province named in the Schedule for the purpose of facilitating the provision of premises needed for meeting the requirements of industrial enterprises, including requirements arising from the needs of persons employed or to be employed therein, or sites for such premises or means of access thereto;

R.S. c. 151, s. 2, incorporated.

(*d*) Section 2 of the *Industrial Development Bank Act*, being the "Interpretation" section, is incorporated herein.

Construed with R.S. c. 151; 1956, c. 25.

3. This Act shall be read and construed as one with the *Industrial Development Bank Act.*

Explanatory Notes.

The purpose of this bill is twofold: firstly, to encourage the development of industry in the four Maritime Provinces; secondly, to reduce high-level unemployment by the development of industries in areas in those Provinces where unemployment persists. The method used is to adapt the facilities provided by the *Industrial Development Bank Act*, which is general to all Canada, to the specific economic needs of the Maritime Provinces; and to integrate those financial and advisory facilities with the similar facilities provided by those Provinces.

The bill is separate from but is to be read and construed with the *Industrial Development Bank Act* (Clause 3). Specifically, the interpretation section of that Act, is incorporated by Clause 2(*d*)—the substantial definition being that of "industrial enterprise", as follows:

> "industrial enterprise" means an enterprise in which is carried on the business of
>
> (i) manufacturing, processing, assembling, installing, overhauling, reconditioning, altering, repairing, cleaning, packaging, transporting or warehousing of goods,
>
> (ii) logging, operating a mine or quarry, drilling, construction, engineering, technical surveys or scientific research,
>
> (iii) generating or distributing electricity or operating a commercial air service, or the transportation of persons, or
>
> (iv) supplying premises, machinery or equipment for any business mentioned in subparagraph (i), (ii) or (iii) under a lease, contract or other arrangement whereby title to the premises, machinery or equipment is retained by the supplier."

Bank loans for industrial premises to industrial estate company.

4. The Industrial Development Bank, upon the recommendation of the Board of Directors of the Bank, may make loans to an industrial estate company where the Board is satisfied the loans will further the provision of premises for industrial enterprises in the development area in such a way as to induce persons to establish or expand industrial enterprises in such area.

Bank grants and loans for basic services.

5. Where it appears to the Board that adequate provision has not been made for the needs of a development area in respect of a basic service, the Bank may make grants or loans toward the cost of making adequate the service to such persons and in such manner as appears to the Board to be requisite for enabling those needs to be met.

Bank grants and loans for industrial enterprises.

6. (1) The Bank may, upon the recommendation of the Board, agree with any person carrying on, or proposing to carry on, in a development area an industrial enterprise already established or proposed to be established to give financial assistance to the carrying on of the enterprise, on such terms as may be specified in the agreement, in one or more of the following ways

(*a*) by making annual grants to the said person, either towards the cost of paying interest on monies borrowed or to be borrowed for the purposes of the undertaking or generally for those purposes;

(*b*) by making loans for those purposes.

Conditions of approval.

(2) This section applies to an industrial enterprise approved by the Board as complying with the requirements of the proper distribution of industry, being an enterprise as to which the Bank is satisfied in accordance with such recommendation of the Board that there are reasonable prospects of its ultimately being able to be carried on successfully without further assistance under this section, but that the person carrying it on or proposing to carry it on cannot for the time being, without assistance under this section, obtain capital required for the purposes of the undertaking on the requisite terms.

Bank grants and loans for enterprises to reduce high unemployment.

7. The Bank may give assistance by way of grant or loan to any person carrying on or proposing to carry on in a development area an enterprise by way of trade or business, whether or not that enterprise:

(*a*) is an industrial enterprise within the meaning of the *Industrial Development Bank Act;* or

(*b*) is approved by the Board in pursuance of subsection (2) of section 6 as complying with the requirements of the proper distribution of industry,

Clause 4. This clause provides that the Bank may lend money to an industrial estate company to assist in providing premises for an industrial enterprise.

Clause 5. This clause provides that the Bank may make grants or loans to an acceptable person or company towards providing basic services (as defined in Clause 2(*a*)).

Clause 6. This clause provides that the Bank may make grants or loans to an acceptable person or company towards the establishment or assistance, of an industrial enterprise.

Clause 7. This clause provides that the Bank may make grants or loans to an acceptable person or company to establish an enterprise in an area of persistent high-level unemployment. The restrictions on the Bank's discretion are here relaxed as to type of enterprise and conditions of assistance.

if the Board is satisfied that the purpose for which the grant or loan is required is a purpose likely to reduce or contribute to the reduction of the rate of unemployment in any locality of a development area in which, in the opinion of the Board, a high rate of unemployment exists and is likely to persist.

Returns.

8. The Bank shall include an account of its administration under this Act in the returns required of it by the provisions of the *Industrial Development Bank Act*.

SCHEDULE.

Development Areas.

Nova Scotia.
New Brunswick.
Newfoundland.
Prince Edward Island.

Clause 8. This requires the Bank to include its report under this bill with the reports to Parliament and to the Minister of Finance required under the *Industrial Development Bank Act.*

Clause 8. This requires the Bank to include its report under this bill with the reports to Parliament and to the Minister of Finance required under the Industrial Development Bank Act.

C-52.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-52.

An Act to amend the Bretton Woods Agreements Act.

First reading, May 20, 1959.

MINISTER OF FINANCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20975-9

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-52.

An Act to amend the Bretton Woods Agreements Act.

R.S., c. 19.

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

1. Section 5 of the *Bretton Woods Agreements Act* is repealed and the following substituted therefor:

Payment of subscriptions out of C. R. Fund.

"**5.** The Minister of Finance may provide for the payment out of the Consolidated Revenue Fund to the International Monetary Fund and to the International Bank for Reconstruction and Development in the manner and at the times provided for by the Agreements therefor set out in the Schedules, of a sum or sums of money, not exceeding in the whole an amount equivalent to the subscriptions required from Canada, that is to say, thirteen hundred million United States dollars."

2. Subsection (1) of section 6 of the said Act is repealed and the following substituted therefor:

Loans for the purposes of the Act.

"**6.** (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament by an Act heretofore passed, raise by way of loan under the provisions of the Financial Administration Act, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole an amount equivalent to the subscriptions referred to in section 5, as may be required for the purposes of this Act."

Explanatory Note

The purpose of this Bill is to make provision for a proposed increase in Canada's subscriptions to the International Monetary Fund and to the International Bank for Reconstruction and Development from United States $625 million to United States $1300 million. Provision is made for an increase from Canadian $700 million to the Canadian dollar equivalent of United States $1300 million in the maximum amount which the Minister of Finance may pay out of the Consolidated Revenue Fund, and which the Governor in Council may raise by way of loan, if required, for the payment of Canada's subscriptions to the Fund and Bank.

When the original legislation was passed in 1945, the rate of exchange between Canadian and United States dollars was fixed at Canadian $1.00 = United States $1.00 and provision was made for a maximum payment of a fixed amount in Canadian dollars. The rate of exchange is now variable and it is expedient to describe Canada's obligations to the Fund and Bank in United States dollars which is the currency in which all subscriptions are expressed under the Agreements.

Clause 1. Section 5 presently reads as follows:

"**5.** The Minister of Finance may provide for the payment of the subscriptions required from Canada to the International Monetary Fund, and to the International Bank for Reconstruction and Development in the manner and at the times provided for by the Agreements therefor set out in the Schedules out *of unappropriated moneys in* the Consolidated Revenue Fund to an amount not exceeding *seven hundred million dollars.*"

Clause 2. Subsection (1) of section 6 presently reads as follows:

"**6.** (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament by any Act heretofore passed, raise by way of loan under the provisions of the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole *the sum of seven hundred million dollars*, as may be required for the purposes of this Act."

C-53.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-53.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1960.

AS PASSED BY THE HOUSE OF COMMONS, 3rd JUNE, 1959.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21340-5

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-53.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1960.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honourable Vincent Massey, Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1960, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act, No. 4, 1959.*

$634,617,069.94 granted for 1959-60.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole six hundred and thirty-four million, six hundred and seventeen thousand, sixty-nine dollars and ninety-four cents towards defraying the several charges and expenses of the public service, from the 1st day of April, 1959, to the 31st day of March, 1960, not otherwise provided for, and being the aggregate of

(*a*) one-sixth of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1960, as laid before the House of Commons at the present session of Parliament, $606,770,511.84;

(*b*) seven-twelfths of the total of the amounts of the several items set forth in Schedule A, $350,000.00;
(*c*) one-third of the total of the amounts of the several items set forth in Schedule B, $824,276.67;
(*d*) one-sixth of the total of the amounts of the several items set forth in Schedule C, $1,492,983.34;
(*e*) one-twelfth of the total of the amounts of the several items set forth in Schedule D, $5,090,992.42; and
(*f*) one-sixth of the total of the amounts of the items set forth in the Supplementary Estimates for the fiscal year ending the 31st day of March, 1960, as laid before the House of Commons at the present session of Parliament, $20,088,305.67.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Account to be rendered.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1959-60. The amount hereby granted is $350,000, being seven-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1960, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	CITIZENSHIP AND IMMIGRATION		
	INDIAN AFFAIRS BRANCH		
66	Grant to provide Additional Services to the Indians of British Columbia	100,000	
	EXTERNAL AFFAIRS		
	B—GENERAL		
	SPECIAL		
102	Contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East	500,000	
			*600,000

*Net total $350,000.

SCHEDULE B.

Based on the Main Estimates, 1959-60. The amount hereby granted is $824,276.67, being one-third of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1960, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	FISHERIES		
	SPECIAL		
136	Canadian share of expenses of the International Commissions detailed in the Estimates	972,830	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
263	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them for Campground and Picnic Area Developments	1,500,000	
			*2,472,830

*Net total $824,276.67

SCHEDULE C.

Based on the Main Estimates, 1959-60. The amount hereby granted is $1,492,983.34, being one-sixth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1960, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	PRODUCTION AND MARKETING BRANCH		
25	Quality Premiums on High Grade Hog Carcasses and Administration Costs	6,500,000	
	FISHERIES		
	FIELD SERVICES		
133	Conservation and Development Service—Construction or Acquisition of Buildings, Works, Land and Equipment	1,657,900	
	PUBLIC WORKS		
	GENERAL		
358	Balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1959–60	800,000	
			*8,957,900

Net Total $1,492,983.34.

SCHEDULE D.

Based on the Main Estimates, 1959-60. The amount hereby granted is $5,090,992.42, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1960, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	RESEARCH BRANCH		
	Research Institutes, Regional Laboratories, Branch Farms and Research Services—		
6	Operation and Maintenance	21,151,451	
	PRODUCTION AND MARKETING BRANCH		
27	Freight Assistance on Western Feed Grains	20,000,000	
	JUSTICE		
	B—PENITENTIARIES		
161	Construction, Improvements and Equipment	6,058,571	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	SURVEYS AND MAPPING BRANCH		
190	Geodetic Survey of Canada	788,606	
191	International Boundary Commission	83,224	
	Topographical Surveys, including expenses of the Canadian Board on Geographical Names—		
192	Administration, Operation and Maintenance	1,980,020	
	Canadian Hydrographic Service—		
194	Administration, Operation and Maintenance, including Canada's fee for membership in the International Hydrographic Bureau	3,661,349	
196	Legal Surveys and Aeronautical Charts	775,463	
	GEOLOGICAL SURVEY OF CANADA		
200	Administration, Operation and Maintenance, including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, and $50,000 for Grants in aid of Geological Research in Canadian Universities	3,299,108	
	GEOGRAPHICAL BRANCH		
204	Administration, Operation and Maintenance, including a Grant of $500 to the Canadian Association of Geographers and a Grant of $3,500 to the University of British Columbia in aid of Research in Foreign Geography	358,681	

SCHEDULE D—*Concluded.*

No. of Vote	Service	Amount	Total
		$	$
	MINES AND TECHNICAL SURVEYS—*Concluded*		
	A—DEPARTMENT—*Concluded*		
	DOMINION OBSERVATORIES		
205	Dominion Observatory, Ottawa and Field Stations— Administration, Operation and Maintenance, including the expenses of the National Committee for Canada of the International Astronomical Union, the fee for membership in the International Astronomical Union, and a Grant of $3,500 to the Royal Astronomical Society of Canada	896,930	
	GENERAL		
210	Polar Continental Shelf Project	567,849	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	FORESTRY BRANCH		
282	Forest Research Division— Operation and Maintenance	1,470,657	
			*61,091,909

*Net Total $5,090,992.42.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-54.

An Act to implement a Convention between Canada and the Republic of Finland for the avoidance of Double Taxation with respect to Income Tax.

First reading, June 4, 1959.

THE MINISTER OF FINANCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21320-7

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-54.

An Act to implement a Convention between Canada and the Republic of Finland for the avoidance of Double Taxation with respect to Income Tax.

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 *Canada-Finland Income Tax Convention Act, 1959.*

Convention approved.

2. The Convention entered into between Canada and the Republic of Finland, set out in the Schedule, is approved and declared to have the force of law in Canada.

Inconsistent laws.

3. In the event of any inconsistency between the provisions of this Act, or the Convention, and the operation of any other law, the provisions of this Act and the Convention prevail to the extent of the inconsistency.

Orders and regulations.

4. The Minister of National Revenue may make such orders and regulations as are, in his opinion, necessary for the purpose of carrying out the Convention or for giving effect to any of the provisions thereof.

Commencement and duration.

5. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council, and shall continue in force until a day to be fixed by proclamation of the Governor in Council following the termination of the Convention, and no longer.

Explanatory Note.

The purpose of this bill is to implement the Convention between Canada and Finland for the avoidance of double taxation with respect to Income Tax, signed at Ottawa on March 28, 1959.

SCHEDULE.

Convention between the Government of Canada and the Government of the Republic of Finland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

The Government of Canada and the Government of the Republic of Finland, desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, have agreed as follows:—

ARTICLE I.

1. The taxes which are the subject of this Convention are:—

(*a*) In Finland:
The state income tax (hereinafter referred to as "Finnish tax");

(*b*) In Canada:
Income taxes, including surtaxes and the old age security tax on income, which are imposed by the Government of Canada (hereinafter referred to as "Canadian tax").

2. This Convention shall also apply to any other taxes of a substantially similar character imposed by either Contracting State subsequent to the signing of this Convention.

ARTICLE II.

1. In this Convention, unless the context otherwise requires:

(*a*) The terms "one of the territories" and "the other territory" mean Finland or Canada, as the context requires.

(*b*) The term "tax" means Finnish tax or Canadian tax, as the context requires.

(*c*) The term "person" includes any body of persons, corporate or not corporate.

(*d*) The term "company" means any body corporate.

(*e*) The term "resident of Finland" means any person who is resident in Finland for the purposes of Finnish tax and not resident in Canada for the purposes of Canadian tax, and the term "resident of Canada" means any person who is resident in Canada for the purposes of Canadian tax and not resident in Finland for the purposes of Finnish tax; a company shall be regarded as resident in Finland if it is incorporated under the laws of Finland and its business is not managed and controlled in Canada, or if it is not so incorporated but its business is managed and controlled in Finland; and as resident in Canada if its business is managed and controlled in Canada.

(*f*) The term "dual resident" means any person who is resident in Finland for purposes of Finnish tax and also resident in Canada for purposes of Canadian tax.

(*g*) The terms "resident of one of the territories" and "resident of the other territory" mean a person who is a resident of Finland or a person who is a resident of Canada, as the context requires.

(*h*) The term "Finnish enterprise" means an enterprise carried on by a resident of Finland and the term "Canadian enterprise" means an enterprise carried on by a resident of Canada.

(*i*) The terms "enterprise of one of the territories" and "enterprise of the other territory" mean a Finnish enterprise or a Canadian enterprise, as the context requires.

(*j*) The term "permanent establishment" when used with respect to an enterprise of one of the territories, means a branch, office, factory, or other fixed place of business, a mine, quarry or any other place of natural resources subject to exploitation. The use of substantial equipment or machinery within one of the territories at any time in any taxation year by an enterprise of the other territory shall constitute a permanent establishment of such enterprise in the former territory for such taxation year. The term does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of the enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. In this connection—

(i) An enterprise of one of the territories shall not be deemed to have a permanent establishment in the other territory merely because it carries on business dealings in that other territory through a *bona fide* broker or general commission agent acting in the ordinary course of his business as such;

(ii) The fact that an enterprise of one of the territories maintains in the other territory a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute that fixed place of business a permanent establishment of the enterprise;

(iii) The fact that a company which is a resident of one of the territories has a subsidiary company which is a resident of the other territory or which carries on a trade or business in that other territory (whether through a permanent establishment or otherwise) shall not of itself constitute that subsidiary company a permanent establishment of its parent company.

(*k*) The term "pension" means periodic payments made in consideration of past services.

(*l*) The term "annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

(*m*) The term "competent authorities" means, in the case of Finland, the Minister of Finance or his authorized representative; and in the case of Canada the Minister of National Revenue or his authorized representative.

2. In the application of the provisions of this Convention by one of the contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which such term has under its own tax laws.

ARTICLE III.

1. The industrial and commercial profits of a Finnish enterprise shall not be subject to Canadian tax unless the enterprise is engaged in trade or business in Canada through a permanent establishment situated therein. If it is so engaged, tax may be imposed on those profits by Canada, but only on so much of them as is attributable to that permanent establishment.

2. The industrial and commercial profits of a Canadian enterprise shall not be subject to Finnish tax unless the enterprise is engaged in trade or business in Finland through a permanent establishment situated therein. If it is so engaged, tax may be imposed on those profits by Finland, but only on so much of them as is attributable to that permanent establishment.

3. Where an enterprise of one of the territories is engaged in trade or business in the other territory through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial and commercial profits which it might be expected to derive in that other territory if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.

4. No portion of any profits arising to an enterprise of one of the territories shall be attributed to a permanent establishment situated in the other territory by reason of the mere purchase of goods or merchandise within that other territory by the enterprise.

5. Where a company which is a resident of one of the territories derives profits or income from sources within the other territory, that other territory shall not impose any form of taxation on dividends paid by the company to persons not resident in that other territory, or any tax in the nature of an undistributed profits tax on undistributed profits of the company, by reason of the fact that those dividends or undistributed profits represent, in whole or in part, profits or income derived from such sources.

6. Paragraphs 1 and 2 of this Article shall not be construed as preventing one of the contracting States from imposing a tax on income in the form of dividends, interest, rents or royalties, including rents and royalties of motion picture films, derived from sources within its territory by a resident of the territory of the other contracting State.

ARTICLE IV.

Where

(*a*) an enterprise of one of the territories participates directly or indirectly in the management, control or capital of an enterprise of the other territory, or

(*b*) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the territories and an enterprise of the other territory, and

(*c*) in either case conditions are made or imposed between the two enterprises, in their commercial or financial relations, which differ from those which would be made between independent enterprises,

then any profits which but for these conditions would have accrued to one of the enterprises but by reason of these conditions have not so accrued may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V.

Notwithstanding the provisions of Articles III and IV, profits gained by a resident of one of the territories from operating ships or aircraft shall be exempt from tax in the other territory.

ARTICLE VI.

1. The rate of Canadian tax on dividends, interest, rents, or royalties derived from sources within Canada by a resident of Finland shall not exceed 15 per cent unless such income is attributable to a permanent establishment in Canada maintained by such resident of Finland.

2. Notwithstanding paragraph 1, the rate of Canadian tax on dividends paid to a company which is a resident of Finland by a company resident in Canada, more than 50 per cent of whose shares which have under all circumstances full voting rights are owned by the former company, shall not exceed 5 per cent.

3. The rate of Finnish tax on dividends, interest, rents or royalties derived from sources within Finland by a resident of Canada shall not exceed 15 per cent unless such income is attributable to a permanent establishment in Finland maintained by such resident of Canada.

4. Notwithstanding paragraph 3, the rate of Finnish tax on dividends paid to a company which is a resident of Canada by a company resident in Finland, more than 50 per cent of whose shares which have under all circumstances full voting rights are owned by the former company, shall not exceed 5 per cent.

ARTICLE VII.

Copyright royalties and other like payments made in respect of the production or reproduction of any literary, dramatic, musical or

artistic work (but not including rents or royalties in respect of motion picture films) and derived from sources within one of the territories by a resident of the other territory shall be exempt from tax in that first-mentioned territory.

ARTICLE VIII.

1. Remuneration (other than pensions) paid by the Government of Finland, any political subdivision of Finland, or any government institution in Finland, to any individual for services rendered to that Government, subdivision or institution in the discharge of government functions shall be exempt from Canadian tax if the individual is not ordinarily resident in Canada or is resident in Canada solely for the purpose of rendering those services.

2. Remuneration (other than pensions) paid by the Government of Canada or of any Province of Canada or any government institution in Canada to any individual for services rendered to that Government, or institution, in the discharge of government functions shall be exempt from Finnish tax if the individual is not a resident of Finland or is resident in Finland solely for the purpose of rendering those services.

3. The provisions of this Article shall not apply to payments in respect of services rendered in connection with a trade or business carried on by a government, any political subdivision or government institution.

ARTICLE IX.

A resident of Finland shall be exempt from Canadian tax upon compensation for personal (including professional) services performed during the taxation year within Canada if he is present therein for a period or periods not exceeding a total of 183 days during the taxation year and either of the following conditions is met:

(*a*) his compensation is received for such personal services performed for or on behalf of a resident of Finland, or

(*b*) his compensation received for such personal services does not exceed $3,000.

2. The provisions of paragraph 1 of this Article shall apply, mutatis mutandis, to a resident of Canada with respect to compensation for such personal services performed in Finland.

3. The provisions of this Article shall not apply to the compensation of public entertainers such as musicians, stage, motion picture, radio or television artists, professional athletes and the organizers of entertainments.

ARTICLE X.

1. Any pension or annuity derived from sources within Canada by an individual who is a resident of Finland shall be exempt from Canadian tax.

2. Any pension or annuity derived from sources within Finland by an individual who is a resident of Canada shall be exempt from Finnish tax.

ARTICLE XI.

A professor or teacher who temporarily visits one of the territories for the purpose of teaching for a period not exceeding two years at a university, college, school or other educational institution in that territory, and who was resident in the other territory immediately prior to his appointment shall be exempted from tax on his remuneration for such teaching for such period by the territory in which he is visiting.

ARTICLE XII.

A student or business apprentice from one of the territories who is receiving full-time education and training in the other territory shall be exempt from tax in that other territory on payments made to him for the purposes of his maintenance, education or training, by persons in the first-mentioned territory or by a political subdivision or the government of the first-mentioned territory or by an inter-governmental organization.

ARTICLE XIII.

1. Finland agrees to allow as a deduction from Finnish tax on any income derived from sources within Canada that is subject to tax in Finland the amount of Canadian tax payable in respect of that income, provided that the deduction shall not exceed the proportion of the Finnish tax that the income from Canada that is subject to Finnish and Canadian tax bears to the total income subject to Finnish tax.

2. Canada agrees to allow as a deduction from Canadian tax on any income derived from sources within Finland that is subject to tax in Canada the amount of Finnish tax payable in respect of that income, provided that the deduction shall not exceed the proportion of the Canadian tax that the income from Finland that is subject to Canadian and Finnish tax bears to the total income subject to Canadian tax.

3. For the purposes of this Article, profits or remuneration for personal (including professional) services performed in one of the territories shall be deemed to be income from sources within that territory, and the services of an individual whose services are wholly or mainly performed in ships or aircraft operated by a resident of one of the territories shall be deemed to be performed in that territory.

ARTICLE XIV.

A resident of one of the territories who does not carry on a trade or business in the other territory through a permanent establishment situated therein shall be exempt in that other territory from any tax on gains from the sale, transfer or exchange of capital assets.

ARTICLE XV.

1. The competent authorities of the contracting States shall, upon request, exchange such information as is necessary for carrying

out the provisions of this Convention or for the prevention of fraud or the administration of statutory provisions against tax avoidance in relation to the taxes which are the subject of this Convention.

2. The information so exchanged shall retain its secret nature and shall not be disclosed to persons other than those charged with assessment and collection of the taxes.

3. The provisions of this Article shall not in any case be considered as requiring one of the contracting States to disclose to the other contracting State, either information other than that which its own fiscal legislation permits it to obtain, or information the furnishing of which would involve the disclosure of industrial and trade secrets relating to processes or methods or professional secrets.

4. These provisions shall not be considered as imposing on a contracting State the obligation to perform an administrative act which would be contrary to its regulations or practices.

Article XVI.

1. Any person who shows proof that the action of the revenue authorities of the two contracting States results in double taxation with respect to the taxes referred to in this Convention, may lodge a claim with the state in which he resides. Should the claim be upheld, the competent authority of this contracting State may come to an agreement with the competent authority of the other contracting State with a view to equitable avoidance of the double taxation.

2. The competent authorities of the contracting States may likewise come to an agreement for the purpose of avoiding double taxation in a case where a person is found to be a dual resident.

Article XVII.

A contracting State shall not impose more burdensome taxes on the citizens of the other contracting State than it imposes on its own citizens under the same conditions.

Article XVIII.

1. The provisions of this Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed or which may hereafter be granted to such officers.

2. The provisions of this Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such contracting State.

3. Should any difficulty or doubt arise as to the interpretation or application of this Convention, the competent authorities of the contracting States may settle the question by mutual agreement.

ARTICLE XIX.

1. The competent authorities of the contracting States may prescribe regulations necessary to interpret and carry out the provisions of this Convention.

2. The competent authorities of the contracting States may communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XX.

1. This Convention is done in the English and Finnish languages, the two texts having equal force.

2. The Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Helsinki.

3. The Convention shall come into force on the date on which the instruments of ratification are exchanged and shall thereupon have effect in respect of taxes for the taxation years beginning on or after the 1st day of January in the calendar year preceding that in which the exchange of instruments of ratification takes place.

ARTICLE XXI.

This Convention shall continue in effect indefinitely, but either of the contracting States may on or before the 30th day of June in any calendar year following the calendar year in which the exchange of instruments of ratification takes place, give to the other contracting State notice of termination and in such event this Convention shall cease to have effect in respect of taxes for the taxation years beginning on or after the 1st day of January on the calendar year next following that in which notice is given.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto, have signed this Convention.

DONE, in duplicate, at Ottawa this twenty-eight day of March, 1959.

FOR THE GOVERNMENT OF CANADA:

SEAL (Sgd.) DONALD M. FLEMING

FOR THE GOVERNMENT OF THE REPUBLIC OF FINLAND:

SEAL (Sgd.) SIGURD VON NEMERS

21320-7—2

C-55.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-55.

An Act to amend the Representation Act.

First reading, June 8, 1959.

Mr. Nielsen.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21378-5

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-55.

An Act to amend the Representation Act.

R.S., c. 334; 1952–53, c. 8; 1953–54, c. 32; 1955, c. 5.

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

1. Section 2 of the *Representation Act* is repealed and the following substituted therefor:

Total number of members.

"**2.** Eighty-five members of the House of Commons shall be elected for the Province of Ontario, seventy-five for the Province of Quebec, twelve for the Province of Nova Scotia, ten for the Province of New Brunswick, fourteen for the Province of Manitoba, twenty-two for the Province of British Columbia, four for the Province of Prince Edward Island, seventeen for the Province of Saskatchewan, seventeen for the Province of Alberta, seven for the Province of Newfoundland, one for the Yukon Territory, one for Mackenzie district of the Northwest Territories and one for the Keewatin-Franklin district of the Northwest Territories, thus making a total of two hundred and sixty-six members."

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

Canada Elections Act amended.

"**8.** (1) Wherever the expression "electoral district of Yukon-Mackenzie River" occurs in the *Canada Elections Act*, chapter 23 of the Revised Statutes of Canada, 1952, there shall in each case be substituted therefor the expression "electoral districts of Yukon, Mackenzie River and Keewatin-Franklin."

Idem.

(2) Schedule Four to the *Canada Elections Act* is repealed and the following substituted therefor:

"SCHEDULE FOUR.

List of electoral districts in which nomination day is the twenty-eighth day before polling day.

Explanatory note.

The purpose of this Bill is to provide that there shall be two electoral districts in the Northwest Territories, in lieu of one as at present, so that the population of the Keewatin-Franklin district, as described on page 2, may have a representative in the House of Commons.

Province of Ontario
Cochrane
Kenora-Rainy River
Port Arthur

Province of Quebec
Chapleau
Saguenay

Province of Newfoundland
Bonavista-Twillingate
Burin-Burgeo
Grand Falls-White Bay-Labrador
Humber-St. George's
Trinity-Conception

Province of Manitoba
Churchill

Province of Saskatchewan
MacKenzie
Meadow Lake
Prince Albert

Province of Alberta
Athabaska
Peace River
Jasper-Edson

Province of British Columbia
Cariboo
Skeena

Yukon Territory
Yukon

Northwest Territories
Mackenzie River
Keewatin-Franklin"

Schedule amended.

3. That Part of the Schedule to the said Act, at the end of the Schedule, under the heading 'NORTHWEST TERRITORIES' is repealed and the following substituted therefor:

"NORTHWEST TERRITORIES.

There shall be in the Northwest Territories two electoral districts named and described as follows, each of which shall return one member:

MACKENZIE RIVER consisting of the District of Mackenzie as bounded and described in Order-in-Council number six hundred and fifty-five (655) dated the 16th day of March, 1918, which reads as follows:

The Provisional District of Mackenzie bound on the west by the Yukon Territory; on the south by the parallel of the sixtieth degree of north latitude; on the east by the second meridian in the system of Dominion Land surveys as the same may be hereafter defined in accordance with the said system, and on the north by the continental shore of the Arctic Ocean.

KEEWATIN-FRANKLIN consisting of all that area of Canada east of the one hundred and second meridian of longtitude and north of the sixtieth parallel of latitude including the whole of the Arctic islands and those islands in Hudson and James Bay below the sixtieth parallel of latitude and not included in any other electoral district."

C-56.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-56.

An Act to amend the Judges Act.

AS PASSED BY THE HOUSE OF COMMONS,
9th JUNE, 1959.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21096-3

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-56.

An Act to amend the Judges Act.

R.S., c.159; 1952-53, c.4; 1953-54, c.58; 1955, c.48; 1956, c.8; 1957, c.30; 1958, c.33.

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

1956, c.8, s.1.

1. Paragraph (*e*) of section 9 of the *Judges Act* is repealed and the following substituted therefor:

"(*e*) Fifty-one puisne judges of the Superior Court, each.....16,900.00"

1956, c.8, s.2.

2. Paragraph (*d*) of section 13 of the said Act is repealed and the following substituted therefor:

"(*d*) Thirteen Judges of the Supreme Court, each.....16,900.00"

1955, c.48, s.3.

3. Paragraph (*d*) of section 16 of the said Act is repealed and the following substituted therefor:

"(*d*) Eight Justices of the Supreme Court of Alberta, each.....16,900.00"

Explanatory Note.

The purpose of this Bill is to provide the salaries for additional judges as follows:

1. Three puisne judges of the Superior Court of Quebec.

2. Two judges of the Supreme Court of British Columbia.

3. Two judges of the Trial Division of the Supreme Court of Alberta.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-57.

An Act respecting the Superannuation of Members of the Royal Canadian Mounted Police.

First reading, June 9, 1959.

MINISTER OF JUSTICE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20182-2—1

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-57.

An Act respecting the Superannuation of Members of the Royal Canadian Mounted Police.

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 *Royal Canadian Mounted Police Superannuation Act.*

PART I.

SERVICE BENEFITS.

INTERPRETATION.

Definitions.

2. (1) In this Part,

"Active service."

(*a*) "active service" means any service of a kind specified in the regulations to be active service, which service is deemed for the purposes of this Part to have terminated upon discharge or, in the case of a person who underwent treatment in a veterans' hospital, as defined in the regulations, immediately following his discharge, upon his release from such hospital;

"Child."

(*b*) "child" includes an illegitimate child, a stepchild and an adopted child;

"Contributor."

(*c*) "contributor" means a person who is required by section 4 to contribute to the Superannuation Account, and includes, unless the context otherwise requires,

(i) a person who has ceased to be so required to contribute to the Superannuation Account, and

(ii) for the purposes of sections 13, 14 and 16, a contributor under Part V of the former Act who has been granted a pension or annual allowance under that Act or has died;

Explanatory Notes.

The purpose of Parts I and II of this Bill is to revise and consolidate those provisions of the *Royal Canadian Mounted Police Act*, presently contained in Parts V, VI and VII of that Act, that provide for the payment of pensions based on service in the Force and pensions in respect of injury or death on service.

The purpose of Part III of the Bill is to effect certain amendments to those provisions of the *Royal Canadian Mounted Police Act*, presently contained in Parts I to IV of that Act, that will continue to apply in respect of members of the Force appointed before the 1st day of March, 1949. For details of these amendments, see the explanatory notes opposite clause 29 and following clauses.

The reference opposite the clause numbers below are to the provisions of the present *Royal Canadian Mounted Police Act* dealing with the same subject matter. New provisions are so indicated.

PART I.

Clause 1. New.

Clause 2. (1)(*a*) New.

(*b*) Section 93(1)(*a*).

(*c*) Section 93(1)(*c*).

"Disabled." (*d*) "disabled", as applied to any member of the Force, has reference to any condition rendering him incapable of performing his duties as a member of the Force, and, for the purposes of section 11 as applied to any person, has reference to any condition rendering him incapable ordinarily of pursuing any substantially gainful occupation;

"Force." (*e*) "Force" means the Royal Canadian Mounted Police;

"Former Act." (*f*) "former Act" means the *Royal Canadian Mounted Police Act*, chapter 241 of the Revised Statutes of Canada, 1952, and any other enactment of the Parliament of Canada providing for the payment of pensions to members of the Force based on length of service, other than this Part or Part II;

"Member of the Force." (*g*) "member of the Force" means a member of the Force, as defined in the *Royal Canadian Mounted Police Act*, holding a rank in the Force, and any other member of the Force, as defined therein, of a class designated in accordance with the regulations for the purposes of this Part;

"Minister." (*h*) "Minister" means the Minister of Justice;

"Officer." (*i*) "officer" means a commissioned officer of the Force;

"Pay." (*j*) "pay", as applied to the Force, means the pay of the substantive rank held by the person in respect of whom the expression is being applied, not including the pay of acting rank or extra pay for staff or similar temporary appointments, or in the case of a person not holding a rank in the Force the salary or other remuneration for the performance of the regular duties of that person as a member of the Force, together with such allowances by way of compensation or otherwise as are prescribed by the regulations, and as applied to the Public Service or the Canadian Forces, means the salary or pay and allowances, as the case may be, applicable in the case of that person, as determined under the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act;*

'Public Service." (*k*) "Public Service" has the meaning given that expression by paragraph (*j*) of section 2 of the *Public Service Superannuation Act;*

"Regular forces." (*l*) "regular forces" means the regular forces of the Canadian Forces, and includes the forces known before the coming into force of Part II of the *National Defence Act* as the Royal Canadian Navy, the Canadian Army Active Force, the Permanent Active Militia, the Permanent Militia Corps, the permanent staff of the Militia, the Royal Canadian Air Force (Regular) and the Permanent Active Air Force;

(*d*) Section 97(*d*)(i).

(*e*) Section 93(1)(*e*).
(*f*) New.

(*g*) Section 93(1)(*f*).

(*h*) Section 93(1)(*g*).
(*i*) Section 2(*f*).
(*j*) Section 93(1)(*h*).

(*k*) Section 93(1)(*b*).

(*l*) New.

"Retirement age."

(*m*) "retirement age", as applied to any rank or class of contributor, means such age as is fixed by the regulations as the retirement age applicable to that rank or class;

"Service in the Force."

(*n*) "service in the Force" includes any period of service as a special constable of the Force before the coming into force of this Act, or any period of service as a member of a provincial or municipal police force, that, in accordance with the regulations, may be counted as service in the Force for the purposes of this Part;

"Superannuation Account."

(*o*) "Superannuation Account" means the Royal Canadian Mounted Police Superannuation Account referred to in section 3;

"World War I."

(*p*) "World War I" means the war that was declared on the 4th day of August, 1914, and which is deemed, for the purposes of this Part, to have terminated on the 31st day of August, 1921; and

"World War II."

(*q*) "World War II" means the war that was declared on the 10th day of September, 1939, and which is deemed, for the purposes of this Part, to have terminated on the 30th day of September, 1947.

References to *Canadian Forces Superannuation Act.*

(2) A reference in this Part to the *Canadian Forces Superannuation Act* shall be construed as including a reference to any other enactment of the Parliament of Canada in force either before or after the coming into force of this Act providing for the payment of pensions to members of the Canadian Forces based on length of service.

Persons employed under authority of Royal Canadian Mounted Police Act.

(3) For the purposes of this Part, the *Public Service Superannuation Act* and the *Canadian Forces Superannuation Act*, a person who is employed under the authority of the *Royal Canadian Mounted Police Act* but who is not a member of the Force shall be deemed to be employed in the Public Service, and any period of service of a person during which he was employed under the authority of that Act but was not a member of the Force or during which he was a person to whom Part VII of the former Act applied shall be deemed to be a period of service during which he was employed in the Public Service.

Eligibility for Benefits.

Eligibility.

3. (1) Subject to this Part, an annuity or other benefit hereinafter specified shall be paid to or in respect of every person who, being required to contribute to the Superannuation Account in accordance with this Part, ceases to be a member of the Force or dies, which annuity or other benefit shall, subject to this Part, be based on the number of years of pensionable service to the credit of that person.

Superannuation Account.

(2) The Royal Canadian Mounted Police Pension Account in the Consolidated Revenue Fund, established pursuant to the former Act, is hereby continued under the name of the Royal Canadian Mounted Police Superannuation Account.

(*m*) New.

(*n*) Section 93(3).

(*o*) Section 106(2).

(*p*) and (*q*) New.

(2) New.

(3) Sections 114 and 115(1).

Clause 3(1) New.

(2) Section 106(2).

Contributions.

Persons required to contribute.

4. (1) Every member of the Force who

(*a*) was a contributor under Part V of the former Act immediately before the coming into force of this Act,

(*b*) was not a member of the Force immediately before the coming into force of this Act or, having been a member of the Force at that time, thereafter ceased to be a member of the Force and subsequently was re-appointed to or re-enlisted in the Force, or

(*c*) has elected under subsection (2) of section 17 to become a contributor under this Part,

is required to contribute to the Superannuation Account, by reservation from pay or otherwise, an amount equal to

(*d*) six per cent of his pay, in the case of a male contributor, and

(*e*) five per cent of her pay, in the case of a female contributor.

Exception.

(2) Notwithstanding anything in this Part,

(*a*) no person shall contribute to the Superannuation Account as required by subsection (1) after that person has to his credit a period of pensionable service totalling thirty-five years; and

(*b*) no person who has become entitled to or has been granted any superannuation or pension benefit of a kind prescribed by the regulations, payable out of the Consolidated Revenue Fund or out of any account or fund in the Consolidated Revenue Fund other than the Superannuation Account, shall contribute to the Superannuation Account as required by subsection (1) after that person has to his credit a period of pensionable service totalling thirty-five years less the number of years service upon which that superannuation or pension benefit is based.

Pensionable Service.

Pensionable Service.

5. Subject to this Part, the following service may be counted by a contributor as pensionable service for the purposes of this Part, namely,

(*a*) non-elective service, comprising,

(i) in the case of a contributor who, immediately before the coming into force of this Act, was a contributor under Part V of the former Act, any period of service that he would have been entitled to count for the purpose of computing any pension, allowance or gratuity under that Part had he, at that time, retired from the Force, except any such period for which he elected under that Part to pay; and

Clause 4. Sections 94 and 95(1).

Clause 5. (*a*) New.

(ii) in the case of any contributor,

(A) any period during which he is required by section 4 to contribute to the Superannuation Account, and

(B) any period of service that may be counted by him as pensionable service pursuant to section 18; and

(*b*) elective service, comprising,

(i) in the case of a contributor who, immediately before the coming into force of this Act, was a contributor under Part V of the former Act,

(A) any period of service for which he elected under that Part to pay, and

(B) any period of service for which he might have elected, under the provisions of that Part in force immediately before the coming into force of this Act, to pay, if he elects, within the time prescribed by those provisions, to pay for that service; and

(ii) in the case of any contributor,

(A) any period of service as a member of a police force of a province or municipality with which the Minister has entered into an arrangement under section 20 of the *Royal Canadian Mounted Police Act*, that, in accordance with the regulations, may be counted by him as pensionable service for the purpose of this Part, if he elects, within one year of becoming a contributor under this Part, to pay for that service,

(B) any period of service on active service in the naval, army or air forces of His Majesty during World War I or World War II, if he elects, within one year of becoming a contributor under this Part, to pay for that service,

(C) any period of service in the Canadian Army Special Force established by Order in Council P.C. 3860 of the 7th day of August, 1950 made under the *National Defence Act*, if he elects, within one year of becoming a contributor under this Part, to pay for that service,

(D) any period of service in the regular forces, if he elects, within one year of becoming a contributor under this Part, to pay for that service,

(E) any continuous period of full-time service of six months or more in the naval, army or air forces of Her Majesty raised by Canada, other than the regular forces,

(*b*) (i) Sections 93(1)(*j*) and 96(1).

(ii) (A) Sections 93(3) and 99(3).

(B) Sections 93(1)(*j*)(ii) and 96(1).

(C) New.

(D) Sections 93(1)(*j*)(i) and 96(1).

(E) New.

if he elects, within one year of becoming a contributor under this Part, to pay for that service,

(F) any period of service during which he was employed in the Public Service on a full-time basis and was in receipt of salary, if he elects, within one year of becoming a contributor under this Part, to pay for that service, and any period of service with any board, commission, corporation or portion of the public service of Canada that is added to Schedule A to the *Public Service Superannuation Act* after the coming into force of this Part, during which he was employed on a full-time basis and was in receipt of salary, if he elects, within one year of such addition, to pay for that service,

(G) any period of service that may be counted by him as pensionable service pursuant to section 17 or 19,

(H) any period of service in respect of which he was entitled to be paid or was granted a return of contributions or other lump sum payment under this Part or under Part V of the former Act, if he elects, within one year of subsequently becoming a contributor under this Part, to pay for that service, and

(I) any period of service described in this paragraph for which he might have elected, under this Part, Part V of the former Act, the *Civil Service Superannuation Act*, the *Public Service Superannuation Act*, the *Canadian Forces Superannuation Act* or any Order in Council made under *The Canadian Forces Act, 1950*, as amended by the *Canadian Forces Act, 1954*, to pay, but for which he failed so to elect within the time prescribed therefor, if he elects, at any time before he ceases to be a member of the Force, to pay for that service.

ELECTIVE PENSIONABLE SERVICE: AMOUNT REQUIRED TO BE PAID.

Amount to be paid.

6. (1) Subject to section 7, a contributor who is entitled under this Part to count as pensionable service any period of elective service specified in paragraph (*b*) of section 5 is required to pay, in respect thereof, as follows:

(F) Sections 93(1)(*j*)(i) and 96(1).

(G) Sections 93(1)(*j*)(iii), 99(1) and (4).

(H) Section 99(4).

(I) New.

Clause 6. (1)(*a*) and (*b*) Sections 96(2), 99(2) and (4).

(*a*) in respect of any period specified in clause (A) of subparagraph (i) of the said paragraph (*b*), any amount that he would have been required to pay under Part V of the former Act had that Part continued in force;

(*b*) in respect of any period specified in clause (B) of subparagraph (i) of the said paragraph (*b*), any amount that he would have been required to pay under the provisions of Part V of the former Act in force immediately before the coming into force of this Act;

(*c*) in respect of any period specified in clause (A) of subparagraph (ii) of the said paragraph (*b*), an amount determined in the manner prescribed by the regulations;

(*d*) in respect of any period specified in clause (B) of subparagraph (ii) of the said paragraph (*b*), an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute in the manner and at the rates set forth in subsection (1) of section 4, in respect of pay on a full-time basis at the rates in effect during that period for the rank or ranks in the Canadian Forces held by him during that period or corresponding to the rank or ranks held by him during that period, as the case may be, together with interest;

(*e*) in respect of any period specified in clause (C), (D), (E) or (F) of subparagraph (ii) of the said paragraph (*b*), an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute in the manner and at the rates set forth in subsection (1) of section 4, in respect of pay equal to the pay authorized to be paid to him during that period, together with interest;

(*f*) notwithstanding anything in paragraphs (*d*) and (*e*) of this subsection, in respect of any period described in clause (G) of subparagraph (ii) of the said paragraph (*b*), such amount as is required by section 17 or 19 to be paid by him therefor;

(*g*) notwithstanding anything in paragraphs (*a*) to (*f*) of this subsection, in respect of any period described in clause (H) of subparagraph (ii) of the said paragraph (*b*), an amount equal to the amount of the return of contributions or other lump sum payment referred to in that clause plus the capitalized value, as of the time of the making of that payment to him, of such amounts by way of instalments of the amount required by this Part or Part V of the former Act to be paid by him in respect of that period as were payable by him before the time of the making of that payment to him and remained unpaid by him at that time, together with simple interest at four per cent

(*c*) Section 99(3).

(*d*) and (*e*) Section 96(2).

(*f*) Sections 96(2), 99(2).

(*g*) Section 99(4).

per annum from that time until the time of the election; and

(*h*) notwithstanding anything in this subsection, in respect of any period described in clause (I) of subparagraph (ii) of the said paragraph (*b*), an amount equal to the amount that he would have been required to pay if he had elected under this Part, within the time prescribed for the making of the election, to pay for that period, and if, during that period, the rate of pay authorized to be paid to him had been equal to the rate of pay so authorized at the time when he made the election, together with interest.

"Interest" defined.

(2) In this section, unless otherwise specified, "interest" means simple interest at four per cent per annum from the middle of the fiscal year in which the contributions would have been made, had the contributor been required to make those contributions during the period for which he elected to pay, until the time of the election.

Elections.

Manner of making elections.

7. (1) Every election made by a contributor under this Part shall be made by him while a member of the Force and shall be evidenced in writing, in the form prescribed by the regulations, and witnessed, and the original thereof shall be forwarded to the Commissioner of the Royal Canadian Mounted Police, within the time prescribed by this Part for the making of the election or, in the case of an election that may be made by the contributor at any time before he ceases to be a member of the Force, within one month from the time of the making of the election.

Void elections.

(2) An election under this Part is void in so far as it is

(*a*) an election to pay for any period of service described in any of clauses (A) to (F) of subparagraph (ii) of paragraph (*b*) of section 5 that the elector is entitled to count for the purposes of any superannuation or pension benefit of a kind prescribed by the regulations, otherwise than under the provisions of this Part; or

(*b*) an election to pay for any period of service described in clause (I) of subparagraph (ii) of paragraph (*b*) of section 5 or an election under subsection (2) of section 17, unless the elector has passed a medical examination, as prescribed by the regulations, within such time immediately before or after the making of the election as is prescribed by the regulations.

Right to elect for part of period.

(3) A contributor who is entitled under this Part to elect to pay for a period of service is entitled to elect to pay for part only of that period but only that part which is most recent in point of time.

(*h*) New.

(2) Section 96(2).

Clause 7. (1) New.

(2) New.

(3) New.

Right to amend or revoke.

(4) An election under this Part may be amended by the elector, within the time prescribed by this Part for the making of the election, by increasing the period or periods of service for which he elects to pay, and is otherwise irrevocable except under such circumstances and upon such terms and conditions, including payment by the elector to Her Majesty of such amount in respect of any benefit accruing to the elector during the subsistence of the election, as a consequence of his having so elected, as is prescribed by the regulations.

Manner of payment.

(5) Subject to this section, any amount required by subsection (1) of section 6 to be paid by a contributor in respect of any period of service for which he has elected to pay shall be paid by him into the Superannuation Account,

(*a*) in a lump sum, at the time of making the election, or

(*b*) in instalments, on such terms and computed on such bases as to mortality and interest as are prescribed by the regulations,

at his option.

Unpaid instalments.

(6) Where a contributor who has elected under this Part or Part V of the former Act to pay for any period of service and has undertaken to pay for that period by instalments, ceases to be a member of the Force before all the instalments have been paid, the unpaid instalments may be reserved, in accordance with the regulations, from any amount payable to him by Her Majesty, including any annuity or other benefit payable to him under this Part, until such time as all the instalments have been paid or the contributor dies, whichever occurs first.

Saving provision.

(7) Nothing in this Part shall be held to affect any right, privilege, obligation or liability that a person who elected to become a contributor under Part V of the former Act had under subsection (2) of section 99 or section 110 of that Act, immediately before the coming into force of this Act, but the contributor may, at any time before ceasing to be a member of the Force, elect to surrender any right had by him under subsection (2) of section 99 of that Act to pay for any period of service described therein in the manner authorized by that subsection, whereupon he shall be subject to the provisions of subsections (5) and (6) of this section in all respects as though he had elected under this Part, at the time of the surrender of such right, to pay for that period.

Recovery of amounts due.

(8) Where any amount payable by a contributor into the Superannuation Account by reservation from pay and allowances or otherwise has become due, but remains unpaid at the time of his death, that amount, with interest at four per cent per annum from the time it became due, may be recovered in accordance with the regulations from any allowance payable under this Part to the widow or children of the contributor, without prejudice to any other

(4) New.

(5) Section 96(3).

(6) Section 96(4).

(7) Sections 99(2) and 110.

(8) New.

recourse available to Her Majesty with respect to the recovery thereof, and any amount so recovered shall be credited to the Superannuation Account and shall be deemed, for the purposes of paragraph (*e*) of subsection (1) of section 8, to have been paid into the said Account by the contributor.

BENEFITS: HOW COMPUTED, ETC.

Kinds of benefits.

8. (1) In this Part,

(*a*) "annuity" means an annuity computed in accordance with subsection (1) of section 9;

(*b*) "immediate annuity" means an annuity that becomes payable to the contributor immediately upon his becoming entitled thereto;

(*c*) "deferred annuity" means an annuity that becomes payable to the contributor at the time he reaches sixty years of age;

(*d*) "cash termination allowance" means an amount equal to one month's pay for each year of pensionable service to the credit of the contributor, computed on the basis of the rate of pay authorized to be paid to him at the time he ceases to be a member of the Force; and

(*e*) "return of contributions" means a return of

(i) the amount paid by the contributor into the Superannuation Account,

(ii) any amount to his credit in the Retirement Fund established under Part II of the *Civil Service Superannuation and Retirement Act* and transferred to the Superannuation Account, and

(iii) any amount paid by him into any other account or fund and transferred to the Superannuation Account,

without interest;

Duration of payment.

(2) Where any annuity or annual allowance becomes payable under this Part, it shall, subject to the regulations, be paid in equal monthly instalments in arrears and shall continue, subject to this Part, during the lifetime of the recipient and thereafter until the end of the month during which he dies.

Options.

(3) Where, under section 10, a contributor is entitled to a return of contributions or, at his option, to any other benefit specified therein,

(*a*) if he fails to exercise the option within one year from the time he became so entitled, he shall be deemed to have exercised it in favour of a deferred annuity; and

(*b*) if, without having exercised the option, he becomes a contributor under the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act*, he

Clause 8. (1) New.

(2) Section 100.

(3) New.

shall be deemed to have exercised the option, immediately before becoming a contributor under that Act, in favour of a deferred annuity.

Computation of annuities.

9. (1) The amount of any annuity to which a contributor may be entitled under this Part is an amount equal to

(*a*) the number of years of pensionable service to the credit of the contributor (not exceeding thirty-five), divided by fifty,

multiplied by

(*b*) the average annual pay received by the contributor during any six year period of pensionable service selected by or on behalf of the contributor, or during any period so selected consisting of consecutive periods of pensionable service totalling six years.

Pay deemed to have been received during certain periods.

(2) For the purposes of this section,

(*a*) a person who has to his credit pensionable service that includes any period described in any of clauses (A) to (F) of subparagraph (ii) of paragraph (*b*) of section 5 shall be deemed to have received during that period pay at a rate equal to the rate of pay on the basis of which the amount required by this Act to be paid by him for that period of service was determined; and

(*b*) a period of service during which a person continues to be a member of the Force after he has, pursuant to paragraph (*a*) or (*b*) of subsection (2) of section 4, ceased to contribute to the Superannuation Account shall be deemed to be a period of pensionable service to the credit of that person.

Payment of Benefits.

Benefits payable on retirement.

10. (1) A contributor who, having reached retirement age, ceases to be a member of the Force for any reason other than disability or misconduct is entitled to a benefit determined as follows:

(*a*) if he has served in the Force for less than ten years, he is entitled to

(i) a return of contributions, or

(ii) a cash termination allowance,

whichever is the greater; and

(*b*) if he has served in the Force for ten or more years, he is entitled to an immediate annuity.

Retirement due to disability.

(2) A contributor who is compulsorily retired from the Force by reason of having become disabled is entitled to a benefit determined as follows:

(*a*) if he has to his credit less than ten years of pensionable service, he is entitled to

(i) a return of contributions, or

(ii) a cash termination allowance,

whichever is the greater; and

(*b*) if he has to his credit ten or more years of pensionable service, he is entitled to an immediate annuity.

Clause 9. Section 98(1).

Clause 10. (1) Section 97(*a*) and (*g*).

(2) Section 97(*d*)(i) and (*f*).

Retirement to promote economy or efficiency.

(3) A contributor who, not having reached retirement age, is compulsorily retired from the Force to promote economy or efficiency is entitled to a benefit determined as follows:

(*a*) if he has served in the Force for less than ten years, he is entitled to a return of contributions;

(*b*) if he has served in the Force for ten or more years but less than twenty years, he is entitled to

(i) a return of contributions,

(ii) a deferred annuity, or

(iii) in the case of a contributor whose retirement is due to a reduction in the total number of members of the Force, and in any other case in the discretion of the Treasury Board, an immediate annuity, reduced, until such time as the contributor reaches sixty-five years of age but not thereafter, by five per cent for each full year not exceeding six by which the period of his service in the Force is less than twenty years,

at his option; and

(*c*) if he has served in the Force for twenty or more years, he is entitled to an immediate annuity.

Dismissal for misconduct.

(4) A contributor who is compulsorily retired from the Force by reason of misconduct is entitled to

(*a*) a return of contributions, or

(*b*) in the discretion of the Treasury Board, the whole or any part specified by the Treasury Board of any benefit to which he would have been entitled under this section if

(i) in the case of a contributor who at the time of his retirement had reached retirement age, he had ceased to be a member of the Force for any reason other than disability or misconduct, or

(ii) in the case of a contributor who at the time of his retirement had not reached retirement age, he had been compulsorily retired from the Force to promote economy or efficiency due to a reduction in the total number of members of the Force,

except that in no case shall the capitalized value thereof be less than the amount of the return of contributions referred to in paragraph (*a*).

Retirement for other reasons.

(5) A contributor who, not having reached retirement age, ceases to be a member of the Force for any reason other than disability, misconduct or to promote economy or efficiency is entitled to a benefit determined as follows:

(*a*) if he has served in the Force for less than ten years, he is entitled to a return of contributions;

(*b*) if he has served in the Force for ten or more years but less than twenty years, he is entitled,

(i) in the case of an officer, to a return of contributions, and

(3) Section 97(*d*)(ii) and (*f*).

(4) Sections 97(*g*), 101(2) and (3).

(5) Section 97(*b*), (*c*) and (*g*).

(ii) in the case of any other contributor, to
(A) a return of contributions, or
(B) a deferred annuity,
at his option; and

(*c*) if he has served in the Force for twenty or more years, he is entitled,

(i) in the case of an officer who has served in the Force for less than thirty-five years, to
(A) a return of contributions,
(B) a deferred annuity, or
(C) an annual allowance, payable immediately in the case of a contributor fifty or more years of age, or payable upon reaching fifty years of age in the case of a contributor less than fifty years of age, which allowance shall be the actuarial equivalent, determined in prescribed manner, of the deferred annuity referred to in clause (B),
at his option,

(ii) in the case of an officer who has served in the Force for thirty-five or more years, to an immediate annuity,

(iii) in the case of a contributor, other than an officer, who has served in the Force for less than twenty-five years, to an annual allowance payable immediately, equal to three-fourths of the annuity to which he would have been entitled had he been compulsorily retired from the Force by reason of having become disabled, plus one-twentieth of the annuity to which he would have been so entitled for each full year by which his service in the Force exceeds twenty years, and

(iv) in the case of a contributor, other than an officer, who has served in the Force for twenty-five years or more, to an immediate annuity.

Where period of engagement expired.

(6) For the purposes of this section,

(*a*) a member of the Force who is retired from the Force upon the expiration of a period of engagement shall be deemed to have retired from the Force

(i) compulsorily, if he offered to re-engage in the Force upon the expiration of that period and his offer was refused, and

(ii) voluntarily, if he did not offer to re-engage in the Force upon the expiration of that period; and

(*b*) a member of the Force not holding a rank in the Force is entitled to a benefit determined under this section as though he were an officer.

Where less than 10 years of pensionable service.

(7) Notwithstanding anything in this section, except as provided in subsection (2) a contributor who ceases to be a member of the Force, having to his credit less than ten years

(6) (*a*) Section 93(2).

(*b*) New.

(7) Section 97(*f*) and (*g*).

of pensionable service, is entitled only to a return of contributions.

Benefit payable in case of disability after retirement.

11. (1) A contributor who, not having reached sixty years of age but having become entitled under this Part to a deferred annuity, or not having reached fifty years of age but having become entitled under this Part to an annual allowance payable upon reaching fifty years of age, becomes disabled, ceases to be entitled to that deferred annuity or annual allowance and becomes entitled to an immediate annuity.

Idem.

(2) Where a contributor who has not reached sixty years of age but who has become entitled under subsection (1) to an immediate annuity is certified, in accordance with the regulations, to have regained his health or to be capable of performing his duties as a member of the Force or any other duties as a member of the Force commensurate with his qualifications, he ceases to be entitled to that immediate annuity and becomes entitled to

(*a*) a deferred annuity, or

(*b*) an annual allowance, payable immediately in the case of a contributor fifty or more years of age, or payable upon reaching fifty years of age in the case of a contributor less than fifty years of age, which allowance shall be the actuarial equivalent, determined in prescribed manner, of the deferred annuity referred to in paragraph (*a*),

at his option.

Benefits payable on death.

12. (1) Upon the death of a contributor who, at the time of his death, was entitled under this Part to an annuity or annual allowance, the widow and children of the contributor are entitled to the following allowances, computed on the basis of the product obtained by multiplying the average annual pay received by the contributor during the period specified in paragraph (*b*) of subsection (1) of section 9, by the number of years of pensionable service to his credit, one one-hundredth of the product so obtained being hereinafter referred to as the "basic allowance":

(*a*) in the case of the widow, an immediate annual allowance equal to the basic allowance; and

(*b*) in the case of each child, until the child reaches eighteen years of age, an immediate annual allowance equal to one-fifth of the basic allowance or, if the contributor died without leaving a widow or the widow is dead, two-fifths of the basic allowance;

but the total amount of the allowances paid under paragraph (*b*) shall not exceed four-fifths of the basic allowance or, if the contributor died without leaving a widow or the widow is dead, eight-fifths of the basic allowance.

Clause 11. New.

Clause 12. Section 97(*h*), (*i*) and (*k*).

Idem.

(2) Upon the death of the contributor who was a member of the Force at the time of his death, having to his credit ten or more years of pensionable service, the widow and children of the contributor are entitled to the annual allowances to which they would have been entitled under subsection (1) had the contributor, immediately before his death, become entitled under this Part to an annuity or annual allowance.

Idem.

(3) Upon the death of the contributor who was a member of the Force at the time of his death, having to his credit less than ten years of pensionable service, the widow and children of the contributor, in any case where the contributor died leaving a widow or a child less than eighteen years of age, are entitled jointly to

(*a*) a return of contributions, or

(*b*) a cash termination allowance,

whichever is the greater.

PAYMENTS TO WIDOW AND CHILDREN.

Lump sum payments.

13. (1) Where, in this Part, it is provided that the widow and children of a contributor are entitled jointly to a return of contributions or a cash termination allowance, the total amount thereof shall be paid to the widow of the contributor except that

(*a*) if at the time of the death of the contributor all of the children were eighteen years of age or over and at the time the payment is to be made the widow is dead or cannot be found, the total amount shall be paid to the children in equal shares;

(*b*) if at the time of the death of the contributor any of the children were less than eighteen years of age, and the contributor died without leaving a widow or at the time the payment is to be made the widow is dead or cannot be found, the total amount shall be paid to the children in such shares as the Treasury Board considers equitable and proper under the circumstances, or to any of them, as the Treasury Board may direct;

(*c*) if any of the children who were less than eighteen years of age at the time of the death of the contributor are living apart from the widow at the time the payment is to be made, the total amount shall be paid to the widow and the children so living apart from her in such shares as the Treasury Board considers equitable and proper under the circumstances, or to the widow or any of the children so living apart from her, as the Treasury Board may direct; and

(*d*) if the contributor died without leaving any children and at the time the payment is to be made the widow is dead or cannot be found, or if the contributor died without leaving a widow and at the time the payment

Clause 13. (1) Section 97(*k*).

is to be made all of the children are dead or cannot be found, the total amount shall be paid to the estate of the contributor.

Remarriage of widow.

(2) Where the widow of a contributor is entitled to an annual allowance under this Part, payment of the allowance shall be suspended in the event of her remarriage but shall be resumed in the event of the death of her husband by that marriage, but in lieu of any further claim to payment of the allowance an amount equal to a return of contributions less the total amount of the payments made to the contributor or to his widow and children under this Part or Part V of the former Act may be paid to the widow, upon request by her to the Minister in writing, at any time before the death of her husband by that marriage and after the youngest child of the contributor has reached eighteen years of age.

Allowances paid to children.

(3) Where a child of a contributor is entitled to an annual allowance or other amount under this Part, payment thereof shall, if the child is less than eighteen years of age, be made to the person having the custody and control of such child, or, where there is no person having the custody and control of such child, to such person as the Treasury Board may direct, and for the purposes of this subsection the widow of the contributor, except where the child is living apart from the widow, shall be presumed, *prima facie*, to be the person having the custody and control of such child.

Woman deemed to be widow.

(4) For the purposes of this Part, a woman who

(*a*) establishes to the satisfaction of the Treasury Board that she had, for a period of not less than seven years immediately prior to the death of a contributor with whom she had been residing and whom by law she was prohibited from marrying by reason of a previous marriage either of the contributor or of herself to another person, been maintained and publicly represented by that contributor as his wife, or

(*b*) establishes to the satisfaction of the Treasury Board that she had, for a number of years immediately prior to the death of a contributor with whom she had been residing, been maintained and publicly represented by that contributor as his wife, and that at the time of the death of that contributor neither she nor the contributor was married to any other person,

shall, if the Treasury Board so directs, be deemed to be the widow of that contributor and to have become married to him at such time as she commenced being so represented as his wife, and for the purpose of this Part a woman to whom this subsection would apply, but for her marriage to a contributor after such time as she commenced being so represented as his wife shall, if the Treasury Board so directs, be deemed to have become married to that contributor at the time when, in fact, she commenced being so represented.

(2) to (6). New.

Widow deemed to have predeceased contributor.

(5) If, upon the death of a contributor, it appears to the Treasury Board that the widow of the contributor had, for a number of years immediately prior to his death, been living apart from him under circumstances that would have disentitled her to an order for separate maintenance under the laws of the province in which the contributor was ordinarily resident, and if the Treasury Board so directs, having regard to the surrounding circumstances, including the welfare of any children involved, she shall be deemed, for the purposes of this Part, to have predeceased the contributor.

Application.

(6) Subsections (4) and (5) do not apply in respect of any contributor whose death occurred before the day this Act was assented to.

Marriage after sixty years of age.

14. (1) Notwithstanding anything in this Part, the widow of a person is not entitled to any annual allowance under this Part if that person was over sixty years of age at the time of his marriage, unless, after that time, that person became or continued to be a contributor.

Child born after parent sixty years of age.

(2) Notwithstanding anything in this Part, except as provided in the regulations a child who was born to or adopted by a person or who became the stepchild of a person at a time when that person was over sixty years of age is not entitled to any annual allowance under this Part, unless, after that time, that person became or continued to be a contributor.

Death within 5 years after marriage.

(3) Notwithstanding anything in this Part, where a contributor dies within five years after his marriage the amount of any annual allowance to which his widow and children may become entitled under this Part shall, if the Treasury Board is not satisfied that anticipation of impending death was not a consideration affecting the agreement to marry, be reduced by

(*a*) one hundred per cent, if the contributor dies within one year after his marriage;

(*b*) ninety-eight per cent, if he dies within the thirteenth month after his marriage;

(*c*) ninety-six per cent, if he dies within the fourteenth month after his marriage;

and so on, by like progressions, until the sixtieth month after his marriage but not thereafter.

Age differences.

(4) Notwithstanding anything in this Part, the amount of any annual allowance to which the widow of a contributor may be entitled under this Part shall, if the age of the contributor exceeded that of his widow by twenty or more years, be reduced by an amount determined in accordance with the regulations.

Clause 14. Section 102.

Application.

(5) Subsections (1) and (2) do not apply in respect of any contributor whose death occurred before the day this Act was assented to.

Saving provision.

(6) Nothing in this section shall be held to prejudice any right that a child of an earlier marriage of the contributor has to an allowance under section 12.

Widowers.

(7) In this Part, unless the context otherwise requires, "widow" includes "widower", but no person is entitled to an allowance under this Part by virtue of being the widower of a contributor.

DIVERSION OF AMOUNTS PAYABLE IN CERTAIN CASES.

"Recipient" defined.

15. (1) In this section, "recipient" means a person to whom any amount is or is about to become payable under this Part.

Payments to dependants of recipient.

(2) Where any court in Canada of competent jurisdiction has made an order requiring a recipient to pay an amount to his spouse, former spouse, child or other dependant and the court has issued to the Minister a notice, in the form prescribed by the regulations, requesting on behalf of the recipient that there be paid to the person named in the order an amount specified in the notice, the amount so specified or any lesser amount specified by the Minister shall, if the Minister so directs, be deducted either in a lump sum or in instalments from any amount that is or is about to become payable to the recipient under this Part, and shall be paid to the person named in the order.

Where recipient unable to manage own affairs.

(3) Where, for any reason, a recipient is unable to manage his own affairs, or where he is incapable of managing his own affairs and there is no person entitled by law to act as his committee, the Minister of Finance may pay to any person designated by the Treasury Board to receive payment on behalf of the recipient any amount that is or becomes payable to the recipient under this Part.

Payment deemed to be to recipient.

(4) For the purposes of this Part, any payment made pursuant to subsection (2) or (3) shall be deemed to have been made to the recipient in respect of whom the payment was made.

RESIDUAL AMOUNTS.

Residual amounts.

16. Where, upon the death of a contributor, there is no person to whom an allowance provided in this Part may be paid, or where the persons to whom such allowance may be paid die or cease to be entitled thereto and no other amount may be paid to them under this Part, any amount by which the amount of a return of contributions exceeds the aggregate of all amounts paid to those persons and to the contributor under this Part or Part V of the former Act shall be paid to the estate of the contributor.

Clause 15. Section 105(1) and (3).

Clause 16. Section 97(*j*), (*l*) and (*m*).

Special Cases.

Elective Contributors.

"Elective contributor" defined.

17. (1) In this section, "elective contributor" means a person by whom an election under subsection (2) has been made.

Election.

(2) Any member of the Force who, immediately before the coming into force of this Act, was a member of the Force but was not a contributor under Part V of the former Act may, within one year after the coming into force of this Act, elect to become a contributor under this Part.

Service under Part II or III of former Act.

(3) An elective contributor is entitled to count as pensionable service for the purposes of this Part any period of service that, at the time of making the election, he was entitled under Part II or III of the former Act to count for pension purposes, and upon the making of the election he shall be deemed, for the purposes of this Part, to have elected to pay for that period of service.

Application of subsection (3) of section 7.

(4) Subsection (3) of section 7 does not apply in respect of any election deemed by subsection (3) to have been made by an elective contributor.

Amount required to be paid.

(5) The amount required to be paid by an elective contributor for any period of service described in subsection (3) is an amount equal to

(*a*) the total amount that he would have been required to contribute had he, during that period, been required to contribute in the manner and at the rates set forth in subsection (1) of section (4), in respect of pay equal to the pay authorized to be paid to him during that period, without interest;

minus

(*b*) the total amount of the contributions made by him under Part II or III of the former Act in respect of that service.

Pay and allowances deemed to have been received.

(6) For the purposes of this Part, the pay deemed to have been received by an elective contributor during any period of service described in subsection (3) is pay at a rate equal to the rate of pay authorized to be paid to him during that period.

Applicable rate in respect of certain service.

(7) For the purposes of paragraph (*a*) of subsection (5), the rates set forth in subsection (1) of section 4, in respect of any portion of the period specified in that paragraph that is before the 1st day of March, 1949, shall be deemed to be five per cent.

Surrender of benefits under former Act.

(8) Upon the making of any election under subsection (2), an elective contributor ceases to be entitled to any benefit under Part II or III of the former Act, and there shall be credited to the Superannuation Account in respect of that contributor an amount equal to the amount determined under paragraph (*b*) of subsection (5).

Clause 17. Sections 94, 99, 109 and 110.

Idem.

(9) Upon the making of any election under subsection (2), an elective contributor who was a contributor under Part IV of the former Act immediately before the making of the election ceases to be entitled to contribute under that Part, subject to section 85 of that Act, and for the purposes of that section the service of the contributor as a person to whom that Part applied shall be deemed to have terminated, but no withdrawal may be made under paragraph (*b*) of that section except upon request in writing made by him to the Minister.

Former Members of the Force.

Persons re-appointed to or re-enlisted in the Force.

18. Where a person who has become entitled to an annuity or annual allowance under this Part or a pension under Part V of the former Act by virtue of having served in the Force is re-appointed to or re-enlisted in the Force and becomes, or would have become, but for the provisions of subsection (2) of section 4, a contributor under this Part, whatever right or claim that he may have had to that annuity, annual allowance or pension (hereinafter in this section referred to as the "original annuity") shall thereupon cease and the period of service upon which the original annuity was based may be counted by him as pensionable service for the purposes of this Part, except that

(*a*) if, upon subsequently ceasing to be a member of the Force, he exercises his option under this Part in favour of a return of contributions, or is not entitled under this Part to any benefit other than a return of contributions, the amount so returned shall not include any amount paid into the Superannuation Account to his credit at any time before the time of his re-appointment to or re-enlistment in the Force, and whatever right or claim that, but for this section, he would have had to the original annuity upon subsequently ceasing to be a member of the Force shall thereupon be restored to him; and

(*b*) if, upon subsequently ceasing to be a member of the Force, he is entitled under this Part to an annuity or annual allowance the capitalized value of which is less than the capitalized value of the original annuity, in lieu of any other benefit under this Part whatever right or claim that, but for this section, he would have had to the original annuity upon subsequently ceasing to be a member of the Force shall thereupon be restored to him, and there shall be paid to him an amount equal to his contributions under this Part made in respect of the period of his service in the Force after the time of his re-appointment or re-enlistment.

Clause 18. Section 104(*g*).

Former Public Service Employees and Members of the Regular Forces.

Service that may be counted.

19. (1) Any person who becomes a contributor under this Part, having been employed in the Public Service but not having become entitled to an annuity or annual allowance under the *Public Service Superannuation Act*, or having been a member of the regular forces but not having become entitled to an annuity, annual allowance or pension under the *Canadian Forces Superannuation Act* is entitled to count as pensionable service for the purposes of this Part, any period of service described in any of clauses (B) to (F) of subparagraph (ii) of paragraph (*b*) of section 5, that, under the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act*, as the case may be, he was entitled to count for pension purposes, if he elects, within one year of becoming a contributor under this Part, to pay for that service, in which case the amount required by this Act to be paid by him for that service is,

(*a*) in the case of service for which, by the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act*, as the case may be, he was required to pay, any amount by which

(i) the total amount required by that Act to be paid by him for that service,

exceeds

(ii) the total amount actually paid by him for that service, minus any amount paid to him under that Act at any time before the making of the election;

together with simple interest at four per cent per annum on any amount paid to him under that Act at any time before the making of the election, from the time when the payment was made until the time of making the election; and

(*b*) in the case of service for which, by the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act*, as the case may be, he was not required to pay, an amount equal to the amount that he would have been required to pay had he, during the period of that service, been required to contribute in the manner and at the rates set forth in subsection (1) of section 4, in respect of pay at a rate equal to the rate of pay authorized to be paid to him during that period, together with interest, as defined in subsection (2) of section 6.

Pay and allowances deemed to have been received.

(2) For the purposes of this Part, the pay deemed to have been received by a person to whom subsection (1) applies, during any period of service of the kind described in paragraph (*a*) or (*b*) of subsection (1), is pay at a rate equal to the rate of pay on the basis of which the amount required to be paid for that period of service

Clause 19. Sections 99(1) and (2) and 104(*e*).

(*a*) by the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act*, as the case may be, in the case of service of the kind described in paragraph (*a*) of subsection (1), or

(*b*) by this Part, in the case of service of the kind described in paragraph (*b*) of subsection (1),

was determined.

Surrender of benefits upon election.

(3) Notwithstanding anything in the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act*, upon the making of any election under subsection (1), the person so electing and any person to whom any benefit might otherwise have become payable under the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act*, as the case may be, in respect of that person, cease to be entitled to any benefit under that Act in respect of any service of that person to which that election relates.

Right to retain pension.

(4) Any person who becomes a contributor under this Part, having been employed in the Public Service and having become entitled to an annuity or annual allowance under the *Public Service Superannuation Act*, or having been a member of the regular forces and having become entitled to an annuity, annual allowance or pension under the *Canadian Forces Superannuation Act*, is entitled, for the purposes of this Part, to retain that annuity, annual allowance or pension, but the period of service upon which that annuity, annual allowance or pension was based may not be counted by that person for the purpose of any benefit to which he may become entitled under this Part by reason of having become a contributor hereunder.

Election to surrender benefits.

(5) Notwithstanding subsection (4), any person to whom that subsection applies may elect, within one year of becoming a contributor under this Part, to surrender the annuity, annual allowance or pension therein referred to, in which case notwithstanding anything in the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act*, the person so electing and any person to whom any benefit might otherwise have become payable under the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act*, as the case may be, in respect of that person, cease to be entitled to any benefit under that Act in respect of any service of that person described in any of clauses (B) to (F) of subparagraph (ii) of paragraph (*b*) of section 5, and the person so electing shall be subject to the provisions of subsection (1) in all respects as though he had not become entitled to an annuity, annual allowance or pension under that Act but had elected under subsection (1) to pay for the whole of any service described in any of clauses (B) to (F) of subparagraph (ii) of paragraph (*b*) of section 5 that, under the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act*, he was entitled to count for pension purposes.

Amount to be credited to Superannuation Account.

(6) Upon the making of any election under this section whereby the person so electing is required by this Part to pay for any period of service of the kind described in paragraph (*a*) of subsection (1), there shall be charged to the account in the Consolidated Revenue Fund maintained pursuant to the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act*, as the case may be, and credited to the Superannuation Account in respect of that person, an amount equal to the amount determined under subparagraph (ii) of paragraph (*a*) of subsection (1), and for the purposes of the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act*, as the case may be, the amount of any return of contributions or other lump sum payment that is or may become payable under that Act to or in respect of that person shall be deemed to be the amount otherwise determined thereunder minus the amount required by this subsection to be credited to the Superannuation Account upon the making of the election.

PENSION BOARD.

Pension Board.

20. The Minister may establish a board to be known as the Royal Canadian Mounted Police Pension Board, consisting of three officers appointed by the Minister, to advise and assist the Minister on matters arising in connection with the administration of this Part.

REGULATIONS.

Regulations.

21. (1) The Governor in Council may make regulations,

(*a*) prescribing anything that, by this Act, is to be prescribed or is to be determined or regulated by regulation;

(*b*) prescribing, notwithstanding subsection (1) of section 4, the rates at which, the manner in which and the circumstances under which persons who are required to contribute to the Superannuation Account in accordance with subsection (1) of section 4 but who are or have been, either before or after the coming into force of this Part, absent from the Force on leave of absence without pay shall contribute to the Superannuation Account in respect of that absence;

(*c*) prescribing, in the case of any person who, not having been a contributor under this Part or Part V of the former Act, ceased to be a member of the Force and subsequently, either before or after the coming into force of this Act, is re-appointed to or re-enlisted in the Force, the extent to which and the circumstances under which any pension payable or granted to him

Clause 20. New.

Clause 21. Sections 93(4), 104 and 105.

under Part II or III of the former Act shall be continued to him, and the extent to which and the terms and conditions upon which any service of that person before such time as he ceased so to be a member of the Force may be counted by him as pensionable service for the purposes of this Part;

(*d*) respecting the determination, for the purposes of this Part, of the effective date upon which a person shall be deemed to have become or to have ceased to be a member of the Force;

(*e*) prescribing, in the case of any person described in subsection (4) of section 93 of the former Act who, not having reached sixty-five years of age, ceased to be a member of the Force either before or after the coming into force of this Act, the amounts by which and the manner in which any annuity, annual allowance or pension payable under this Part or Part V of the former Act to that person shall be adjusted;

(*f*) providing for the continuation in force of any outstanding direction made by the Treasury Board under section 105 of the former Act, under the circumstances contemplated by that section and subject to modification or suspension as contemplated by that section;

(*g*) providing, notwithstanding anything in this Part, for the reduction by the Treasury Board of any annuity, annual allowance or pension payable under this Part or Part V of the former Act to or in respect of a person who, after his retirement from the Force, is convicted of an indictable offence committed by him while a member of the Force where, in the opinion of the Treasury Board, the commission of the offence by him constituted misconduct in the performance of his duties as a member of the Force;

(*h*) specifying, notwithstanding anything in this Part, the extent to which and the circumstances under which any annuity, annual allowance or pension payable under this Part or Part II, III or V of the former Act to a person who holds any office or position or performs any services the remuneration for which is payable out of the Consolidated Revenue Fund or by an agent of Her Majesty in right of Canada shall be reduced or suspended;

(*i*) providing for the payment out of the Superannuation Account, upon the death of a contributor and upon application to the Minister by or on behalf of any successor thereunder to whom any annual allowance becomes payable under this Part, of the whole or any part of such portion of any estate, legacy, succession or inheritance duties or taxes that are payable by the

successor as is determined in accordance with the regulations to be attributable to that allowance, and prescribing the amounts by which and the manner in which any such allowance and any amount payable under section 16 in any such case shall be reduced;

(*j*) notwithstanding anything in this Part, providing that upon attaining retirement age a contributor shall cease to be a member of the Force unless his continued service therein is authorized in accordance with the regulations, and prescribing the circumstances under which and the terms and conditions upon which he may continue to be a member of the Force after he has attained that age; and

(*k*) generally, for carrying into effect the purposes and provisions of this Part.

Regulations re leave of absence.

(2) For the purposes of this Part, a person who has contributed to the Superannuation Account in accordance with any regulation made under paragraph (*b*) of subsection (1) in respect of any period during which he was absent from the Force on leave of absence without pay shall be deemed to have contributed to the Superannuation Account, in respect of that period, in accordance with subsection (1) of section 4 and to have received, during that period, pay and allowances at a rate equal to the rate of pay and allowances that would have been authorized to be paid to him if he had not been so absent on leave of absence without pay.

PAYMENTS OUT OF ACCOUNT.

Payments out of Superannuation Account.

22. All amounts required for the payment of benefits under this Part, including the benefits referred to in subsection (3) of section 26, shall be paid out of the Consolidated Revenue Fund and charged to the Superannuation Account.

AMOUNTS TO BE CREDITED TO ACCOUNT.

Amounts to be credited quarterly.

23. (1) There shall be credited to the Superannuation Account quarterly in each fiscal year

(*a*) an amount representing interest on the balance from time to time to the credit of the said Account, at such rates and calculated in such manner as are prescribed by the regulations, and

(*b*) such amount in relation to the total amount paid into the said Account during the preceding quarter by way of contributions in respect of current services and past services rendered by contributors as is specified by the Minister of Finance.

Clause 22. Section 106(1).

Clause 23. Section 106(2) and (3).

General pay increase credit.

(2) There shall be credited to the Superannuation Account, as soon as possible following the authorization of any pay increase of general application to the Force, such amount as, in the opinion of the Minister of Finance, is necessary to provide for the increase in the cost to Her Majesty in right of Canada of the benefits payable under this Part, as a result of such pay increase.

ACTUARIAL REPORT.

Actuarial report.

24. The Minister of Finance shall lay before Parliament at least once in every five years an actuarial report on the state of the Superannuation Account, containing an estimate of the extent to which the assets of the said account are sufficient to meet the cost of the benefits payable under this Part.

ANNUAL REPORT.

Annual report.

25. The Minister shall lay before Parliament each year a report of the administration of this Part during the preceding fiscal year, including a statement showing the amounts paid into and out of the Superannuation Account during that year, by appropriate classifications, the number of contributors and the number of persons receiving benefits under this Part, together with such additional information as is prescribed by the regulations.

TRANSITIONAL.

Transitional grants.

26. (1) Notwithstanding the repeal of Part V of the former Act, the Governor in Council may grant to any person any pension, allowance or gratuity that might have been granted to that person under Part V of the former Act had that Part continued in force, for which that person had, before the day this Act was assented to, become eligible.

Idem.

(2) For the purposes of this section, any pension, allowance or gratuity granted to a person under subsection (1) shall be deemed to have been granted to that person under Part V of the former Act.

Continuation of allowances.

(3) Subject to subsection (6), a person to whom any pension or annual allowance has been granted under Part V of the former Act shall, for the purposes of this Part, be deemed to have become entitled to that pension or allowance under this Part.

Persons deemed to be contributors.

(4) For the purposes of this Part, a person to whom, as a contributor under Part V of the former Act, any pension or annual allowance has been granted under the former Act shall, upon his death on or after the day this Act was assented

Clause 24. New.

Clause 25. Sections 104(*d*) and 108.

Clause 26. New.

to, be deemed to have been a contributor under this Part who, at the time of his death, was entitled under this Part to an annuity or annual allowance.

Idem.

(5) For the purposes of this Part, a person who, on or after the day this Act was assented to but before the coming into force of this Act, ceased to be a member of the Force, having been at the time he ceased to be a member of the Force a person to whom Part V of the former Act applied, shall be deemed to have been, at the time he ceased to be a member of the Force, a contributor under this Part who, immediately before the coming into force of this Act, had been a contributor under Part V of the former Act.

Set-off of payments.

(6) Where any benefit has been granted to a person under the former Act as a consequence of the death of any person described in subsection (4) or as a consequence of any person described in subsection (5) having ceased to be a member of the Force,

(*a*) if the benefit so granted was a pension or an annual allowance, whatever right or claim that person may have had in respect thereof upon the coming into force of this Part is terminated, and any payment in respect thereof made to that person under the former Act shall be set off against any amount payable to or in respect of that person under this Part; and

(*b*) if the benefit so granted was a gratuity or an allowance payable in a lump sum, he is entitled to an annuity or annual allowance under this Part only if, within ninety days after the coming into force of this Act, he pays into the Superannuation Account an amount equal to the gratuity or allowance so granted to him.

Persons serving in Force upon coming into force of Act.

(7) For the purposes of this Part and Part II, a person who

(*a*) was a member of the Force upon the coming into force of this Act, and

(*b*) was, immediately before the coming into force of this Act, a person to whom Part V of the former Act applied,

shall be deemed to have been a contributor under Part V of the former Act immediately before the coming into force of this Act, and notwithstanding section 4 of this Act, to have become a contributor under this Part upon its coming into force, except that upon so becoming a contributor he shall be subject in all respects to the provisions of section 4.

Election.

(8) Notwithstanding anything in this section, any person to whom subsection (5) applies may, in accordance with the regulations,

(*a*) make any election, exercise any option or do any other act contemplated by this Part as though that person were still a member of the Force, and

(*b*) elect to retain or receive, in lieu of any other benefit payable under this Part, any benefit that has been or might have been granted to him under the former Act upon ceasing to be a member of the Force, and upon so electing he is entitled to that benefit less any amount thereof paid to him at any time prior to the making of the election.

PART II.

Benefits in Respect of Injury or Death on Service.

Eligibility for pension.

27. (1) Subject to this Part, a pension in accordance with the rates set out in Schedules A and B of the *Pension Act* shall be awarded to or in respect of

(*a*) any person to whom Part VI of the former Act applied at any time before the coming into force of this Act, who, either before or after that time, has suffered a disability or has died, or

(*b*) any person who served in the Force at any time after the coming into force of this Act as a contributor under Part I of this Act, and who has suffered a disability, either before or after that time, or has died,

in any case where the injury or disease or aggravation thereof resulting in the disability or death in respect of which the application for pension is made arose out of, or was directly connected with, his service in the Force.

Adjudication.

(2) All claims for pension under this Part shall be dealt with and adjudicated upon in like manner as claims under the *Pension Act*, and all provisions of the *Pension Act* not inconsistent with this Part apply *mutatis mutandis* in respect of any claim under this Part.

Application of *Pension Act.*

(3) In applying Schedules A and B of the *Pension Act* for the purposes of this Part, the ranks in the Force set out in the following table, and such prescribed classes in the Force of members not holding a rank in the Force as are specified in accordance with the regulations to be the classes corresponding to those ranks, shall be deemed to correspond to the Army Ranks set out as follows:

Rank in Force	*Army Rank*
Commissioner or Deputy Commissioner	Brigadier-General
Assistant Commissioner or Chief Superintendent	Colonel
Superintendent	Lieutenant-Colonel
Inspector and lower ranks	Major

PART II.

Clause 27. Sections 111 and 112.

Application of *Government Employees Compensation Act.*

28. (1) Notwithstanding subsection (2) of section 2 of the *Government Employees Compensation Act*, that Act applies to every member of the Force, as defined in the *Royal Canadian Mounted Police Act*, except any person described in paragraph (*a*) or (*b*) of subsection (1) of section 27 of this Act.

Application of section 2.

(2) Subsection (1) of section 2 of this Act, except paragraph (*d*) thereof, applies to this Part.

PART III.

Royal Canadian Mounted Police Pension Continuation Act.

R. S., c. 241; 1953-54, c. 43; 1956, c. 45; 1957, c. 35.

29. In this Part, "former Act" means the *Royal Canadian Mounted Police Act*, chapter 241 of the Revised Statutes of Canada, 1952.

30. The long title of the former Act is repealed and the following substituted therefor:

"An Act to Provide for the Payment of Pensions to Certain Persons Appointed as Members of the Royal Canadian Mounted Police before the 1st day of March, 1949".

31. Section 1 of the former Act is repealed and the following substituted therefor:

Short title.

"**1.** This Act may be cited as the *Royal Canadian Mounted Police Pension Continuation Act.*"

32. Section 2 of the former Act is amended by adding thereto the following subsection:

Service as special constable, etc.

"(2) A period during which a member of the Force served as a special constable in the Force or as a member of a provincial police force may, in accordance with regulations of the Governor in Council, be deemed to be a period during which the member served in the Force and to be service for the purposes of this Act."

33. The heading immediately preceding section 3 and section 3 of the former Act are repealed and the following substituted therefor:

"PART I.

General.

Application of Act.

"**3.** This Act does not apply to or in respect of any person to whom Part VI of the former Act applied at any time before the coming into force of this section, or any

Clause 28. Section 113(1).

PART III.

Clause 29. New.

Clause 30. The long title of the former Act presently reads as follows:

"An Act respecting the Royal Canadian Mounted Police."

The administrative and disciplinary provisions of the former Act are contained in a separate Bill. The only provisions of the former Act that will continue in force are the pension provisions presently contained in Parts I to IV of that Act, which provide for the payment of pensions to persons appointed to the Force before the 1st day of March, 1949.

Clause 31. This amendment adds the underlined words.

Clause 32. The inclusion of the new subsection (2) is consequential upon the repeal, by clause 43 of this Bill, of section 93(3) of the former Act which provided as follows:

"(3) A period during which a member of the Force served as a special constable in the Force or as a member of a provincial police force may in accordance with regulations be deemed to be a period during which the member served in the Force and to be service for the purposes of this Act."

Clause 33. The new section 3 is consequential upon the repeal, by clause 43 of this Bill, of section 94(2) of the former Act which provided as follows:

"(2) Any provision of Part I relating to the payment of pension or compensation and Parts II, III and IV, do not apply to any member of the Force to whom this Part applies or to any special constable or other person appointed or employed under the authority of this Act after the 1st day of March, 1949."

person who served in the Force at any time after the coming into force of this section as a contributor under Part I of the *Royal Canadian Mounted Police Superannuation Act.*"

34. Sections 4 to 43 of the former Act, except sections 20, 22, 26 and 27, are repealed.

1956, c. 45, s. 1.

35. Section 20 of the former Act is repealed and the following substituted therefor:

Regulations.

"**20.** The Governor in Council may by regulation provide for payment out of the Consolidated Revenue Fund, in the event of the death of a member or former member of the Force, upon application to the Minister by or on behalf of any successor thereunder to whom any pension or allowance becomes payable under this Act, of the whole or any part of such portion of any estate, legacy, succession or inheritance duties or taxes that are payable by the successor as is determined in accordance with the regulations to be attributable to that pension or allowance, and prescribe the amounts by which and the manner in which any such pension or allowance shall be reduced."

36. Subsections (1) and (2) of section 22 of the former Act are repealed and the following substituted therefor:

Compensation for disability.

"**22.** (1) Where a person has, either before or after the coming into force of this subsection, suffered a disability as a result of any injury or disease or aggravation thereof that arose out of, or was directly connected with, his service in the Force, he may be granted compensation, including medical and hospital expenses, at such rates and in such manner as the Governor in Council may prescribe."

37. (1) Subsections (2) and (3) of section 27 of the former Act are repealed and the following substituted therefor:

Misconduct.

"(2) Where a member of the Force is retired by reason of misconduct, the fact of such retirement and the circumstances thereof shall be reported to the Pension Board established pursuant to section 20 of the *Royal Canadian Mounted Police Superannuation Act*, and if the Board, after investigation of the circumstances surrounding any retirement reported to it under this subsection, reports to the Minister that it is in the public interest by reason of good and faithful service rendered by the member of the Force before the time of the misconduct to grant a pension, the Minister may recommend accordingly to the Treasury Board and the Governor in Council may, on the report of the Treasury

Clause 34. The sections being repealed are the administrative and disciplinary provisions of the former Act. See explanatory note opposite clause 30.

Clause 35. Paragraph (*a*) of section 20 presently reads as follows:

"**20.** The Governor in Council may by regulation
(*a*) determine the pay and allowances to be paid to the Commissioner and other members of the Force; and"

The new section 20 continues only paragraph (*b*) of the present section 20, and adds the underlined words.

Clause 36. Subsections (1) and (2) presently read as follows:

"**22.** (1) If any member of the Force is caused personal injury by accident arising out of and in the course of his employment he may be granted compensation, including medical and hospital expenses, at such rate and in such manner as the Governor in Council may prescribe.

(2) If any such member is invalided from the Force as a result of such an injury and such member has served long enough to qualify for pension he may elect whether he will accept compensation for such injury or a service pension as a result of compulsory retirement."

The amendment to this section removes the obligation, in the case of a person who has suffered a disability as a result of an injury or disease arising out of service, to elect to accept compensation therefor or a service pension.

Clause 37. Subsection (2) and (3) presently read as follows:

"(2) The Governor in Council may grant to a retired member of the Force who
(*a*) is not a contributor under Part V,
(*b*) has served in the Force for ten years or upwards, and
(*c*) was retired by reason of his inefficiency in the performance of his duties, an annual pension equal to one-half of the pension that might have been granted to him if he had been retired in consequence of permanent infirmity of body or mind until he attains the age of sixty-five years and thereafter to two-thirds of the said pension.

(3) Where a member of the Force who is not a contributor under Part V is retired by reason of misconduct or by reason of his inefficiency in the performance of his duties, the fact of such retirement and the circumstances thereof shall be reported to the Board of Officers appointed under subsection (2) of section 101, and if the Board, after investigation of the circumstances surrounding any retirement reported to it under this subsection, reports to the Minister that it is in the public interest by reason of good and faithful service rendered by the member of the Force prior to the time of the misconduct or at which the inefficiency became manifest, to grant a pension, the Minister may recommend accordingly to the Treasury Board and the Governor in Council may on the report of the Treasury Board in such cases grant a pension equal to two-thirds of the pension that might have been granted to him if he had been retired in consequence of permanent infirmity of body or mind until he attains the age of sixty-five years and thereafter to the said pension."

Board in such case, grant a pension equal to the whole or any part specified by the Treasury Board of any pension that might have been granted to him if he had been retired in consequence of permanent infirmity of body or mind."

(2) Subsection (1) is applicable in respect of any person who, after the coming into force of this Act, is retired from the Force by reason of misconduct and, notwithstanding anything in that subsection, any pension that was payable under subsection (2) or (3) of section 27 of the former Act immediately before the coming into force of this Act shall continue to be payable thereunder as though subsection (2) or (3) of section 27 of the former Act had not been repealed.

38. Subsection (7) of section 48 of the former Act is repealed and the following substituted therefor:

Time served in provincial police force.

"(7) Recognition of prior service in and time served in any provincial police force of a province with which the Governor in Council has entered into an arrangement under section 5 of this Act as it was before the coming into force of this subsection, at the time of the officer's appointment or re-appointment or subsequent to such appointment or re-appointment, may be included in his term of service for the purposes of pension under this Part, if the officer pays the amount required by the Governor in Council."

39. Section 52 of the former Act is repealed and the following substituted therefor:

Pension to widow and allowances to children.

"**52.** Subject to this Part, the Governor in Council may, as to him seems fit, grant a pension to the widow and a compassionate allowance to each of the children of an officer who, having completed ten years' service, was at the time of his death a member of the Force, or who is at the time of his death in receipt of a pension."

40. Paragraph (*a*) of section 54 of the former Act is repealed and the following substituted therefor:

"(*a*) if her husband was at the time of his death a member of the Force, an amount equal to one-half of the pension to which he would have been entitled if he had been retired compulsorily immediately before his death; or"

41. Subsection (4) of section 69 of the former Act is repealed and the following substituted therefor:

Time served in provincial police force.

"(4) Recognition of prior service in and time served in any provincial police force of a province with which the Governor in Council has entered into an arrangement under

The purpose of this amendment is to bring the provision for retirement due to misconduct in the case of members of the Force to whom the former Act will continue to apply in line with the provisions of Part I of this Bill applicable in the case of members of the Force to whom that Part applies.

Clause 38. Subsection (7) presently reads as follows:

"(7) Recognition of prior service in and time served in any provincial police force with which the Federal Government has an agreement under section 5, at the time of the officer's appointment or re-appointment, or subsequent to such appointment or re-appointment, may be included in the term of service for the purpose of pension under this Part, if the officer pays the amount required by the Governor in Council."

This amendment is consequential upon the repeal, by clause 34, of section 5 of the former Act.

Clause 39. Section 52 presently reads as follows:

"**52.** Subject to the provisions hereinafter contained, the Governor in Council may, as to him seems fit, grant a pension to the widow and a compassionate allowance to each of the children of any officer who, having completed ten years' service, was at the time of his death on full pay, or who, having completed ten years' service, is at the time of his death in receipt of a pension."

The purpose of this amendment is to make it clear that a pension may be paid in respect of an officer who was at the time of his death on leave of absence without pay.

Clause 40. Paragraph (*a*) presently reads as follows:

"**54.** The pension of a widow shall be,

(*a*) if her husband was at the time of his death on full pay, an amount equal to one-half of the pension to which he would have been entitled if he had been retired compulsorily immediately before his death; or"

See explanatory note opposite clause 39 above.

Clause 41. Subsection (4) presently reads as follows:

"(4) Recognition of prior service in and time served in any provincial police force with which the Federal Government has an agreement under section 5 at the time of the constable's engagement or re-engagement or subsequent to such engagement or re-engagement may be included in the term of service for the purpose of pension under this Part, provided the constable pays the amount required by the Governor in Council."

See explanatory note opposite clause 38.

section 5 of this Act as it was before the coming into force of this subsection, at the time of the constable's engagement or re-engagement or subsequent to such engagement or re-engagement, may be included in his term of service for the purpose of pension under this Part, if the constable pays the amount required by the Governor in Council."

42. Section 82 of the former Act is amended by adding thereto the following subsection:

Residual amounts.

"(4) Where any such person is survived by a widow who, either before or after the coming into force of this subsection, has died, and there is no person to whom any annuity may be paid under this Part, any amount by which the amount of the contributions made by such person under this Part exceeds the aggregate of all amounts paid to the widow and any surviving children of such person under this Part shall be paid to the dependants and relatives of such person, in such shares as the Minister considers equitable and proper in the circumstances, or to any of them, as the Minister may direct, and in respect of any such payment subsections (1) and (2) apply *mutatis mutandis*."

43. Parts V, VI and VII of the former Act are repealed.

GENERAL.

44. A reference in section 7 of the *Estate Tax Act* or section 10 of the *Income Tax Act* to "section 112 of the *Royal Canadian Mounted Police Act*" shall be construed as including a reference to section 27 of the *Royal Canadian Mounted Police Superannuation Act*, and a reference in section 5 of the *Financial Administration Act* to "Parts II to VI of the *Royal Canadian Mounted Police Act*" shall be construed as a reference to Parts I and II of the *Royal Canadian Mounted Police Superannuation Act* and Parts II, III and IV of the *Royal Canadian Mounted Police Pension Continuation Act.*

COMING INTO FORCE.

45. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Clause 42. The purpose of the new subsection (4) is to ensure that any contributions under Part IV of the former Act remaining after all the beneficiaries are dead or have ceased to be entitled to receive such contributions may be paid over to any surviving dependants or relatives of the contributor.

Clause 43. Parts V, VI and VII are the Parts being replaced by Parts I and II of this Bill.

C-58.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-58.

An Act to amend the Criminal Code.

First reading, June 11, 1959.

MINISTER OF JUSTICE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20971-8

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-58.

An Act to amend the Criminal Code.

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18.

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

1. Paragraph (22) of section 2 of the *Criminal Code* is repealed and the following substituted therefor:

"Magistrate."

"(22) "magistrate" means a police magistrate, a stipendiary magistrate, a district magistrate, a provincial magistrate, a judge of the sessions of the peace, a recorder, or any person having the power and authority of two or more justices of the peace, and includes

(*a*) with respect to the Yukon Territory, a judge of the Territorial Court, and

(*b*) with respect to the Northwest Territories, a judge of the Territorial Court,

and the lawful deputy of each of them;"

2. Paragraph (30) of section 2 of the said Act is amended by striking out the word "and" at the end of subparagraph (*c*) thereof, by adding the word "and" at the end of subparagraph (*d*) thereof and by adding thereto the following subparagraph:

"(*e*) the pilot in command of an aircraft registered in Canada under regulations made pursuant to the *Aeronautics Act*, while that aircraft is in flight;"

Explanatory Notes.

Clause 1. The present paragraph 22 of section 2 reads as follows:

> "magistrate" means a police magistrate, a stipendiary magistrate, a district magistrate, a provincial magistrate, a judge of the sessions of the peace, a recorder, or any person having the power and authority of two or more justices of the peace, and includes the lawful deputy of each of them;"

The effect of the proposed amendment would be to permit the judges of the Territorial Courts to act as magistrates.

Clause 2. New. Complementary to clause 3.

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

Offences committed on aircraft.

"**5A.** (1) Notwithstanding anything in this Act or any other Act, every one who

(*a*) on an aircraft registered in Canada under regulations made under the *Aeronautics Act*, while the aircraft is in flight, or

(*b*) on any aircraft, while the aircraft is in flight if the flight terminated in Canada,

commits an act or omission in or outside Canada that if committed in Canada would be an offence punishable by indictment shall be deemed to have committed that act or omission in Canada.

Jurisdiction.

(2) Where a person has committed an act or omission that is an offence by virtue of subsection (1), the offence is within the competence of and may be tried, charged and punished by the court having jurisdiction in respect of similar offences in the territorial division where he is found in the same manner as if the offence had been committed in that territorial division.

Consent.

(3) No proceedings shall be instituted under this section where the accused is not a Canadian citizen without the consent of the Attorney General of Canada.

"In flight."

(4) For purposes of this section and paragraph (30) of section 2 an aircraft shall be deemed in flight from the moment the aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of its flight and when it so comes to rest that flight shall be deemed to have terminated."

4. Section 20 of the said Act is amended by adding thereto the following subsection:

Bail.

"(2) Where an order may be made under this Act admitting an accused to bail, the order may be made and the recognizance entered into on a Sunday or statutory holiday."

5. Section 82 of the said Act is repealed and the following substituted therefor:

Possession of weapon.

"**82.** Every one who carries or has in his custody or possession an offensive weapon or imitation thereof, for a purpose dangerous to the public peace or for the purpose of committing an offence is guilty of an indictable offence and is liable to imprisonment for five years."

Clause 3. New.

The purpose of this amendment is to give Canadian courts jurisdiction over indictable offences committed on board certain aircraft in flight outside of Canada. The proposed section is designed to fill a gap in the criminal law until such time as a general rule is adopted by international agreement.

Clause 4. New.

The purpose of the proposed amendment is to authorize the grant of bail on a Sunday or statutory holiday.

Clause 5. The present section 82 reads as follows:

"**82.** Every one who carries or has in his custody or possession an offensive weapon for a purpose dangerous to the public peace or for the purpose of committing an offence is guilty of an indictable offence and is liable to imprisonment for five years."

It appears that imitations of weapons are often carried for a purpose mentioned in section 82. The proposed amendment would make this an offence.

Transfer of firearm.

6. Subsection (5) of section 90 of the said Act is repealed and the following substituted therefor:

"(5) Every one who sells, barters, lends or makes a gift of a firearm commits an offence if he delivers it before

(*a*) it is registered in the name of the purchaser or the person to whom it is bartered, given or lent, or

(*b*) the purchaser or the person to whom it is bartered, given or lent has a valid permit, as contained in Form 44, relating to that firearm."

Record of transactions in firearms.

7. The portion of subsection (1) of section 91 of the said Act that precedes paragraph (*a*) thereof is repealed and the following substituted therefor:

"**91.** (1) Every one who conducts, operates or engages in the business of buying and selling firearms at retail or in the business of repairing firearms"

Who may issue permits in Form 42, 43 or 45.

8. Subsections (1) and (2) of section 94 of the said Act are repealed and the following substituted therefor:

"**94.** (1) A permit in Form 42, 43 or 45 may be issued by a local registrar of firearms."

Acquittal where accused not more to blame than the female person.

9. Subsection (3) of section 138 of the said Act is repealed and the following substituted therefor:

"(3) Where an accused is charged with an offence under subsection (2), the court may find the accused not guilty if it is of opinion that the evidence does not show that, as between the accused and the female person, the accused is more to blame than the female person."

Clause 6. The present subsection (5) of section 90 reads as follows:

"**90.** (5) Every one who sells, barters or makes a gift of a firearm commits an offence if he delivers it before

(*a*) it is registered in the name of the purchaser or the person to whom it is bartered or given, or

(*b*) the purchaser or the person to whom it is bartered or given has a valid permit, as contained in Form 44, relating to that firearm."

The proposed amendment would make it an offence to lend a firearm in like circumstances.

Clause 7. The present subsection (1) of section 91 reads as follows:

"**91.** (1) Every one who conducts, operates or engages in the business of buying and selling firearms at retail

(*a*) shall keep a record of every transaction that he enters into with respect to firearms, and

(*b*) shall produce that record for inspection at the request of a peace officer."

The proposed amendment would require a person who is in the business of repairing firearms to keep a record of his transactions in that respect.

Clause 8. The present subsections (1) and (2) of section 94 read as follows:

"**94.** (1) A permit in Form 42 may be issued by

(*a*) the Commissioner or a person authorized in writing by him, or

(*b*) the Attorney General of a province or a person authorized in writing by him.

(2) A permit in Form 43 may be issued by a local registrar of firearms."

See also paragraph (*c*) of section 98.

"**98.** For the purposes of sections 89 to 97,

(*c*) "local registrar of firearms" means

(i) the Commissioner or a person appointed in writing by him, or

(ii) the Attorney General of a province or a person appointed in writing by him."

The proposed amendment combines the present subsections (1) and (2) and authorizes the issue of a permit in Form 45. This corrects an inadvertent omission from the present *Criminal Code*.

Clause 9. The present subsection (3) of section 138 reads as follows:

"**138.** (3) Where an accused is charged with an offence under subsection (2), the court may find the accused not guilty if it is of opinion that the evidence does not show that, as between the accused and the female person, the accused is *wholly or chiefly to blame*."

The present wording was criticized in R. vs. Wiberg 1955, 113 C.C.C.257.

The proposed amendment would substitute a provision under which the accused could be found not guilty if the evidence does not show that he was more to blame than the female person.

Acquittal where accused not more to blame than the female person.

10. Subsection (2) of section 145 of the said Act is repealed and the following substituted therefor:

"(2) Where an accused is charged with an offence under paragraph (*b*) of subsection (1), the court may find the accused not guilty if it is of opinion that the evidence does not show that, as between the accused and the female person, the accused is more to blame than the female person."

"Obscene."

11. Section 150 of the said Act is amended by adding thereto, immediately after subsection (7) thereof, the following subsection:

"(8) For the purposes of this Act, any publication a dominant characteristic of which is the undue exploitation of sex, or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence, shall be deemed to be obscene."

Warrant of seizure.

12. The said Act is further amended by adding thereto, immediately after section 150 thereof, the following sections:

"**150A.** (1) A judge who is satisfied by information upon oath that there are reasonable grounds for believing that any publication, copies of which are kept for sale or distribution in premises within the jurisdiction of the court, is obscene or a crime comic, shall issue a warrant under his hand authorizing seizure of the copies.

Summons to occupier.

(2) Within seven days of the issue of the warrant, the judge shall issue a summons to the occupier of the premises requiring him to appear before the court and show cause why the matter seized should not be forfeited to Her Majesty.

Owner and author may appear.

(3) The owner and the author of the matter seized and alleged to be obscene or a crime comic may appear and be represented in the proceedings in order to oppose the making of an order for the forfeiture of the said matter.

Order of forfeiture.

(4) If the court is satisfied that the publication is obscene or a crime comic, it shall make an order declaring the matter forfeited to Her Majesty in right of the province in which the proceedings take place, for disposal as the Attorney General may direct.

Disposal of matter.

(5) If the court is not satisfied that the publication is obscene or a crime comic, it shall order that the matter be restored to the person from whom it was seized forthwith after the time for final appeal has expired.

Appeal.

(6) An appeal lies from an order made under subsection (4) or (5) by any person who appeared in the proceedings

(*a*) on any ground of appeal that involves a question of law alone,

(*b*) on any ground of appeal that involves a question of fact alone, or

Clause 10. The present subsection (2) of section 145 reads as follows:

> "(2) Where an accused is charged with an offence under paragraph (*b*) of subsection (1), the court may find the accused not guilty if it is of opinion that the evidence does not show that, as between the accused and the female person, the accused is *wholly* or *chiefly to blame*."

See note to clause 9.

Clause 11. New. The purpose of this amendment is to widen the meaning of the word "obscene" for the purposes of the *Criminal Code*.

Clause 12. New. The purpose of the proposed section 150A is to provide a self-contained summary procedure by which obscene matter can be disposed of whether or not a charge is laid against any person. The proposed procedure is based upon the *Obscene Publications Act* 20-21 Victoria, chapter 83 which provides for such a procedure in rem.

The proposed section 150B would prohibit what is commonly called a "tied sale" of obscene matter or crime comics.

(*c*) on any ground of appeal that involves a question of mixed law and fact,

as if it were an appeal against conviction or against a judgment or verdict of acquittal, as the case may be, on a question of law alone under Part XVIII and sections 581 to 601 apply *mutatis mutandis*.

Consent.

(7) Where an order has been made under this section by a judge in a province with respect to one or more copies of a publication, no proceedings shall be instituted or continued in that province under section 150 with respect to those or other copies of the same publication without the consent of the Attorney General.

(8) In this section,

"Court."

(*a*) "court" means the county or district court for the county or district in which the premises referred to in subsection (1) are situated, or, in the Province of Quebec, the Superior Court,

"Crime comic."

(*b*) "crime comic" has the same meaning as it has in section 150, and

"Judge."

(*c*) "judge" means a judge of the court.

"Tied sale."

"**150B.** Every one commits an offence who refuses to sell or supply to any other person copies of any publication for the reason only that such other person refuses to purchase or acquire from him copies of any other publication that such other person is apprehensive may be obscene or a crime comic."

13. The portion of section 154 of the said Act that precedes paragraph (*a*) thereof is repealed and the following substituted therefor:

Punishment.

"**154.** Every one who commits an offence under section 150, 150B, 151, 152, or 153 is guilty of"

14. Paragraph (*i*) of subsection (1) of section 177 of the said Act is repealed and the following substituted therefor:

"(*i*) wilfully and knowingly sends, transmits, delivers or receives any message by radio, telegraph, telephone, mail or express that conveys any information relating to book-making, pool-selling, betting or wagering, or that is intended to assist in book-making, pool-selling, betting or wagering; or"

15. Section 224 of the said Act is amended by adding thereto the following subsections:

Certificate of analyst *prima facie* evidence.

"(5) In any proceedings under section 222 or 223, a certificate purporting to be signed by an analyst stating that he has performed a chemical analysis on the blood, urine, breath or other bodily substance of a person and stating the

Clause 13. The present section 154 reads as follows:

"**154.** Every one who commits an offence under section 150, 151, 152 or 153 is guilty of

(*a*) an indictable offence and is liable to imprisonment for two years, or

(*b*) an offence punishable on summary conviction."

Clause 14. The present paragraph (*i*) of subsection (1) of section 177 reads as follows:

"**177.** (1) Every one commits an offence who

(*a*) .....

"(*i*) wilfully and knowingly sends, transmits, delivers or receives any message by telegraph, telephone, mail or express that conveys any information relating to book-making, pool-selling, betting or wagering, or that is intended to assist in book-making, pool-selling, betting or wagering; or"

The proposed amendment would add the word "radio" so as to bring this method of communication within the terms of the paragraph.

Clause 15. New. The purpose of the proposed amendment is to make a certificate of an analyst designated by a provincial government, *prima facie* evidence of the results of a chemical analysis. Appropriate notice to the accused will be required.

results of his analysis or examination is *prima facie* evidence of the facts stated in the certificate without proof of the signature or the official character of the person by whom it purports to be signed.

"Analyst." (6) In this section "analyst" means a person designated by the Attorney General as an analyst for the purposes of this section.

Notice to accused. (7) Subsection (5) does not apply in any proceedings unless at least seven days' notice in writing is given to the accused that it is intended to tender the certificate of the analyst in evidence."

16. (1) The portion of subsection (1) of section 225 of the said Act that precedes paragraph (*a*) thereof is repealed and the following substituted therefor:

Order prohibiting driving. "**225.** (1) Where an accused is convicted of an offence under section 192, 193 or 207 committed by means of a motor vehicle or of an offence under subsection (1) or (2) of section 221 or under section 222 or 223, the court, judge, justice or magistrate, as the case may be, may, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from driving a motor vehicle on the highway in Canada"

(2) Section 225 of the said Act is further amended by adding thereto the following subsections:

Certificate of Registrar *prima facie* evidence. "(4) In proceedings under subsection (3), a certificate setting out with reasonable particularity that a person is disqualified or prohibited from driving a motor vehicle in a province by reason of the suspension or cancellation of his licence or permit, purporting to be signed by the registrar of motor vehicles for that province is *prima facie* evidence of the facts alleged therein without proof of the signature or official character of the person by whom it purports to be signed.

Notice to accused. "(5) Subsection (4) does not apply in any proceedings unless at least seven days' notice in writing is given to the accused that it is intended to tender the certificate in evidence."

17. The said Act is further amended by adding thereto immediately after section 421 thereof, the following section:

Offences outstanding in same province. "**421**A. (1) Where an accused is in custody and signifies in writing before a magistrate his intention to plead guilty to an offence with which he is charged that is alleged to have been committed in the province in which he is in custody, he may, if the offence is not an offence mentioned in subsection (2) of section 413, and the Attorney General consents, be brought before a court or person that would have had jurisdiction to try that offence if it had been

Clause 16. (1) The present subsection (1) of section 225 reads as follows:

"**225.** (1) Where an accused is convicted of an offence under section 192, 193 or 207 committed by means of a motor vehicle or of an offence under subsection (1) of section 221 or under section 222 or 223, the court, judge, justice or magistrate, as the case may be, may, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from driving a motor vehicle on the highway in Canada

(*a*) during any period that the court, judge, justice or magistrate considers proper, if he is liable to imprisonment for life in respect of that offence, or

(*b*) during any period not exceeding three years, if he is not liable to imprisonment for life in respect of that offence."

The proposed amendment would include a breach of the "hit and run" section among the offences for which an order may be made under this section, prohibiting a person from driving.

(2) New. The purpose of the proposed amendment is to make a certificate setting out that an accused is disqualified from driving a motor vehicle, signed by the Registrar of Motor Vehicles of a province, *prima facie* evidence of the disqualification.

Clause 17. New. The purpose of the proposed amendment is to implement a recommendation of the Fauteux Committee on Remission Procedure to allow a person who is in custody to plead guilty before a magistrate to offences committed outside the territorial jurisdiction where he is in custody but within the same province. This would extend the provisions of subsection (3) of section 421 under which this may be done only in respect of offences committed outside the province where the accused is in custody.

committed in the place where the accused is in custody, and where he pleads guilty to that offence, the court or person shall convict the accused and impose the punishment warranted by law, but where he does not plead guilty, he shall be returned to custody and shall be dealt with according to law.

Writing not admissible.

(2) No writing that is executed by an accused pursuant to subsection (1) is admissible in evidence against him in any criminal proceedings."

18. Section 455 of the said Act is amended by adding thereto the following subsections:

Restriction of publication of reports of preliminary inquiry.

"(2) Every one who publishes in any newspaper, or broadcasts, a report that any admission or confession was tendered in evidence at a preliminary inquiry or a report of the nature of such admission or confession so tendered in evidence unless

(*a*) the accused has been discharged, or

(*b*) if the accused has been committed for trial, the trial has ended,

is guilty of an offence punishable on summary conviction.

"Newspaper."

(3) In this section "newspaper" has the same meaning that it has in sections 248 to 267 by virtue of section 247."

19. Subparagraphs (ii) and (iii) of paragraph (*b*) of section 466 of the said Act are repealed and the following substituted therefor:

"(ii) with respect to the Yukon Territory, a judge of the Territorial Court or a police magistrate appointed under the *Yukon Act*, and

(iii) with respect to the Northwest Territories, a judge of the Territorial Court or a police magistrate appointed under the *Northwest Territories Act*."

20. Subsection (1) of section 469 of the said Act is repealed and the following substituted therefor:

Magistrate may decide to hold preliminary inquiry.

"**469.** (1) Where in any proceedings under this Part an accused is before a magistrate and it appears to the magistrate that for any reason the charge should be prosecuted by indictment, he may, at any time before the accused has entered upon his defence, decide not to adjudicate and shall thereupon inform the accused of his decision and continue the proceedings as a preliminary inquiry."

21. Subsection (1) of section 481 of the said Act is repealed and the following substituted therefor:

Clause 18. New. The purpose of the proposed amendment is to provide that a news report of a preliminary inquiry published before the accused has been discharged or the trial concluded may not disclose an admission or confession made by the accused. The object of the proposed amendment is to avoid prejudice to the accused.

Clause 19. The present paragraph (*b*) of section 466 reads as follows:

"(*b*) "magistrate" means

(i) a person appointed under the law of a province, by whatever title he may be designated, who is specially authorized by the terms of his appointment to exercise the jurisdiction conferred upon a magistrate by this Part, but does not include two or more justices of the peace sitting together,

(ii) with respect to the Yukon Territory, a police magistrate appointed under the *Yukon Act*, and

(iii) with respect to the Northwest Territories, a police magistrate appointed under the *Northwest Territories Act*."

See note to clause 1.

Clause 20. The present subsection (1) of section 469 reads as follows:

"**469.** (1) Where an accused *elects* to be tried by a magistrate, but it appears to the magistrate that for any reason the charge should be prosecuted by indictment, he may, at any time before the accused has entered upon his defence, decide not to adjudicate and shall thereupon inform the accused of his decision and continue the proceedings as a preliminary inquiry."

The magistrate may act under the present section only where the accused elects to be tried by him. The proposed amendment restores the provisions of section 784 of the *Criminal Code* c. 36, R.S.C. 1927 and extends the magistrate's right to act under this section to cases over which he has absolute jurisdiction.

Clause 21. The present subsection (1) of section 481 reads as follows:

Continuance of proceedings where judge or magistrate unable to act.

"**481.** (1) Where an accused is being tried under this Part by a judge or magistrate, as the case may be, and the judge or magistrate before whom the accused is being tried dies or is for any reason unable to continue, the proceedings may, subject to the provisions of this section, be continued before another judge or magistrate, as the case may be, who has jurisdiction to try the accused under this Part."

22. (1) Subsection (1) of section 489 of the said Act is repealed and the following substituted therefor:

Preferring indictment in certain provinces.

"**489.** (1) In the provinces of New Brunswick, Quebec, Manitoba, Saskatchewan, Alberta and British Columbia and in the Yukon Territory and Northwest Territories it is not necessary to prefer a bill of indictment before a grand jury, but it is sufficient if the trial of an accused is commenced by an indictment in writing setting forth the offence with which he is charged."

(2) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

23. Subsection (2) of section 534 of the said Act is repealed and the following substituted therefor:

Majority of panel may find bill.

"(2) Where a panel of grand jurors is not more than thirteen, a majority of the panel may find a true bill."

24. Section 555 of the said Act is repealed and the following substituted therefor:

Taking evidence.

"**555.** On the trial of an accused for an indictable offence the evidence of the witnesses for the prosecutor and the accused and the addresses of the prosecutor and the accused or counsel for the accused by way of summing up shall be taken

(*a*) by a stenographer in accordance with the provisions of Part XV relating to the taking of evidence by stenographers at preliminary inquiries, or

(*b*) in a province where a sound recording apparatus is authorized by or under provincial legislation for use in civil cases, by the type of apparatus so authorized and in accordance with the requirements of the provincial legislation."

25. Paragraph (*a*) of section 574 of the said Act is repealed and the following substituted therefor:

"(*a*) a certificate setting out with reasonable particularity the conviction in Canada of an accused for an indictable offence, purporting to be signed by

"**481.** (1) Where an accused *elects, under section 450, 468 or 475 to be* tried by a judge or magistrate, as the case may be, and the judge or magistrate before whom *the trial was commenced* dies or is for any reason unable to continue, the proceedings may, subject to the provisions of this section, be continued before another judge or magistrate, as the case may be, who has jurisdiction to try the accused under this Part."

The present section refers only to cases in which the accused has made an election.

Clause 22. (1) The present subsection (1) of section 489 reads as follows:

"**489.** (1) In the provinces of Quebec, Manitoba, Saskatchewan, Alberta and British Columbia and in the Yukon Territory and Northwest Territories it is not necessary to prefer a bill of indictment before a grand jury, but it is sufficient if the trial of an accused is commenced by an indictment in writing setting forth the offence with which he is charged."

The proposed amendment would include the province of New Brunswick at the request of that province.

(2) The proposed amendment including the province of New Brunswick is designed to be brought into effect when relevant legislation in New Brunswick is brought into effect.

Clause 23. The present subsection (2) of section 534 reads as follows:

"(2) Where the panel of grand jurors is not more than thirteen, *seven grand jurors* may find a true bill."

The proposed amendment is designed to complement provincial legislation in Ontario reducing the panel of grand jurors in that province from thirteen persons to seven persons.

Clause 24. The present section 555 reads as follows:

"**555.** On the trial of an accused for an indictable offence the evidence of the witnesses for the prosecutor and the accused shall be taken by a stenographer in accordance with the provisions of Part XV relating to the taking of evidence by stenographers at preliminary inquiries."

The proposed amendment would permit evidence to be taken by means of a sound recording apparatus where such is authorized by provincial legislation for use in civil cases and provides in addition that the addresses of counsel shall be recorded.

Clause 25. The present paragraph (*a*) of section 574 reads as follows:

"**574.** In any proceedings,

"(*a*) a certificate setting out with reasonable particularity the conviction in Canada of an accused for an indictable offence, purporting to be signed by the person who made the conviction or by the clerk of the court, or

(*b*) ...

is, upon proof of the identity of the accused, *prima facie* evidence of the conviction of the accused without proof of the signature of official character of the person by whom it purports to be signed."

(i) the person who made the conviction,
(ii) the clerk of the court, or
(iii) the officer in charge of the Identification Branch of the Royal Canadian Mounted Police; or"

26. Subsection (2) of section 588 of the said Act is repealed and the following substituted therefor:

Transcript of evidence.

"(2) A copy or transcript of
(*a*) the evidence taken at the trial,
(*b*) the charge to the jury, if any,
(*c*) the reasons for judgment, if any, and
(*d*) the addresses of the prosecutor and the accused or counsel for the accused by way of summing up, if a ground for the appeal is based upon either of the addresses,

shall be furnished to the court of appeal, except in so far as it is dispensed with by order of a judge of that court."

27. Section 622 of the said Act is amended by adding thereto the following subsections:

Time for payment.

"(4) Subject to the provisions of this section, where an accused is convicted of an indictable offence and is fined, the court that convicts the accused may direct that the fine
(*a*) be paid forthwith, or
(*b*) be paid at such time and on such terms as the court may fix.

What to be considered.

"(5) Where a court imposes a fine, the court shall not, at the time the sentence is imposed, direct that the fine be paid forthwith unless
(*a*) the court is satisfied that the convicted person is possessed of sufficient means to enable him to pay the fine forthwith,
(*b*) upon being asked by the court whether he desires time for payment, the convicted person does not request such time, or
(*c*) for any other special reason, the court deems it expedient that no time should be allowed.

Idem.

"(6) The court, in considering whether time should be allowed for payment and, if so, for what period, shall consider any representation made by the accused but any time allowed shall be not less than fourteen clear days from the date sentence is imposed.

Warrant of committal.

"(7) Where time has been allowed for payment the court shall not issue a warrant of committal in default of payment of the fine until the expiration of the time allowed for payment.

Reasons for committal.

"(8) Where no time has been allowed for payment and a warrant of committal in default of payment of a fine of the accused is issued the court shall state in the warrant the reason for immediate committal.

The proposed amendment would provide an additional method of establishing previous convictions of an accused by providing that a certificate signed by the officer in charge of the Identification Branch of the Royal Canadian Mounted Police shall be *prima facie* evidence of such conviction.

Clause 26. The present subsection (2) of section 588 reads as follows:

"(2) A copy or transcript of

(*a*) the evidence taken at the trial,

(*b*) the charge to the jury, if any, and

(*c*) the reasons for judgment, if any,

shall be furnished to the court of appeal, except in so far as it is dispensed with by order of a judge of that court."

The proposed amendment is consequential upon a proposed amendment to section 555 as set out in clause 24.

Clause 27. New. The purpose of the proposed amendment is to extend to the court in the case of an indictable offence, the power conferred on a summary conviction court by section 694 to direct that a fine be paid forthwith, or if the accused is unable to pay forthwith, at such time and upon such terms and conditions as the court may fix and to make such power subject, in either case, to certain conditions.

Surrender by accused.

"(9) Notwithstanding subsection (7), where, before the expiration of the time allowed for payment, the accused appears before a court as defined in section 620, and signifies in writing that he prefers to be committed immediately rather than to await the expiration of the time allowed, the court may forthwith issue a warrant committing the accused to prison.

Young offenders.

"(10) Where a person who has been allowed time for payment appears to the court to be not less than sixteen nor more than twenty-one years of age, the court shall, before issuing a warrant committing the person to prison for default of payment of the fine, obtain and consider a report concerning the conduct and means to pay of the accused.

Extension of time.

"(11) Where time has been allowed for payment under subsection (4) the court that imposed the sentence may, upon an application by or on behalf of the accused, allow further time for payment, subject to any rules made by the court under section 424.

"Fine."

"(12) In this section "fine" includes a pecuniary penalty or other sum of money."

28. Subsections (2) and (3) of section 624 of the said Act are repealed and the following substituted therefor:

Convicted person on bail.

"(2) The time during which a convicted person is at large on bail does not count as part of any term of imprisonment imposed pursuant to his conviction.

When time begins to run.

"(3) Notwithstanding subsection (1), a term of imprisonment, whether imposed by a trial court or the court appealed to, commences or shall be deemed to be resumed, as the case requires, on the day on which the convicted person is arrested and taken into custody under the sentence."

29. Subsection (1) of section 625 of the said Act is repealed and the following substituted therefor:

Reduction of imprisonment on part payment.

"**625.** (1) Where a term of imprisonment is imposed in default of payment of a penalty, the term shall, upon payment of a part of the penalty, whether the payment was made before or after the issue of a warrant of committal, be reduced by the number of days that bears the same proportion to the number of days in the term as the part paid bears to the total penalty."

When proof unnecessary.

30. Subsection (3) of section 662 of the said Act is repealed and the following substituted therefor:

"(3) For the purposes of section 660, where the accused admits the allegations contained in the notice referred to in paragraph (*a*) of subsection (1), no proof of those allegations is required."

Clause 28. The present subsections (2) and (3) of section 624 read as follows:

"(2) The time during which a convicted person

(*a*) is at large on bail, *or*

(*b*) *is confined in a prison or other place of confinement,*

pending the determination of an appeal by that person,

does not count as part of any term of imprisonment imposed pursuant to his conviction, *but paragraph (b) is subject to any directions that the court appealed to may give.*

(3) Notwithstanding subsection (1), a term of imprisonment, whether imposed by a trial court or by the court appealed to, commences or shall be deemed to be resumed, as the case requires,

(*a*) on the day on which the appeal is determined, where the convicted person is then in custody, and

(*b*) on the day on which the convicted person is arrested and taken into custody *under the sentence, where he is* not in custody,

but paragraph (*a*) is subject to any directions that the court appealed to may give."

The proposed amendment would provide that the time served by a convicted person awaiting the disposition of his appeal be counted as part of his sentence without any special direction from the appeal court.

Clause 29. The present subsection (1) of section 625 reads as follows:

"**625.** (1) Where a term of imprisonment is imposed in default of payment of a penalty, the term shall, upon payment of a part of the penalty, be reduced by the number of days that bears the same proportion to the number of days in the term as the part paid bears to the total penalty."

The proposed amendment would make it clear that, where a term of imprisonment is imposed in default of payment of a fine, the term is reduced *pro rata* upon part payment of the fine or penalty and that the payment may be made either before or after the issue of a warrant of committal.

Clause 30. The present subsection (3) of section 662 reads as follows:

"(3) For the purposes of section 660, where the accused admits the allegations contained in the notice referred to in paragraph (*b*) of subsection (1), no proof of those allegations is required."

The proposed amendment would correct a typographical error in the present section which refers to a notice in paragraph (*b*) of subsection (1). This reference should be to paragraph (*a*).

31. Subsection (3) of section 694 of the said Act is repealed and the following substituted therefor:

Time for payment.

"(3) A summary conviction court may direct, subject to the provisions of this section, that any fine adjudged to be paid shall

(*a*) be paid forthwith, or

(*b*) be paid at such time and on such terms as the summary conviction court may fix.

What to be considered.

"(4) Where a summary conviction court directs that an accused pay a fine, the court shall not, at the time the sentence is imposed, direct that the fine be paid forthwith unless

(*a*) the court is satisfied that the convicted person is possessed of sufficient means to enable him to pay the fine forthwith,

(*b*) upon being asked by the court whether he desires time for payment, the convicted person does not request such time, or

(*c*) for any other special reason, the court deems it expedient that no time should be allowed.

Idem.

"(5) The court in considering whether time should be allowed for payment and, if so, for what period, shall consider any representation made by the accused but any time allowed shall be not less than fourteen clear days from the date sentence is imposed.

Warrant of committal.

"(6) Where time has been allowed for payment the court shall not issue a warrant of committal in default of payment of the fine until the expiration of the time allowed for payment.

Reasons for committal.

"(7) Where no time has been allowed for payment and a warrant of committal in default of payment of a fine of the accused is issued the court shall state in the warrant the reason for immediate committal.

Surrender by accused.

"(8) Notwithstanding subsection (6), where, before the expiration of the time allowed for payment, the accused appears before a summary conviction court and signifies in writing that he prefers to be committed immediately rather than to await the expiration of the time allowed, the court may forthwith issue a warrant committing the accused to prison.

Young offenders.

"(9) Where a person who has been allowed time for payment appears to the court to be not less than sixteen nor more than twenty-one years of age, the court shall, before issuing a warrant committing the person to prison for default of payment of the fine, obtain and consider a report concerning the conduct and means to pay of the accused.

Extension of time.

"(10) Where time has been allowed for payment under subsection (3) the court that imposed the sentence may,

Clause 31. New. The purpose of the proposed amendment is to provide that where a fine is imposed under the summary convictions provisions of the *Criminal Code* (Part XXIV), there shall be mandatory action taken by the court to assure, subject to certain reservations, that a warrant of committal shall not issue for the imprisonment forthwith of the person on whom the fine has been imposed, because of financial inability to make immediate payment.

upon application by or on behalf of the accused, allow further time for payment.

"Fine." "(11) In this section "fine" includes a pecuniary penalty or other sum of money."

32. (1) Paragraph (*a*) of section 719 of the said Act is repealed and the following substituted therefor:

P. E. Island. "(*a*) in the Province of Prince Edward Island, the Supreme Court,

Newfoundland. (*aa*) in the Province of Newfoundland, a judge of the Supreme Court,"

(2) Paragraph (*d*) of section 719 of the said Act is repealed and the following substituted therefor:

Ontario. "(*d*) in the Province of Ontario, the county court of the district or county or group of counties where the adjudication was made,"

33. Section 720 of the said Act is repealed and the following substituted therefor:

Appeal. "**720.** Except where otherwise provided by law,

By defendant. (*a*) the defendant in proceedings under this Part may appeal to the appeal court

(i) from a conviction or order made against him, or

(ii) against a sentence passed upon him; and

By informant, Attorney General or his agent. (*b*) the informant, the Attorney General or his agent in proceedings under this Part may appeal to the appeal court

(i) from an order dismissing an information, or

(ii) against a sentence passed upon a defendant,

and the Attorney General of Canada or his agent has the same rights of appeal in proceedings instituted at the instance of the Government of Canada and conducted by or on behalf of that government as the Attorney General of a province or his agent has under this paragraph."

34. (1) Paragraph (*b*) of subsection (1) of section 722 of the said Act is repealed and the following substituted therefor:

Service. "(*b*) cause the notice of appeal to be served upon

(i) the summary conviction court that made the conviction or order or imposed the sentence or such other person as a judge of the appeal court directs, and

(ii) the respondent or, where the respondent is the informant or complainant, such other person as a judge of the appeal court directs,

within thirty days after the conviction or order was made or the sentence was imposed, whichever is the later; and"

Clause 32. (1) The present paragraph (*a*) of section 719 reads as follows:

"**719.** For the purposes of sections 720 to 732, "appeal court" means

"(*a*) in the Provinces of Prince Edward Island and Newfoundland, the Supreme Court,"

The purpose of the proposed amendment is to provide that in Newfoundland a summary conviction appeal shall go to one judge instead of to two judges who, under Newfoundland legislation, constitute a quorum of the Supreme Court.

(2) The present paragraph (*d*) of section 719 reads as follows:

"**719.** For the purposes of sections 720 to 732, "appeal court" means

"(*d*) in the Province of Ontario, the county court of the district or county or group of counties where the *cause of the proceedings arose*,"

The proposed amendment was requested by the Province of Ontario.

Clause 33. The present section 720 reads as follows:

"**720.** Except where otherwise provided by law,

(*a*) the defendant in proceedings under this Part may appeal to the appeal court

(i) from a conviction or order made against him, or

(ii) against a sentence passed upon him; and

(*b*) the informant or the Attorney General in proceedings under this Part may appeal to the appeal court

(i) from an order dismissing an information, or

(ii) against a sentence passed upon a defendant,

and the Attorney General of Canada has the same rights of appeal in proceedings instituted at the instance of the government of Canada and conducted by or on behalf of that government as the Attorney General of a province has under this paragraph."

The proposed amendment would make it clear that the agent of the Attorney General of Canada or of a province can institute an appeal in a summary conviction matter.

Clause 34. The present subsections (1), (2) and (3) of section 722 read as follows:

"**722.** (1) Where an appeal is taken under section 720, the appellant shall

(*a*) prepare a notice of appeal in writing setting forth

(i) with reasonable certainty the conviction or order appealed from or the sentence appealed against, and

(ii) the grounds of appeal;

(*b*) cause the notice of appeal to be served upon

(i) the summary conviction court that made the conviction or order or imposed the sentence, and

(ii) the respondent,

within thirty days after the conviction or order was made or the sentence was imposed; and

(*c*) file in the office of the clerk of the appeal court

(i) the notice of appeal referred to in paragraph (*a*), and

(ii) an affidavit of service of the notice of appeal,

not later than seven days after the last day for service of the notice of appeal upon the respondent and the summary conviction court.

(2) *In the Northwest Territories*, the appeal court may fix, before or after the expiration of the periods fixed by paragraphs (*b*) and (*c*) of subsection (1), a further period not exceeding thirty days within which service and filing may be effected.

(2) Subsections (2) and (3) of section 722 of the said Act are repealed and the following substituted therefor:

Time for service and filing.

"(2) The appeal court may fix, before or after the expiration of the periods fixed by paragraphs (*b*) and (*c*) of subsection (1), a further period not exceeding thirty days within which service and filing may be effected."

35. Subsection (1) of section 723 of the said Act is repealed and the following substituted therefor:

Setting down appeal.

"**723.** (1) Where an appellant has complied with section 722, the appeal court or a judge thereof shall set down the appeal for hearing at a regular or special sittings thereof and the clerk of the appeal court shall post, in a conspicuous place in his office, a notice of every appeal that has been set down for hearing and notice of the time when it will be heard."

36. Paragraph (*d*) of subsection (1) of section 724 of the said Act is repealed and the following substituted therefor:

Where appeal from dismissal of complaint.

"(*d*) where an appeal is from an order other than an order for the payment of money or is from an order dismissing an information, the appellant shall, unless he is the Attorney General of Canada or his agent, or the Attorney General of a province or his agent, enter into a recognizance in an amount, or deposit with the summary conviction court an amount that, in the opinion of that court, is sufficient to cover the costs of the appeal."

37. Subsection (2) of section 743 of the said Act is repealed and the following substituted therefor:

Sections applicable.

"(2) Sections 581 to 589 apply *mutatis mutandis*, to an appeal under this section, and the court of appeal shall have the power to grant a new trial."

(3) Where the respondent is a person engaged in enforcement of the law under which the conviction or order was made or the sentence was imposed, the appeal court may direct that a copy of the notice of appeal referred to in subsection (1) be served upon a person other than the respondent, and where the appeal court so directs, that service shall, for the purposes of this section and section 723, be deemed to be service upon the respondent."

The proposed amendment would provide that in a summary conviction appeal the notice of appeal may be served upon a person designated by the appeal court instead of upon the respondent. This extends the present subsection (3) and to this extent restores the *Criminal Code* c. 36, R.S.C. 1927. The proposed amendment makes it clear that, for the purpose of service of a notice of appeal, the period of thirty days runs from the date of the conviction (or order) or sentence, whichever is the later.

The purpose of subsection (2) is to enable the appeal court to extend the time for serving and filing notice of appeal for a period not exceeding thirty days from expiry of the original thirty days. At present this provision is applicable only in the Northwest Territories.

Clause 35. The present subsection (1) of section 723 reads as follows:

"**723.** (1) Where an appellant has complied with section 722, the appeal court shall set down the appeal for hearing at a regular or special sittings thereof and the clerk of the appeal court shall post, in a conspicuous place in his office, a notice of every appeal that has been set down for hearing and notice of the time when it will be heard."

It has been held that under the present section the order setting down the appeal must be made at the beginning of a regular sitting of the court appealed to. The proposed amendment would make it clear that an order setting down an appeal for hearing may be made in advance of the sitting.

Clause 36. The present paragraph (*d*) of subsection (1) of section 724 reads as follows:

"(*d*) where an appeal is fron an order other than an order for the payment of money or is from an order dismissing an information, the appellant shall, unless he is the Attorney General of Canada or of a province, enter into a recognizance in an amount, or deposit with the summary conviction court an amount that, in the opinion of that court, is sufficient to cover the costs of the appeal."

This is consequential upon the amendment proposed in clause 33.

Clause 37. The present subsection (2) of section 743 reads as follows:

"(2) Sections 581 to 589 apply, *mutatis mutandis*, to an appeal under this section."

The proposed amendment would empower the court of appeal in a summary conviction appeal to order a new trial as it could under the *Criminal Code* c. 36, R.S.C. 1927. It was held in Regina v. Hiltz 1958, 121 C.C.C. 378, that under the present section the couur has no power to order a new trial.

C-59.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-59.

An Act to amend the Combines Investigation Act and the Criminal Code.

First reading, June 11, 1959.

THE MINISTER OF JUSTICE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21400-7

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-59.

An Act to amend the Combines Investigation Act and the Criminal Code.

R.S., c. 314; 1953-54, c. 51.

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

1. (1) Paragraph (*a*) of section 2 of the *Combines Investigation Act* is repealed and the following substituted therefor:

"Article." "(*a*) "article" means an article or commodity that may be the subject of trade or commerce;

(2) Paragraphs (*e*) and (*f*) of section 2 of the said Act are repealed and the following substituted therefor:

"Merger." "(*e*) "merger" means the acquisition, by one or more persons, whether by purchase or lease of shares or assets or otherwise, of any control over or interest in the whole or part of the business of a competitor, supplier, customer or any other person, whereby competition

(i) in a trade or industry,

(ii) among the sources of supply of a trade or industry,

(iii) among the outlets for sales of a trade or industry,

is or is likely to be substantially lessened;

"Monopoly." (*f*) "monopoly" means a situation where one or more persons, who either substantially or completely control throughout any particular area or district in Canada or throughout Canada the class or species of business in which they are engaged, conduct their business in a manner that has or is likely to have the effect of

(i) enhancing prices,

(ii) limiting production,

(iii) limiting entry into a trade or industry,

(iv) unduly restricting the range of products, or

(v) unduly restricting the channels of distribution, or conduct their business in any other manner that is

Explanatory Notes.

1. (1) Paragraph (*a*) now reads as follows:

"(*a*) "combine" means a combination having relation to any commodity which may be the subject of trade or commerce, of two or more persons by way of actual or tacit contract, agreement or arrangement having or designed to have the effect of

(i) limiting facilities for transporting, producing, manufacturing, supplying, storing or dealing, or

(ii) preventing, limiting or lessening manufacture or production, or

(iii) fixing a common price or a resale price, or a common rental, or a common cost of storage or transportation, or

(iv) enhancing the price, rental or cost of article, rental, storage or transportation, or

(v) preventing or lessening competition in, or substantially controlling within any particular area or district or generally, production, manufacture, purchase, barter, sale, storage, transportation, insurance or supply, or

(vi) otherwise restraining or injuring trade or commerce, or a merger, trust or monopoly, which combination, merger, trust or monopoly has operated or is likely to operate to the detriment or against the interest of the public, whether consumers, producers or others;"

Under the proposed amendments the definition of "combine" will no longer be required, the substance being covered in the new section 32 set out in clause 14 of this Bill.

(2) (3) The present paragraphs (*e*) and (*f*) of section 2 are as follows:

"(*e*) "merger, trust or monopoly" means one or more persons

(i) who has or have purchased, leased or otherwise acquired any control over or interest in the whole or part of the business of another, or

(ii) who either substantially or completely control throughout any particular area or district in Canada or throughout Canada the class or species of business in which he is or they are engaged,

and extends and applies only to the business of manufacturing, producing, transporting, purchasing, supplying, storing or dealing in commodities which may be the subject of trade or commerce; but this paragraph shall not be construed or applied so as to limit or impair any right or interest derived under the *Patent Act*, or under any other statute of Canada; and

(f) "Minister" means the Minister of Justice."

The purpose of these amendments is to clarify the definitions of mergers and monopolies.

or is likely to be detrimental to or against the interest of the public, whether consumers, producers or others; and

"Minister." (*g*) "Minister" means the Minister of Justice;"

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

"Business" defined. "(2) For the purposes of paragraphs (*e*) and (*f*) of subsection (1), the expression "business" means the business of manufacturing, producing, transporting, purchasing, supplying, storing or dealing in articles.

1953-54, c. 51, s. 750(1).

2. Section 7 of the said Act is repealed and the following substituted therefor:

Application for inquiry. "**7.** (1) Any six persons, Canadian citizens, resident in Canada, of the full age of twenty-one years, who are of the opinion that an offence under Part V has been or is being committed may apply to the Director for an inquiry into such matter, and shall place before the Director the evidence on which such opinion is based.

Material to be submitted. (2) The application shall be accompanied by a statement in the form of a solemn or statutory declaration showing

(*a*) the names and addresses of the applicants, and at their election the name and address of any one of their number, or of any attorney, solicitor or counsel, whom they may, for the purpose of receiving any communication to be made pursuant to this Act, have authorized to represent them;

(*b*) the nature of the alleged offence and the names of the persons believed to be concerned therein and privy thereto; and

(*c*) a concise statement of the evidence supporting their opinion that the offence has been or is being committed."

1953-54, c. 51, s. 750(1).

3. Paragraph (*b*) of section 8 of the said Act is repealed and the following substituted therefor:

"(*b*) whenever he has reason to believe that any provision in Part V has been, is being or is about to be violated, or"

1953-54, c. 51, s. 750(1).

4. Subsection (2) of section 11 of the said Act is repealed and the following substituted therefor:

Copies. "(2) The Director may have copies made (including copies by any process of photographic reproduction) of any books, papers, records or other documents referred to in subsection (1), and such copies, upon proof orally or by

2. The present section 7 now reads:

"**7.** (1) Any six persons, Canadian citizens, resident in Canada, of the full age of twenty-one years, who are of the opinion that an offence has been or is being committed *against section 32 or 34 of this Act, or section 411 or 412 of the Criminal Code*, may apply to the Director for an inquiry into such matter, and shall place before the Director the evidence on which such opinion is based.

(2) The application shall be accompanied by a statement in the form of a solemn or statutory declaration showing

(*a*) the names and addresses of the applicants, and at their election the name and address of any one of their number, or of any attorney, solicitor or counsel, whom they may, for the purpose of receiving any communication to be made pursuant to this Act, have authorized to represent them; and

(*b*) the nature of the alleged offence and the names of the persons believed to be concerned therein and privy thereto;

and, if the application relates to an offence against section 32, the manner in which, and where possible the extent to which, the alleged combine is believed to operate or to be likely to operate to the detriment or against the interest of the public whether consumers, producers or others."

Sections 411 and 412 of the *Criminal Code* are being transferred to the *Combines Investigation Act.* It is therefore necessary to amend the cross-references to those sections throughout the Act and at the same time a number of clarifying amendments are being made.

3. Section 8 now reads as follows:

"**8.** The Director shall

(*a*) on application made under section 7,

(*b*) whenever he has reason to believe that *section 32 or 34 of this Act or section 411 or 412 of the Criminal Code* has been, is being or is about to be violated, or

(*c*) whenever he is directed by the Minister to inquire whether any of the sections mentioned in paragraph (*b*) has been, is being or is about to be violated,

cause an inquiry to be made into all such matters as he considers necessary to inquire into with the view of determining the facts."

The amendment merely changes the cross-references as in clause 2.

4. The present subsection (2) of section 11 is as follows:

"(2) The Director may have copies made (including copies by any process of photographic reproduction) of any books, papers, records or other documents referred to in subsection (1), and such copies, upon proof orally or by affidavit that they are true copies, in any proceedings under this Act *or under section 411 or 412 of the Criminal Code*, are admissible in evidence and have the same probative force as the originals in all cases in which and for all purposes for which such originals would have been received; where such evidence is offered by affidavit it is not necessary to prove the signature or official character of the deponent if that information is set forth in the affidavit or to prove the signature or official character of the person before whom such affidavit was sworn."

The only change is in the cross-references.

affidavit that they are true copies, in any proceedings under this Act are admissible in evidence and have the same probative force as the originals in all cases in which and for all purposes for which such originals would have been received; where such evidence is offered by affidavit it is not necessary to prove the signature or official character of the deponent if that information is set forth in the affidavit or to prove the signature or official character of the person before whom such affidavit was sworn."

5. Section 13 of the said Act is repealed and the following substituted therefor:

Counsel.

"**13.** Whenever in the opinion of the Minister the public interest so requires, he may appoint and instruct counsel to assist in an inquiry under this Act."

1953-54, c. 51, s. 750(1).

6. Section 15 of the said Act is repealed and the following substituted therefor:

Reference to Attorney General of Canada.

"**15.** (1) The Director may, at any stage of an inquiry, and in addition to or in lieu of continuing the same, remit any records, returns or evidence to the Attorney General of Canada for consideration as to whether an offence has been committed against any of the provisions of this Act, and for such action as the Attorney General of Canada may be pleased to take.

Prosecution by Attorney General of Canada.

(2) The Attorney General of Canada may institute and conduct any prosecution or other proceedings under this Act and for such purposes he may exercise all the powers and functions conferred by the *Criminal Code* on the attorney general of a province."

7. Section 16 of the said Act is amended by adding thereto the following subsection:

Ad hoc members.

"(12) The Governor in Council may appoint an *ad hoc* member of the Commission in respect of any matter, and the person so appointed has with reference to such matter all the powers, duties and functions of a member of the Commission under this Act, and such *ad hoc* member shall be paid such remuneration and allowances as the Governor in Council may from time to time fix and allow."

1953-54, c. 51, s. 750(1).

8. Subsection (5) of section 17 of the said Act is repealed and the following substituted therefor:

Delivery to Director of seized articles.

"(5) A justice before whom any thing seized pursuant to a search warrant issued with reference to an offence against this Act is brought may, on the application of the Director, order that such thing be delivered to the Director, and the Director shall deal with any thing so delivered to him as if delivery of it had been made to him pursuant to subsection (4)."

5. The present section 13 is as follows:

"**13.** Whenever in the opinion of the *Director* the public interest so requires, *the Director may apply to the Minister to* instruct counsel to assist in an inquiry *and upon such application the Minister may instruct counsel accordingly.*"

The proposed amendment will enable counsel to be employed on the recommendation of the Commission as well as the Director.

6. Section 15 now provides:

"**15.** (1) The Director may, at any stage of an inquiry, and in addition to or in lieu of continuing the same, remit any records, returns or evidence to the Attorney General of Canada for consideration as to whether an offence has been committed against any of the provisions of this Act *or section 411 or 412 of the Criminal Code*, and for such action as the Attorney General of Canada may be pleased to take.

(2) The Attorney General of Canada may institute and conduct any prosecution or other proceedings under this Act *or section 411 or 412 of the Criminal Code* and for such purposes he may exercise all the powers and functions conferred by the *Criminal Code* on the attorney general of a province."

The only change is in the cross-references.

7. New.

8. The present subsection (5) of section 17 is as follows:

"(5) A justice before whom any thing seized pursuant to a search warrant issued with reference to an offence against this Act *or section 411 or 412 of the Criminal Code* is brought may, on the application of the Director, order that such thing be delivered to the Director, and the Director shall deal with any thing so delivered to him as if delivery of it had been made to him pursuant to subsection (4)."

The only change is in the cross-references.

1953-54, c. 51, s. 750(2).

9. Paragraph (*a*) of subsection (1) of section 18 of the said Act is repealed and the following substituted therefor:

"(*a*) the Director may, if he is of the opinion that the evidence obtained discloses a situation contrary to any provision in Part V, and"

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

Report by Commission.

"**19.** (1) The Commission shall as soon as possible after the conclusion of proceedings taken under section 18, make a report in writing and without delay transmit it to the Minister; such report shall review the evidence and material, appraise the effect on the public interest of arrangements and practices disclosed in the evidence and contain recommendations as to the application of remedies provided in this Act or other remedies, and

(*a*) where it appears that a conspiracy, combination, agreement or arrangement has existed, shall include a finding whether or not the conspiracy, combination, agreement or arrangement relates in whole or in part to any of the matters specified in subparagraphs (i) to (v) of paragraph (*a*) of subsection (2) of section 32 and, if not, shall include a finding whether or not the conspiracy, combination, agreement or arrangement, in the opinion of the Commission, has operated or is likely in the foreseeable future to operate to the specific and substantial detriment of the public, whether consumers, producers or others; and

(*b*) where it appears that a merger or monopoly has existed, shall include a finding whether or not the participants in its creation or operation have acted with calculated disregard for the interests of the public."

1953-54, c. 51, s. 750(1).

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

Interim report.

"**22.** (1) Notwithstanding subsection (1) of section 19, when, in any inquiry relating to alleged situations contrary to section 32 or 33, the Commission, after reviewing the statement submitted by the Director and receiving argument in support thereof and in reply thereto, is then unable effectively to appraise the effect on the public interest of the arrangements and practices disclosed in the evidence, it shall make an interim report in writing, which shall contain a review of the evidence and a statement of the reasons why the Commission is unable to appraise effectively the effect of such arrangements and practices on the public interest, and without delay, such report shall be transmitted to the Minister."

9. Subsection (1) of section 18 now reads as follows:

"**18.** (1) At any stage of an inquiry,

(*a*) the Director may, if he is of the opinion that the evidence obtained discloses a situation contrary to *section 32 or 34 of this Act, or section 411 or 412 of the Criminal Code*, and

(*b*) the Director shall, if so required by the Minister,

prepare a statement of the evidence obtained in the inquiry which shall be submitted to the Commission and to each person against whom an allegation is made therein."

The only change is in the cross-references.

10. Subsection (1) of section 19 now reads as follows:

"**19.** (1) The Commission shall as soon as possible after the conclusion of proceedings taken under section 18, make a report in writing and without delay transmit it to the Minister; such report shall review the evidence and material, appraise the effect on the public interest of arrangements and practices disclosed in the evidence and contain recommendations as to the application of remedies provided in this Act or other remedies."

The amendment requires the Commission to make a finding whether or not a combination involved a practice forbidden *per se* (see the proposed new section 32 as set out in clause 14 of this Bill) and, if not, a further finding as to the character of the public detriment. The Commission is also required to make a finding as to public detriment in the case of a merger or monopoly.

11. The present subsection (1) of section 22 reads as follows:

"**22.** (1) Notwithstanding subsection (1) of section 19 *of this Act*, when, in any inquiry relating to alleged situations contrary to section 32 *of this Act, or section 411 of the Criminal Code*, the Commission, after reviewing the statement submitted by the Director and receiving argument in support thereof and in reply thereto, is then unable effectively to appraise the effect on the public interest of the arrangements and practices disclosed in the evidence, it shall make an interim report in writing, which shall contain a review of the evidence and a statement of the reasons why the Commission is unable to appraise effectively the effect of such arrangements and practices on the public interest, and without delay, such report shall be transmitted to the Minister."

The only change is in the cross-references.

12. Section 29 of the said Act is repealed and the following substituted therefor:

Reduction or removal of customs duties.

"**29.** Whenever, from or as a result of an inquiry under the provisions of this Act, or from or as a result of a judgment of the Supreme Court or Exchequer Court of Canada or of any superior, district or county court in Canada, it appears to the satisfaction of the Governor in Council that with regard to any article there has existed any conspiracy, combination, agreement, arrangement, merger or monopoly to promote unduly the advantage of manufacturers or dealers at the expense of the public, and if it appears to the Governor in Council that such disadvantage to the public has been facilitated by the duties of customs imposed on the article, or on any like article, the Governor in Council may direct either that such article be admitted into Canada free of duty, or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Governor in Council, give the public the benefit of reasonable competition."

1953-54, c. 51, s. 750(1).

13. Subsections (1) and (2) of section 31 of the said Act are repealed and the following substituted therefor:

Prohibitions.

"**31.** (1) Where a person has been convicted of an offence under Part V

(*a*) the court may at the time of such conviction, on the application of the Attorney General of Canada or the attorney general of the province, or

(*b*) a superior court of criminal jurisdiction in the province may at any time within three years thereafter, upon proceedings commenced by information of the Attorney General of Canada or the attorney general of the province for the purposes of this section,

and in addition to any other penalty imposed on the person convicted, prohibit the continuation or repetition of the offence or the doing of any act or thing by the person convicted or any other person directed towards the continuation or repetition of the offence and where the conviction is with respect to the formation or operation of a merger or monopoly, direct the person convicted or any other person to do such acts or things as may be necessary to dissolve the merger or monopoly in such manner as the court directs.

Idem.

(2) Where it appears to a superior court of criminal jurisdiction in proceedings commenced by information of the Attorney General of Canada or the attorney general of the province for the purposes of this section that a person has done, is doing, is about to do or is likely to do any act or thing constituting or directed towards the commission of an offence under Part V, the court may prohibit the commission of the offence or the doing or continuation of

12. The present section 29 reads as follows:

"**29.** Whenever, from or as a result of an inquiry under the provisions of this Act, or from or as a result of a judgment of the Supreme Court or Exchequer Court of Canada or of any superior *court or circuit*, district or county court in Canada, it appears to the satisfaction of the Governor in Council that with regard to any article *of commerce, there exists any combine* to promote unduly the advantage of manufacturers or dealers at the expense of the public, and if it appears to the Governor in Council that such disadvantage to the public *is* facilitated by the duties of Customs imposed on the article, or on any like article, the Governor in Council may direct either that such article be admitted into Canada free of duty, or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Governor in Council, give the public the benefit of reasonable competition."

With the incorporation of section 411 of the *Criminal Code*, the expression "combine" requires to be replaced as indicated.

13. The present subsections (1) and (2) of section 31 read as follows:

"**31.** (1) Where a person has been convicted of an offence under *section 32 or 34 of this Act or under section 411 or 412 of the Criminal Code*.

(*a*) the court may at the time of such conviction, on the application of the Attorney General of Canada or the attorney general of the province, or

(*b*) a superior court of criminal jurisdiction in the province may at any time within three years thereafter, upon proceedings commenced by information of the Attorney General of Canada or the attorney general of the province for the purposes of this section,

and in addition to any other penalty imposed on the person convicted, prohibit the continuation or repetition of the offence or the doing of any act or thing by the person convicted or any other person directed towards the continuation or repetition of the offence and where the conviction is with respect to the formation or operation of a merger, *trust* or monopoly, direct the person convicted or any other person to do such acts or things as may be necessary to dissolve the merger, *trust* or monopoly in such manner as the court directs.

(2) Where it appears to a superior court of criminal jurisdiction in proceedings commenced by information of the Attorney General of Canada or the attorney general of the province for the purposes of this section that a person is about to do or is likely to do any act or thing constituting or directed towards the commission of an offence under *section 32 or 34 of this Act or section 411 or 412 of the Criminal Code*, the court may prohibit the commission of the offence or the doing of any act or thing by that person or any other person constituting or directed towards the commission of such an offence."

The cross-references in subsections (1) and (2) are being changed, and subsection (2) is being amended to permit a restraining or dissolution order without a conviction where the offence has been completed.

any act or thing by that person or any other person constituting or directed towards the commission of such an offence, and, where the offence is with respect to the formation or operation of a merger or monopoly, direct that person or any other person to do such acts or things as may be necessary to dissolve the merger or monopoly in such manner as the court directs."

1953-54, c. 51, s. 750(1).

14. Sections 32 and 33 of the said Act are repealed and the following substituted therefor:

Court may require returns.

"**31A.** (1) Notwithstanding anything contained in Part V, where any person is convicted of an offence under Part V, the court before whom such person was convicted and sentenced may, from time to time within three years thereafter require the convicted person to submit such information with respect to the business of such person as the court deems advisable, and without restricting the generality of the foregoing the court may require a full disclosure of all transactions, operations or activities since the date of the offence under or with respect to any contracts, agreements or arrangements, actual or tacit, that the convicted person may at any time have entered into with any other person touching or concerning the business of the person convicted.

Penalty.

(2) The court may punish any failure to comply with an order under this section by a fine in the discretion of the court or by imprisonment for a term not exceeding two years.

PART V.

Offences in Relation to Trade.

Conspiracy.

32. (1) Every one who conspires, combines, agrees or arranges with another person

(*a*) to limit unduly the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article,

(*b*) to prevent, limit or lessen, unduly, the manufacture or production of an article, or to enhance unreasonably the price thereof,

(*c*) to prevent or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, storage, rental, transportation or supply of an article, or in the price of insurance upon persons or property, or

(*d*) to restrain or injure trade or commerce unduly in relation to any article,

14. The present sections 32 and 33 read as follows:

"**32.** (1) Every person who is a party or privy to or knowingly assists in the formation or operation of a *combine* is guilty of an indictable offence and liable *on conviction to a fine in the discretion of the court or* to imprisonment for a term *not exceeding* two years *or to both.*

(2) *No person shall be charged with an offence against this section on the same information or indictment as that on which he is charged with an offence against section 411 of the Criminal Code.*

33. (1) Notwithstanding anything contained in *section 32 or 34 of this Act or in the Criminal Code,* where any person is convicted of an offence *against section 32 or 34 of this Act or section 411 or 412 of the Criminal Code,* the court before whom such person was convicted and sentenced may, from time to time within three years thereafter require the convicted person to submit such information with respect to the business of such person as the court deems advisable, and without restricting the generality of the foregoing the court may require a full disclosure of all transactions, operations or activities since the date of the offence under or with respect to any contracts, agreements or arrangements, actual or tacit, that the convicted person may at any time have entered into with any other person touching or concerning the business of the person so convicted.

(2) The court may punish any failure to comply with an order under this section by a fine in the discretion of the court or by imprisonment for a term not exceeding two years."

Section 33 becomes 31A, and the only change is in the cross-references.

The new section 32 incorporates section 411 of the *Criminal Code*, and provides for a defence where it is established that the conspiracy does not involve a practice that is forbidden *per se* and the court is satisfied that there is no public detriment.

The new section 33 is the present section 32, but confined to mergers and monopolies. New provision is made for a defence where the merger does not operate to the public detriment or where it is not likely that the merged business would have remained in operation.

The proposed section 33A is section 412 of the *Criminal Code* and the proposed section 33B is new.

is guilty of an indictable offence and is liable to imprisonment for two years.

Defence.

(2) In a prosecution for an offence under subsection (1), it is a defence if the accused

(*a*) establishes that the conspiracy, combination, agreement or arrangement does not relate in whole or in part to any of the following:

(i) fixing or enhancing prices,

(ii) limiting the quantity or quality of production,

(iii) dividing markets or allocating customers,

(iv) restricting the channels or methods of distribution, or

(v) restricting entry into a trade or industry,

but relates only to

(vi) the exchange of statistics,

(vii) the defining of product standards,

(viii) the exchange of credit information,

(ix) definition of trade terms,

(x) co-operation in research and development,

(xi) restriction of advertising, or

(xii) some other matter not enumerated in paragraphs (i) to (v), and

(*b*) also establishes that the conspiracy, combination, agreement or arrangement has not operated and is not likely to operate to the specific detriment of the public, whether consumers, producers or others.

Mergers and monopolies.

"**33.** (1) Every person who is a party or privy to or knowingly assists in the formation or operation of a merger or monopoly is guilty of an indictable offence and is liable to imprisonment for two years.

Defence.

(2) In a prosecution for an offence under subsection (1) in respect of a merger, it is a defence if the accused establishes

(*a*) that

(i) the merger was necessary to achieve economies of production or distribution that could not otherwise be achieved and that will be passed on to the public, and

(ii) a substantial degree of competition remains in the trade or industry despite the merger, or

(*b*) that, by reason of its financial situation or otherwise, one of the parties thereto would have had to cease operations if the merger did not take place.

Exception.

(3) Subsection (1) shall not be construed or applied so as to limit or impair any right or interest derived under the *Patent Act*, or under any other Act of the Parliament of Canada.

Illegal trade practices.

"**33A.** (1) Every one engaged in trade, commerce or industry who

(*a*) is a party or privy to, or assists in, any sale that discriminates to his knowledge, directly or indirectly, against competitors of a purchaser of articles from him in that any discount, rebate, allowance, price concession or other advantage is granted to the purchaser over and above any discount, rebate, allowance, price concession or other advantage that, at the time the articles are sold to such purchaser, is available to such competitors in respect of a sale of articles of like quality and quantity;

(*b*) engages in a policy of selling articles in any area of Canada at prices lower than those exacted by him elsewhere in Canada, having or designed to have the effect or tendency of substantially lessening competition or eliminating a competitor in such part of Canada; or

(*c*) engages in a policy of selling articles at prices unreasonably low, having or designed to have the effect or tendency of substantially lessening competition or eliminating a competitor,

is guilty of an indictable offence and is liable to imprisonment for two years.

Defence.

(2) In a prosecution under paragraph (*a*) of subsection (1) it is a defence if the accused establishes that the discount, rebate, allowance, price concession or other advantage was not granted as part of a practice of discriminating as described in that paragraph.

Co-operative societies excepted.

(3) The provisions of paragraph (*a*) of subsection (1) shall not be construed to prohibit a co-operative society from returning to producers or consumers, or a co-operative wholesale society from returning to its constituent retail members, the whole or any part of the net surplus made in its trading operations in proportion to purchases made from or sales made to the society.

Misrepresentations as to ordinary price.

"**33B.** Every one who, for the purpose of promoting the sale or use of an article, makes any materially misleading representation to the public, by any means whatever, concerning the price at which such or like articles have been, are, or will be, ordinarily sold, is guilty of an offence punishable on summary conviction."

15. Section 34 of the said Act is amended by adding thereto the following subsection:

Defences.

"(5) Where, in a prosecution under this section, it is proved that the person charged refused or counselled the refusal to sell or supply an article to any other person, no inference unfavourable to the person charged shall be drawn from such evidence if he satisfies the court that he had reasonable cause to believe and did believe

15. Section 34 prohibits resale price maintenance. The proposed new subsection (5) provides a defence in the circumstances described.

(*a*) that the other person was persistently using articles supplied by the person charged as loss-leaders, that is to say, not for the purpose of making a profit thereon but for purposes of advertising;

(*b*) that the other person was persistently using articles supplied by the person charged not for the purpose of selling such articles at a profit but for the purpose of attracting customers to his store in the hope of selling them other articles;

(*c*) that the other person was persistently engaging in misleading advertising in respect of articles supplied by the person charged;

(*d*) that the other person was persistently failing to provide the level of servicing that purchasers of such articles might reasonably expect from such other person; or

(*e*) that the other person was persistently and unfairly disparaging the value of an article supplied by the person charged, in relation to its price or otherwise."

16. Section 35 of the said Act is repealed and the following substituted therefor:

Civil rights not affected.

"**35.** Nothing in this Part shall be construed to deprive any person of any civil right of action."

New heading.

17. The said Act is further amended by inserting therein, immediately before section 36 thereof, the following heading:

"PART VI.

OTHER OFFENCES."

1953-54, c. 51, s. 750(3).

18. Subsections (2) and (3) of section 40 of the said Act are repealed and the following substituted therefor:

Jurisdiction of courts.

"(2) No court other than a superior court of criminal jurisdiction, as defined in the *Criminal Code*, has power to try any offence under section 32 or 33.

Corporations tried without jury.

(3) Notwithstanding anything in the *Criminal Code* or in any other statute or law, a corporation charged with an offence under this Act shall be tried without the intervention of a jury."

1953-54, c. 51, s. 750(1).

19. The portion of subsection (2) of section 41 of the said Act that precedes paragraph (*a*) thereof is repealed and the following substituted therefor:

Evidence against a participant.

"(2) In a prosecution under Part V,"

16. The present section 35 reads as follows:

"**35.** *Sections 32 and 34 shall not be deemed* to deprive any person of any civil right of action."

The change is made necessary by the rearrangement of the offence sections.

17. The offences relating to trade will be confined to Part V in order to facilitate reference to them in other places in the Act.

18. The present subsections (2) and (3) of section 40 read as follows:

"(2) No court other than a superior court of criminal jurisdiction, as defined in the *Criminal Code*, has power to try any offence against section 32 of this Act.

(3) Notwithstanding anything in the *Criminal Code* or in any other statute or law, a corporation charged with an offence under this Act *or under section 411 or 412 of the Criminal Code* shall be tried without the intervention of a jury."

The only change is in the cross-references.

19. The opening words of subsection (2) of section 41 are as follows:

"(2) In a prosecution under *section 32 or 34 of this Act or under section 411 or 412 of the Criminal Code*,"

The only change is in the cross-reference.

Part number amended.

20. The said Act is further amended by repealing the heading "PART VI" and substituting therefor the heading "PART VII".

Repeal.

21. Sections 411, 412 and 416 of the *Criminal Code* are repealed.

20. See note to clause 18.

21. The present sections 411, 412 and 416 of the *Criminal Code* are as follows:

"**411.** (1) Every one who conspires, combines, agrees or arranges with another person

(*a*) to limit unduly the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article,

(*b*) to restrain or injure trade or commerce in relation to any article,

(*c*) to prevent, limit or lessen, unduly, the manufacture or production of an article, or to enhance unreasonably the price thereof, or

(*d*) to prevent or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, transportation or supply of an article, or in the price of insurance upon persons or property,

is guilty of an indictable offence and is liable to imprisonment for two years.

(2) For the purposes of this section, "article" means an article or commodity that may be a subject of trade or commerce.

(3) This section does not apply to combinations of workmen or employees for their own reasonable protection as workmen or employees.

"**412.** (1) Every one engaged in trade, commerce or industry who

(*a*) is a party or privy to, or assists in, any sale that discriminates to his knowledge, directly or indirectly, against competitors of the purchaser, in that any discount, rebate, allowance, price concession or other advantage, is granted to the purchaser over and above any discount, rebate, allowance, price concession or other advantage, available at the time of such sale to such competitors in respect of a sale of goods of like quality and quantity;

(*b*) engages in a policy of selling goods in any area of Canada at prices lower than those exacted by such seller elsewhere in Canada, having or designed to have the effect of substantially lessening competition or eliminating a competitor in such part of Canada; or

(*c*) engages in a policy of selling goods at prices unreasonably low, having or designed to have the effect of substantially lessening competition or eliminating a competitor,

is guilty of an indictable offence and is liable to imprisonment for two years.

(2) It is not an offence under paragraph (*a*) of subsection (1) to be a party or privy to, or assist in any sale mentioned therein unless the discount, rebate, allowance, price concession or other advantage was granted as part of a practice of discriminating as described in that paragraph.

(3) The provisions of paragraph (*a*) of subsection (1) shall not prevent a co-operative society returning to producers or consumers, or a co-operative wholesale society returning to its constituent retail members, the whole or any part of the net surplus made in its trading operations in proportion to purchases made from or sales to the society.

"**416.** (1) Where an indictment is found against an accused, other than a corporation, for an offence under section 411, the accused may elect to be tried without a jury and where he so elects he shall be tried by the judge presiding at the court at which the indictment is found, or the judge presiding at any subsequent sittings of that court, or at any court where the indictment comes on for trial.

(2) Where an accused makes an election under subsection (1), the proceedings subsequent to the election shall be in accordance with Part XVI in so far as that Part is capable of being applied."

Sections 411 and 412 of the *Criminal Code* become respectively sections 32 and 33A of the *Combines Investigation Act*. Section 416 of the *Criminal Code* is no longer necessary.

Effect of re-enactment of s. 411 of *Criminal Code*.

22. Except to the extent that subsection (1) of section 32 of the *Combines Investigation Act* as enacted by this Act is not in substance the same as section 411 of the *Criminal Code* as in force immediately before the coming into force of this Act, the said subsection (1) of section 32 of the *Combines Investigation Act* shall not be held to operate as new law, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the said section 411 of the *Criminal Code*.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-60.

An Act respecting the Adjustment of certain Public Service Pensions.

First reading, June 15, 1959.

THE MINISTER OF FINANCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21220-9

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-60.

An Act respecting the Adjustment of certain Public Service Pensions.

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 *Public Service Pension Adjustment Act.*

INTERPRETATION.

Definitions.

2. In this Act

"Child."

(*a*) "child" means a person who is in receipt of a pension by virtue of being the child of an employee and, unless the context otherwise requires, does not include an orphan;

"Employee."

(*b*) "employee" means a person in receipt of a pension who was

(i) employed in the public service of Canada,

(ii) a member of the forces, or

(iii) a member of the Royal Canadian Mounted Police;

"Forces."

(*c*) "forces" means the regular forces of the Canadian Forces, and includes the forces known before the coming into force of Part II of the *National Defence Act* as the Royal Canadian Navy, the Canadian Army Active Force, the Permanent Active Militia, the Permanent Militia Corps, the permanent staff of the Militia, the Royal Canadian Air Force (Regular) and the Permanent Active Air Force;

"Orphan."

(*d*) "orphan" means a child of an employee who is in receipt of a pension by virtue of being an orphan;

"Pension."

(*e*) "pension" means the basic pension, annual allowance or annuity

Explanatory Note.

The purpose of this Bill is to provide for increases in certain pensions being paid to former civil servants, members of the armed forces, members of the Royal Canadian Mounted Police or their dependants. Increases in these pensions were first authorized by Vote No. 667 of the *Appropriation Act, No. 5, 1958*, and this Bill will place the increases on a continuing basis.

(i) payable pursuant to an enactment or pension plan listed in Schedule A, and

(ii) calculated, without regard to any reduction or decrease made after the date the pension first became payable, on the basis of the length of service of the employee to or in respect of whom such pension, annual allowance or annuity is payable;

"Recipient." (*f*) "recipient" means an employee, widow, child or orphan;

"Salary." (*g*) "salary" includes wages and pay and allowances; and

"Widow." (*h*) "widow" means a person who is in receipt of a pension by virtue of being the widow of an employee.

CALCULATION OF ADJUSTMENT.

Calculation of adjustment. **3.** (1) Subject to this Act, the annual rate of the pension payable to a recipient whose pension does not exceed the annual rate specified in column 2 of Schedule C for the class to which that recipient belongs is increased by an amount equal to the lesser of

(*a*) the amount obtained by multiplying

(i) the annual rate of the pension payable to the recipient, or

(ii) the annual rate specified in column 1 of Schedule C for the class to which the recipient belongs,

whichever is the lesser, by the figure in columns 2 to 7 of Schedule B that is appropriate to the salary basis on which the pension of the recipient is calculated and is opposite the latest period of service of the employee, to or in respect of whom the pension is payable, as set out in column 1 of the said Schedule, that was used to calculate the pension; or

(*b*) an amount equal to the amount remaining after subtracting the annual rate of the pension payable to that recipient from the annual rate specified in column 2 of Schedule C for the class to which the recipient belongs.

Pension deemed to be calculated on ten year average salary basis. (2) Where the pension of a recipient was calculated on the average annual salary received by the employee to or in respect of whom the pension is payable during the period of pensionable service to that employee's credit, but would, if that employee had ten years or more pensionable service, have been calculated on the basis of the average annual salary received by him during a ten year period, the pension of that recipient shall, for the purposes of this Act, be deemed to be calculated on a ten year average salary basis.

Person in receipt of more than one pension.

4. Where a recipient is in receipt of more than one pension and the total annual rate of the pensions payable to that recipient exceeds the annual rate specified in column 2 of Schedule C for the class to which the recipient belongs, no increase shall be made pursuant to this Act in any of the pensions payable to that recipient.

Rules applicable where person is in receipt of two pensions.

5. (1) Subject to subsection (2), where a recipient is in receipt of two pensions and the total annual rate of both pensions does not exceed the annual rate specified in column 2 of Schedule C for the class to which the recipient belongs, each pension of that recipient shall be increased in accordance with the following rules:

(*a*) if the annual rate of the first pension of the recipient is equal to or greater than the annual rate specified in column 1 of Schedule C for the class to which the recipient belongs, the annual rate of the first pension of that recipient shall be increased in accordance with the formula set out in section 3, and no increase shall be made in the annual rate of the second pension of the recipient;

(*b*) if the aggregate of the annual rate of the first and second pensions of the recipient is less than the annual rate specified in column 1 of Schedule C for the class to which the recipient belongs, the annual rate of each of the pensions of that recipient shall be increased in accordance with the formula set out in section 3; and

(*c*) if the annual rate of the first pension of the recipient is less than the annual rate specified in column 1 of Schedule C for the class to which the recipient belongs, but the aggregate of the annual rate of the first and second pensions of the recipient exceeds the annual rate specified in column 1 of Schedule C for the class to which the recipient belongs, the annual rate of each of the pensions of that recipient shall be increased in accordance with the formula set out in section 3, and for the purposes of this paragraph the annual rate of the second pension shall be deemed to be an amount equal to the resultant obtained by subtracting from the annual rate specified in column 1 of Schedule C for the class to which the recipient belongs, the annual rate of the first pension of the recipient.

Maximum increase.

(2) No increase shall be made pursuant to this section in the pension payable to a recipient so that the aggregate of the annual rate of both pensions of that recipient and the increases thereto exceeds the annual rate specified in column 2 of Schedule C for the class to which the recipient belongs.

Interpretation.

(3) In this section,

(*a*) "first pension" means the pension payable to a recipient and calculated in respect of a period of service that is earlier in time than the latest period of service in respect of which the other pension payable to that recipient is calculated; and

(*b*) "second pension" means a pension payable to a recipient other than a first pension.

Person in receipt of two or more pensions.

6. Where a recipient is in receipt of more than two pensions and the total annual rate of all the pensions payable to him does not exceed the annual rate specified in column 2 of Schedule C for the class to which that recipient belongs, each pension of that recipient shall be increased by such amount as the Treasury Board determines, but the aggregate of the increases in the pensions payable to that recipient shall not exceed an annual amount equal to the lesser of

(*a*) the maximum annual increase specified in column 3 of Schedule C for the class to which that recipient belongs; or

(*b*) the amount remaining after subtracting the aggregate of the annual rate of all the pensions payable to that recipient from the annual rate specified in column 2 of Schedule C for the class to which the recipient belongs.

Person in receipt of two or more pensions as employee and widow.

7. (1) Notwithstanding anything in this Act, where a recipient as an employee and as a widow of an employee is in receipt of two or more pensions

(*a*) if the total rate of all the pensions payable to that recipient exceeds three thousand dollars, no increase shall be made in the annual rate of any of the pensions payable to that recipient; and

(*b*) if the total rate of all the pensions payable to that recipient does not exceed three thousand dollars, each pension shall, subject to subsection (2), be increased in accordance with the formula set out in section 3.

Maximum increase.

(2) The aggregate of all increases made in the pensions of a recipient described in subsection (1) shall not exceed an annual amount equal to the lesser of

(*a*) the amount remaining after subtracting from three thousand dollars the aggregate of the annual amount of the pensions payable to the recipient; or

(*b*) an amount determined by the Treasury Board but in no case exceeding six hundred and forty dollars.

GENERAL

Pensions payable under the *Civil Service Superannuation Act.*

8. (1) An increase shall be made pursuant to this Act in the annual rate of the pension payable to a recipient under the *Civil Service Superannuation Act* only where the pension is payable in respect of service in the Civil Service to the credit of the employee to or in respect of whom the pension is payable under that Act.

Pensions payable under the *Public Service Superannuation Act.*

(2) An increase shall be made pursuant to this Act in the annual rate of the pension payable to a recipient under the *Public Service Superannuation Act* only where the pension is payable in respect of pensionable service to the credit of the employee to or in respect of whom the pension is payable under that Act.

Commencement of payment of increase.

9. No increase shall be made pursuant to this Act in the annual rate of the pension payable to a recipient for any period before the first day of the month next following the day on which this Act is assented to.

Pensions of recipients re-employed in public services.

10. (1) The Governor in Council may make regulations specifying, notwithstanding anything in this Act, the extent to which and the circumstances under which any increase in a pension payable to a recipient who holds any office or position or performs any services the remuneration for which is payable out of the Consolidated Revenue Fund or by an agent of Her Majesty in right of Canada shall be reduced or suspended.

Idem.

(2) Notwithstanding section 9 and subject to such conditions as the Treasury Board may prescribe, the amount of the increase determined in accordance with this Act in the annual rate of the pension payable to a person who was a recipient described in subsection (1) at any time between April 1st, 1959 and the coming into force of this Act, is payable from April 1st, 1959.

Increases deemed paid under *Public Service Superannuation Act*, etc.

11. (1) For the purposes of section 14 of the *Public Service Superannuation Act* or a similar provision in any other superannuation Act that provides for the payment to the estate of a contributor under that Act of any amount by which the amount of a return of contributions exceeds the aggregate of all amounts paid under that Act to or in respect of that contributor, the amount of any increase to a pension paid to a recipient pursuant to this Act shall be deemed to have been paid to the recipient under the *Public Service Superannuation Act* or other superannuation Act, as the case may be.

Definition.

(2) In this section, "other superannuation Act" means any Act under which a pension is paid that is increased pursuant to this Act.

Manner of payment of increases.

12. The amount by which the pension of a recipient is increased pursuant to this Act shall be paid at the same times, in the same manner, during or in respect of the same periods and subject to the same terms and conditions, including termination of payment, as the pension of the recipient.

Amounts payable out of C.R.F.

13. The amounts payable under this Act shall be paid out of the Consolidated Revenue Fund.

SCHEDULE A.

1. Part I of the *Civil Service Superannuation and Retirement Act.*

2. The *Civil Service Superannuation Act.*

3. *An Act to provide for the Retirement of certain Members of the Public Service* (chapter 67 of the Statutes of Canada, 1920).

4. *The Civil Servants Widows Annuities Act, 1927.*

5. Subsection (2) of section 15 of the *Currency, Mint and Exchange Fund Act.*

6. The *Royal Canadian Mounted Police Act*, Parts II, III, and V (chapter 241 of the Revised Statutes of Canada, 1952).

7. The *Defence Services Pension Act.*

8. The *Public Service Superannuation Act.*

9. The Pension Plan of the National Harbours Board.

10. An Appropriation Act of the Parliament of Canada that, in the opinion of the Treasury Board, provides for a pension calculated on the basis of length of service of the employee to or in respect of whom it was granted or is payable.

SCHEDULE B.

Latest period of service of employee used to calculate pension	Pension calculated on 10 year average salary basis	Pension calculated on 6 year average salary basis	Pension calculated on 5 year average salary basis	Pension calculated on 3 year average salary basis	Pension calculated on final year salary basis	Pension calculated on final salary basis
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
1945 and earlier	0.32	0.32	0.32	0.32	0.32	0.32
Jan. — Mar. 1946	0.32	0.32	0.32	0.32	0.32	0.28
Apr. — June 1946	0.32	0.32	0.32	0.31	0.30	0.26
July — Sept. 1946	0.32	0.32	0.32	0.30	0.28	0.24
Oct. — Dec. 1946	0.32	0.32	0.32	0.29	0.26	0.18
Jan. — Mar. 1947	0.32	0.32	0.32	0.28	0.24	0.16
Apr. — June 1947	0.31	0.30	0.30	0.26	0.19	0.12
July — Sept. 1947	0.30	0.28	0.28	0.24	0.14	0.08
Oct. — Dec. 1947	0.29	0.26	0.26	0.22	0.09	0.01
Jan. — Mar. 1948	0.28	0.24	0.24	0.20	0.04	0
Apr. — June 1948	0.27	0.23	0.22	0.16	0.03	0
July — Sept. 1948	0.26	0.22	0.20	0.12	0.02	0
Oct. — Dec. 1948	0.25	0.21	0.18	0.08	0.01	0
Jan. — Mar. 1949	0.24	0.20	0.16	0.04	0	0
Apr. — June 1949	0.23	0.18	0.14	0.03	0	0
July — Sept. 1949	0.22	0.16	0.12	0.02	0	0
Oct. — Dec. 1949	0.21	0.14	0.10	0.01	0	0
Jan. — Mar. 1950	0.20	0.12	0.08	0	0	0
Apr. — June 1950	0.18	0.10	0.06	0	0	0
July — Sept. 1950	0.16	0.08	0.04	0	0	0
Oct. — Dec. 1950	0.14	0.06	0.02	0	0	0
Jan. — Mar. 1951	0.12	0.04	0	0	0	0
Apr. — June 1951	0.11	0.03	0	0	0	0
July — Sept. 1951	0.10	0.02	0	0	0	0
Oct. — Dec. 1951	0.09	0.01	0	0	0	0
Jan. — Mar. 1952	0.08	0	0	0	0	0
Apr. — June 1952	0.06	0	0	0	0	0
July — Sept. 1952	0.04	0	0	0	0	0
Oct. — Dec. 1952	0.02	0	0	0	0	0
Jan. — 1953 and later	0	0	0	0	0	0

SCHEDULE C.

Class of Recipient	Annual Rate of Pension		Maximum Annual Increase
	Column 1	Column 2	Column 3
Employee	$ 2,000.00	$ 3,000.00	$ 640.00
Widow	1,000.00	1,500.00	320.00
Child	200.00	300.00	64.00
Orphan	400.00	600.00	128.00

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-61.

An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1959 to the 30th day of June, 1960, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

First reading, June 15, 1959.

THE MINISTER OF FINANCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21072-4

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-61.

An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1959 to the 30th day of June, 1960, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National 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.

Short title.

1. This Act may be cited as *Canadian National Railways Financing and Guarantee Act, 1959.*

Interpretation.

Definitions.

2. In this Act,

"National Company."

(*a*) "National Company" means the Canadian National Railway Company;

"National System."

(*b*) "National System" means the National Railways as defined in the *Canadian National Railways Act* and any companies controlled by the National Company through stock ownership; and

"Securities."

(*c*) "securities" means the notes, equipment trust certificates, bonds, debentures and other securities described in subsection (1) of section 4.

Capital Expense.

Capital expenditures authorized.

3. (1) The National System is authorized,

(*a*) to make capital expenditures in the calendar year 1959 in the following amounts and for the following purposes:

Explanatory Notes.

The amount of $289,900,000 appearing in clauses 4(3) and 6(2) is computed as follows:

Road property		$172,295,000	
Branch line construction		10,141,000	
Hotels		3,568,000	
Equipment		88,480,000	
Investment in affiliated companies:			
Trans-Canada Air Lines financial requirements	$ 57,000,000		
Others	17,416,000		
		74,416,000	
			$348,900,000
Less:			
Uncompleted work			38,000,000
			310,900,000
Add:			
Interim financing authority January 1 to June 30, 1960, on obligations incurred prior to January 1, 1960			130,000,000
			440,900,000
Less:			
Depreciation accruals and amortization of discount on funded debt, etc. in relation to calendar year 1959		101,000,000	
and			
Depreciation accruals and amortization of discount on funded debt, etc. in relation to period January 1 to June 30, 1960		50,000,000	
			151,000,000
			$289,900,000

Gross Capital Expenditures:		
Road property		$172,295,000
Branch line construction		10,141,000
Hotels		3,568,000
Equipment		88,480,000
Investment in affiliated companies:		
Trans-Canada Air Lines financial requirements	$ 57,000,000	
Others	17,416,000	
		74,416,000
		$348,900,000;

Capital expenditures in 1960.

(*b*) to make capital expenditures not exceeding in the aggregate $130,000,000 in the calendar year 1960 prior to the 1st day of July of that year, by investing in securities of Trans-Canada Air Lines to enable Trans-Canada Air Lines to discharge obligations that were incurred prior to that year and have become due and payable before that day and to discharge obligations that were incurred by the National Company for equipment, for hotels and branch lines and for general additions and betterments to road property prior to that year and have become due and payable before that day; and

Contracts for new equipment, additions and conversions prior to July 1, 1960.

(*c*) to enter into contracts prior to the 1st day of July, 1960, for the acquisition of new equipment and for general additions and conversions that will come in course of payment after the calendar year 1959, in amounts not exceeding in the aggregate $81,000,000.

Power to borrow money.

(2) The National Company, with the approval of the Governor in Council, is authorized

(*a*) at any time prior to the 1st day of July, 1960, to borrow money by the issue and sale of securities or by way of loan from the Minister of Finance to provide the amounts required for the purposes of paragraphs (*a*) and (*b*) of subsection (1); and

(*b*) by the issue and sale of securities, to borrow money to repay loans made under section 6.

Statement of amounts borrowed.

(3) A statement of the amounts borrowed by the National Company pursuant to this section shall be included in the annual report of the Company.

Estimate of amounts required.

(4) An estimate of the amounts required for the purposes of paragraph (*b*) of subsection (1) shall be included in the annual budget of the National System for the calendar year 1960.

Amount payable included in budget.

(5) Any amount payable under a contract entered into pursuant to paragraph (*c*) of subsection (1) shall be included in the annual budget of the National System for the year in which it will become due and payable.

Limitation.

(6) No amounts shall be spent for a purpose mentioned in this section in excess of the amount authorized by this section in respect of that purpose, and for the purposes of this subsection any expenditure made under paragraph (*b*) of subsection (1) of section 3 of the *Canadian National Railways Financing and Guarantee Act, 1958*, shall be deemed to be an expenditure under paragraph (*a*) of subsection (1) of this section.

Issue of securities.

4. (1) Subject to the provisions of this Act and with the approval of the Governor in Council, the National Company may issue notes, equipment trust certificates, bonds, debentures or other securities, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve, to provide amounts required for the purposes of section 3.

Application of amounts available.

(2) Amounts available from reserves for depreciation and debt discount amortization shall be applied towards meeting the expenditures authorized by section 3.

Maximum amount of securities.

(3) The aggregate principal amount of securities issued under this section outstanding at any one time shall not exceed the amount necessary to provide the National Company with the net amount of $289,900,000 less the amount that the National Company receives in respect of the period from the 1st day of January, 1959 to the 30th day of June, 1960, both inclusive, from the sale to the Minister of Finance of preferred stock of the National Company, and for the purposes of this subsection, any securities issued under the *Canadian National Railways Financing and Guarantee Act, 1958*, in respect of the amounts required for capital expenditures under paragraph (*b*) of subsection (1) of section 3 of that Act, shall be deemed to have been issued under this section.

GUARANTEES.

Guarantee.

5. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the principal and interest of the securities and may approve or decide the form, manner and conditions of such guarantees.

Signature of guarantee.

(2) A guarantee under this Act may be signed on behalf of Her Majesty by the Minister of Finance or by such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes that the guarantee is valid and that the relative provisions of the Act have been complied with.

Loans.

Minister may make loans to National Company.

6. (1) The Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, make loans to the National Company out of the Consolidated Revenue Fund of amounts required for the purposes of section 3 at such rates of interest and subject to such other terms and conditions as the Minister of Finance, with the approval of the Governor in Council, may determine, and secured by securities that the National Company is authorized to issue pursuant to this Act.

Maximum aggregate principal amount of loans.

(2) The aggregate principal amount of loans made pursuant to subsection (1) shall not exceed $289,900,000 less the amount that the National Company receives in respect of the period from the 1st day of January, 1959 to the 30th day of June, 1960, both inclusive, from the sale to the Minister of Finance of preferred stock of the National Company.

Securities for repayment.

(3) Securities issued to secure a loan made by the Minister of Finance under this section are deemed not to be included in the amount specified in subsection (3) of section 4 if securities have been issued and sold to repay that loan.

General.

Power to aid other companies.

7. The National Company may aid and assist, in any manner not inconsistent with section 3, any others of the companies and railways comprised in the National System and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any others of the said companies and railways

(*a*) apply the proceeds of any issue of securities towards meeting expenditures authorized by section 3 on its own account or on account of any others of the said companies and railways, and

(*b*) make advances of amounts required for meeting expenditures authorized by section 3 to any others of the said companies and railways upon or without any security, at discretion.

Proceeds paid to credit of Minister of Finance in trust.

8. The proceeds of any sale, pledge or other disposition of any guaranteed securities shall, in the first instance, be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance, in trust for the National Company, in one or more banks designated by him, and upon application to the Minister of Finance by the National Company approved by the Minister of Transport, shall be paid to the National Company by the

Minister of Finance out of the Consolidated Revenue Fund, or on instructions from the Minister of Finance by the banks in which they are deposited, as the case may be, for the purposes stated in such application.

Minister may place amounts at disposal of Company.

9. (1) Where, at any time before the 1st day of July, 1960, the available revenues of the National System are not sufficient to pay all the operating and income charges of the National System as and when due, the Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, place at the disposal of the National Company such amounts as may be required to enable the National Company to meet all such charges.

Amounts reimbursed to Minister from annual revenues.

(2) All amounts placed at the disposal of the National Company pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of the National System in so far as such revenues are sufficient, and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Trans-Canada Air Lines.

10. (1) Where, at any time before the 1st day of July, 1960, the available revenues of Trans-Canada Air Lines are not sufficient to pay all the operating and income charges thereof as and when due, the Minister of Finance, upon application by Trans-Canada Air Lines approved by the Minister of Transport, may, with the approval of the Governor in Council, place at the disposal of Trans-Canada Air Lines such amounts as may be required to enable Trans-Canada Air Lines to meet all such charges.

Amounts reimbursed from annual revenues.

(2) All amounts placed at the disposal of Trans-Canada Air Lines pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of Trans-Canada Air Lines in so far as such revenues are sufficient, and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Auditors.

11. J. A. De Lalanne of Montreal, Chartered Accountant, is appointed as independent auditor to make a continuous audit of the accounts for the year 1960 of National Railways as defined in the *Canadian National Railways Act*.

C-62.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-62.

An Act respecting the Superannuation of Members of the Canadian Forces.

First reading, June 15, 1959.

MINISTER OF NATIONAL DEFENCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20633-4

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-62.

An Act respecting the Superannuation of Members of the Canadian Forces.

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

PART I.

Short Title.

Short title.

1. This Act may be cited as the *Canadian Forces Superannuation Act.*

Interpretation.

Definitions.

2. (1) In this Act,

"Contributor."

(*a*) "contributor" means a person who is required by section 4 to contribute to the Superannuation Account, and includes, unless the context otherwise requires,

(i) a person who has ceased to be so required to contribute to the Superannuation Account, and

(ii) for the purposes of sections 12, 13 and 15, a contributor under Part V of the former Act who has become entitled to a pension under that Part or has died;

"Disabled."

(*b*) "disabled", as applied to any member of the forces, has reference to any condition rendering him mentally or physically unfit to perform his duties as such member;

"Forces."

(*c*) "forces" means the regular forces of the Canadian Forces, and includes the forces known before the coming into force of Part II of the *National Defence Act* as the Royal Canadian Navy, the Canadian Army Active Force, the Permanent Active Militia, the Permanent Militia Corps, the permanent staff of the

Explanatory Notes.

The purpose of this Bill is to revise and consolidate those provisions of the *Defence Services Pension Act*, presently contained in Part V of that Act, that provide for the payment of pensions based on service in the Canadian Forces.

The purpose of Part II of the Bill is to effect certain amendments to those provisions of the *Defence Services Pension Act*, presently contained in Parts I to IV of that Act, that will continue to apply in respect of members of the forces enrolled before the 1st day of April, 1946. For details of these amendments, see the explanatory notes opposite clause 29 and following clauses.

The references opposite the clause numbers below are to the provisions of the present *Defence Services Pension Act* dealing with the same subject matter. New provisions are so indicated.

PART I.

Clause 1. New.

Clause 2. (1)(*a*) Section 45(1)(*c*).

(*b*) Section 49(*c*).

(*c*) Section 45(1)(*d*).

Militia, the Royal Canadian Air Force (Regular) and the Permanent Active Air Force;

"Former Act."

(*d*) "former Act" means the *Defence Services Pension Act*, chapter 63 of the Revised Statutes of Canada, 1952, and any other enactment of the Parliament of Canada providing for the payment of pensions to members of the forces based on length of service, other than this Act;

"Member of the forces."

(*e*) "member of the forces" means an officer or man of the forces;

"Minister."

(*f*) "Minister" means the Minister of National Defence;

"Officer."

(*g*) "officer" means a commissioned or subordinate officer of the forces;

"Pay."

(*h*) "pay", as applied to the Canadian Forces, means pay at the rates prescribed by the regulations made under the *National Defence Act* for the rank held by the person in respect of whom the expression is being applied, together with the allowances prescribed by the regulations made under this Act for such rank, and, as applied to the Public Service or the Royal Canadian Mounted Police, means the salary or pay and allowances, as the case may be, applicable in the case of that person, as determined under the *Public Service Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act;*

"Public Service."

(*i*) "Public Service" has the meaning given that expression by paragraph (*j*) of section 2 of the *Public Service Superannuation Act;*

"Rank."

(*j*) "rank" includes appointment;

"Retirement age."

(*k*) "retirement age", as applied to any rank of contributor, means such age as is fixed by the regulations made under the *National Defence Act* as the retirement age applicable to that rank; and

"Superannuation Account."

(*l*) "Superannuation Account" means the Canadian Forces Superannuation Account referred to in section 3.

Meaning of "child."

(2) Words in this Act referring to the child of a person include a stepchild of that person, an illegitimate child of that person who, at the time of that person's death, was being maintained by him and was wholly or substantially dependent upon him for support, and an individual adopted either legally or in fact by that person while such individual was under eighteen years of age.

References to *R.C.M.P. Superannuation Act.*

(3) A reference in this Act to the *Royal Canadian Mounted Police Superannuation Act* shall be construed as including a reference to any other enactment of the Parliament of Canada in force either before or after the coming into force of this Act providing for the payment of pensions to members of the Royal Canadian Mounted Police based on length of service.

(*d*) New.

(*e*) Section 45(1)(*e*).

(*f*) Section 2(*d*).
(*g*) Section 45(1)(*f*).

(*h*) Section 45(1)(*g*).

(*i*) Section 45(1)(*b*).

(*j*) New.
(*k*) New.

(*l*) Section 63(2).

(2) Section 45(1)(*a*).

(3) New.

Eligibility for Benefits.

Eligibility.

3. (1) Subject to this Act, an annuity or other benefit hereinafter specified shall be paid to or in respect of every person who, being required to contribute to the Superannuation Account in accordance with this Act, ceases to be a member of the forces or dies, which annuity or other benefit shall, subject to this Act, be based on the number of years of pensionable service to the credit of that person.

Superannuation Account.

(2) The Permanent Services Pension Account in the Consolidated Revenue Fund, established pursuant to the former Act, is hereby continued under the name of the Canadian Forces Superannuation Account.

Contributions.

Persons required to contribute.

4. (1) Every member of the forces who

(*a*) was a contributor under Part V of the former Act immediately before the coming into force of this Act,

(*b*) was not a member of the forces immediately before the coming into force of this Act or, having been a member of the forces at that time, thereafter ceased to be a member of the forces and subsequently was re-enrolled in the forces,

(*c*) was granted a permanent commission or was appointed as an officer for an indefinite term after the coming into force of this Act, having been enrolled as an officer of the forces temporarily or for a fixed term immediately before such grant or appointment but not having been a man of the forces immediately before he became so enrolled, or

(*d*) has elected under subsection (2) of section 16 to become a contributor under this Act,

is required to contribute to the Superannuation Account, by reservation from pay or otherwise, an amount equal to six per cent of his pay.

Exception.

(2) Notwithstanding anything in this Act,

(*a*) no person who is entitled to a pension under any of Parts I to III of the former Act by virtue of having served in the forces shall contribute to the Superannuation Account as required by subsection (1);

(*b*) no person who is appointed or enrolled as an officer of the forces temporarily or for a fixed term shall contribute to the Superannuation Account as required by subsection (1) unless, in the case of a person who became so appointed or enrolled before the coming into force of this Act, he was a man of the forces immediately before he became so appointed or enrolled, or unless at the time he became so appointed or enrolled he was entitled to an annuity under this Act or a pension under Part V of the former Act by virtue of having served in the forces;

Clause 3. (1) New.

(2) Section 63(2).

Clause 4. (1) Sections 46 and 47.

(2) Sections 45(1)(*e*) and 47.

(*c*) no person shall contribute to the Superannuation Account as required by subsection (1) after that person has to his credit a period of pensionable service totalling thirty-five years; and

(*d*) no person who has become entitled to or has been granted any superannuation or pension benefit of a kind prescribed by the regulations payable out of the Consolidated Revenue Fund or out of any account or fund in the Consolidated Revenue Fund other than the Superannuation Account shall contribute to the Superannuation Account as required by subsection (1) after that person has to his credit a period of pensionable service totalling thirty-five years less the number of years of service upon which that superannuation or pension benefit is based.

PENSIONABLE SERVICE.

Pensionable service.

5. Subject to this Act, the following service may be counted by a contributor as pensionable service for the purposes of this Act, namely,

(*a*) non-elective service, comprising,

(i) in the case of a contributor who, immediately before the coming into force of this Act, was a contributor under Part V of the former Act, any period of service that he would have been entitled to count for the purposes of computing any pension or gratuity under that Part had he, at that time, retired from the forces, except any such period for which he elected under that Part to pay; and

(ii) in the case of any contributor,

(A) any period during which he is required by section 4 to contribute to the Superannuation Account, and

(B) any period of service that may be counted by him as pensionable service pursuant to section 17; and

(*b*) elective service, comprising,

(i) in the case of a contributor who, immediately before the coming into force of this Act, was a contributor under Part V of the former Act,

(A) any period of service for which he elected under that Part to pay, and

(B) any period of service for which he might have elected, under the provisions of that Part in force immediately before the coming into force of this Act, to pay, if he elects, within the time prescribed by those provisions, to pay for that service; and

Clause 5. (*a*) New.

(*b*) (i) Sections 45(1)(*i*) and 48(1).

(ii) in the case of any contributor,

(A) any period of service during which he was employed in the Public Service on a full-time basis and was in receipt of salary, if he elects, within one year of becoming a contributor under this Act, to pay for that service, and any period of service with any board, commission, corporation or portion of the public service of Canada that is added to Schedule A to the *Public Service Superannuation Act* after the coming into force of this Act, during which he was employed on a full-time basis and was in receipt of salary, if he elects, within one year of such addition, to pay for that service,

(B) any period of service as a member of the Royal Canadian Mounted Police, if he elects, within one year of becoming a contributor under this Act, to pay for that service,

(C) any period of service on active service during time of war in the naval, army or air forces of Her Majesty raised by Canada, if he elects, within one year of becoming a contributor under this Act, to pay for that service,

(D) any period of service in the Canadian Army Special Force established by Order in Council P.C. 3860 of the 7th day of August, 1950 made under the *National Defence Act*, if he elects, within one year of becoming a contributor under this Act, to pay for that service,

(E) any period of full-time service during time of war between such dates as are fixed by the regulations in the naval, army or air forces of Her Majesty other than those raised by Canada, if he elects, within one year of becoming a contributor under this Act, to pay for that service,

(F) any period of full-time service during time of war or otherwise in the permanent naval, army or air forces of Her Majesty other than those raised by Canada (except any such service that may be counted by him under clause (E) of this subparagraph), if he elects, within one year of becoming a contributor under this Act, to pay for that service,

(ii) (A) and (B) Sections 45(1)(*i*)(i) and 48(1).

(C) Sections 45(1)(*i*)(ii) and 48(1).

(D) New.

(E) Sections 45(1)(*i*)(iii) and 48(1).

(F) New.

(G) any continuous period of full-time service of six months or more in the naval, army or air forces of Her Majesty raised by Canada, other than the forces, if he elects, within one year of becoming a contributor under this Act, to pay for that service,

(H) one-fourth of any period of service in the naval, army or air forces of Her Majesty raised by Canada, other than the forces, during which he was liable to be called out for periodic training or duty by the Governor in Council otherwise than during an emergency (except any such service that may be counted by him under clause (C) or (G) of this subparagraph), if he elects, within one year of becoming a contributor under this Act, to pay for that service,

(I) any period of service that may be counted by him as pensionable service pursuant to section 16, 18 or 19,

(J) any period of service in respect of which he was entitled to be paid a return of contributions or other lump sum payment under this Act or Part V of the former Act, if he elects, within one year of subsequently becoming a contributor under this Act, to pay for that service, and

(K) any period of service described in this paragraph for which he might have elected, under this Act, Part V of the former Act, the *Civil Service Superannuation Act*, the *Public Service Superannuation Act*, the *Royal Canadian Mounted Police Superannuation Act* or any Order in Council made under *The Canadian Forces Act, 1950*, as amended by the *Canadian Forces Act, 1954*, to pay, but for which he failed so to elect within the time prescribed therefor, if he elects, at any time before he ceases to be a member of the forces, to pay for that service.

ELECTIVE PENSIONABLE SERVICE: AMOUNT REQUIRED TO BE PAID.

Amount to be paid.

6. (1) Subject to section 7, a contributor who is entitled under this Act to count as pensionable service any period of elective service specified in paragraph (*b*) of section 5, is required to pay, in respect thereof, as follows:

(G) Sections 45(1)(*i*)(vi) and 48(1).

(H) Sections 45(1)(*i*)(iv) and 48(1).

(I) Section 56(1) and (2).

(J) Section 56(3).

(K) Sections 45(1)(*i*) and 48(2a)

Clause 6. (1) (*a*) and (*b*) Sections 48(2) and (2a), 56(2), (3) and (4), 61(*da*).

(*a*) in respect of any period specified in clause (A) of subparagraph (i) of the said paragraph (*b*), any amount that he would have been required to pay under Part V of the former Act had that Part continued in force;

(*b*) in respect of any period specified in clause (B) of subparagraph (i) of the said paragraph (*b*), any amount that he would have been required to pay under the provisions of Part V of the former Act in force immediately before the coming into force of this Act;

(*c*) in respect of any period specified in clause (A), (B), (C) or (D) of subparagraph (ii) of the said paragraph (*b*), an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute in the manner and at the rate set forth in subsection (1) of section 4, in respect of pay equal to the pay authorized to be paid to him during that period, together with interest;

(*d*) in respect of any period specified in clause (E) of subparagraph (ii) of the said paragraph (*b*), an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute in the manner and at the rate set forth in subsection (1) of section 4, in respect of pay on a full-time basis at the rates in effect during that period for the rank or ranks in the Canadian Forces corresponding to the rank or ranks held by him during that period, together with interest;

(*e*) in respect of any period specified in clause (F) of subparagraph (ii) of the said paragraph (*b*), an amount equal to two and two-thirds times an amount determined as described in paragraph (*d*), together with interest;

(*f*) in respect of any period specified in clause (G) of subparagraph (ii) of the said paragraph (*b*), an amount determined as described in paragraph (*d*), together with interest;

(*g*) in respect of any period specified in clause (H) of subparagraph (ii) of the said paragraph (*b*), an amount equal to one-fourth of an amount determined as described in paragraph (*d*), together with interest;

(*h*) notwithstanding anything in paragraph (*c*) of this subsection, in respect of any period described in clause (I) of subparagraph (ii) of the said paragraph (*b*), such amount as is required by section 16, 18 or 19 to be paid by him therefor;

(*c*) and (*d*) Section 48(2).

(*e*) New.

(*f*) and (*g*) Section 48(2).

(*h*) Sections 48 (2), 56(3) and (4).

(*i*) notwithstanding anything in paragraphs (*a*) to (*h*) of this subsection, in respect of any period described in clause (J) of subparagraph (ii) of the said paragraph (*b*), an amount equal to the amount of the return of contributions or other lump sum payment referred to in that clause plus the capitalized value, as of the time of the making of that payment to him, of such amounts by way of instalments of the amount required by this Act or Part V of the former Act to be paid by him in respect of that period as were payable by him before the time of the making of that payment to him and remained unpaid by him at that time, together with simple interest at four per cent per annum from that time until the time of the election; and

(*j*) notwithstanding anything in this subsection, in respect of any period described in clause (K) of subparagraph (ii) of the said paragraph (*b*), an amount equal to the amount that he would have been required to pay if he had elected under this Act, within the time prescribed for the making of the election, to pay for that period, and if, during that period, the rate of pay authorized to be paid to him had been equal to the rate of pay so authorized at the time when he made the election, together with interest.

"Interest" defined.

(2) In this section, unless otherwise specified, "interest" means simple interest at four per cent per annum from the middle of the fiscal year in which the contributions would have been made, had the contributor been required to make those contributions during the period for which he elected to pay, until the time of the election.

Elections.

Manner of making elections.

7. (1) Every election made by a contributor under this Act shall be made by him while a member of the forces and shall be evidenced in writing, in the form prescribed by the regulations, and witnessed, and the original thereof shall be forwarded to a person designated by the Minister for the purpose, within the time prescribed by this Act for the making of the election or, in the case of an election that may be made by the contributor at any time before he ceases to be a member of the forces, within one month from the time of the making of the election.

Void elections.

(2) An election under this Act is void in so far as it is

(*a*) an election to pay for any period of service described in any of clauses (A) to (H) of subparagraph (ii) of paragraph (*b*) of section 5, that the elector is entitled to count for the purposes of any superannuation or pension benefit of a kind specified in the regulations, otherwise than under the provisions of this Act: or

(*i*) Section 56(3).

(*j*) Sections 48(2a) and 61(*da*).

(2) Section 48(2).

Clause 7. (1) Section 48(5).

(2)(*a*) New.

(*b*) an election to pay for any period of service described in clause (K) of subparagraph (ii) of paragraph (*b*) of section 5 or an election under subsection (2) of section 16, unless the elector has passed a medical examination, as prescribed by the regulations, within such time immediately before or after the making of the election as is prescribed by the regulations.

Right to elect for part of period.

(3) A contributor who is entitled under this Act to elect to pay for a period of service is entitled to elect to pay for part only of that period but only that part which is most recent in point of time.

Right to amend or revoke.

(4) An election under this Act may be amended by the elector, within the time prescribed by this Act for the making of the election, by increasing the period or periods of service for which he elects to pay, and is otherwise irrevocable except under such circumstances and upon such terms and conditions, including payment by the elector to Her Majesty of such amount in respect of any benefit accruing to the elector during the subsistence of the election, as a consequence of his having so elected, as is prescribed by the regulations.

Manner of payment.

(5) Subject to this section, any amount required by subsection (1) of section 6 to be paid by a contributor in respect of any period of service for which he has elected to pay shall be paid by him into the Superannuation Account

(*a*) in a lump sum, at the time of making the election, or

(*b*) in instalments, on such terms and computed on such bases as to mortality and interest as are prescribed by the regulations,

at his option.

Unpaid instalments.

(6) Where a contributor who has elected under this Act or Part V of the former Act to pay for any period of service and has undertaken to pay for that period by instalments, ceases to be a member of the forces before all the instalments have been paid, the unpaid instalments may be reserved, in accordance with the regulations, from any amount payable to him by Her Majesty including any annuity or other benefit payable to him under this Act, until such time as all the instalments have been paid or the contributor dies, whichever occurs first.

Saving provision.

(7) Nothing in this Act shall be held to affect any right, privilege, obligation or liability that a person who elected to become a contributor under Part V of the former Act had under subsection (2) of section 56 of that Act, immediately before the coming into force of this Act, but a contributor may, at any time before ceasing to be a member of the

(*b*) Section 48(6).

(3) and (4) New.

(5) Section 48(3).

(6) Section 48(4).

(7) Section 56(2).

forces, elect to surrender any right had by him under subsection (2) of section 56 of that Act to pay for any period of service described therein in the manner authorized by that subsection, whereupon he shall be subject to the provisions of subsections (5) and (6) of this section in all respects as though he had elected under this Act, at the time of the surrender of such right, to pay for that period.

Recovery of amounts due.

(8) Where any amount payable by a contributor into the Superannuation Account by reservation from pay and allowances or otherwise has become due, but remains unpaid at the time of his death, that amount, with interest at four per cent per annum from the time it became due, may be recovered in accordance with the regulations from any allowance payable under this Act to the widow or children of the contributor, without prejudice to any other recourse available to Her Majesty with respect to the recovery thereof, and any amounts so recovered shall be credited to the Superannuation Account and shall be deemed, for the purposes of paragraph (*c*) of subsection (1) of section 8, to have been paid into the said Account by the contributor.

Benefits:

How Computed, etc.

Kinds of benefits.

8. (1) In this Act,

(*a*) "annuity" means an annuity computed in accordance with subsection (1) of section 9;

(*b*) "cash termination allowance" means an amount equal to one month's pay for each year of pensionable service to the credit of the contributor, computed on the basis of the rate of pay authorized to be paid to him at the time he ceases to be a member of the forces; and

(*c*) "return of contributions", means a return of

(i) the amount paid by the contributor into the Superannuation Account, and

(ii) any amount paid by him into any other account or fund and transferred to the Superannuation Account,

without interest.

Duration of payment.

(2) Where any annuity or annual allowance becomes payable under this Act it shall, subject to the regulations, be paid in equal monthly instalments in arrears and shall continue, subject to this Act, during the lifetime of the recipient and thereafter until the end of the month during which he dies.

(8) New.

Clause 8. (1) Sections 51(1) and 52.

(2) Section 57.

Computation of annuities.

9. (1) The amount of any annuity to which a contributor may be entitled under this Act is an amount equal to

(*a*) the number of years of pensionable service to the credit of the contributor (not exceeding thirty-five), divided by fifty,

multiplied by

(*b*) the average annual pay received by the contributor during any six-year period of pensionable service selected by or on behalf of the contributor, or during any period so selected consisting of consecutive periods of pensionable service totalling six years.

Pay deemed to have been received during certain periods.

(2) For the purposes of this section,

(*a*) a person who has to his credit pensionable service that includes any period described in any of clauses (A) to (H) of subparagraph (ii) of paragraph (*b*) of section 5 shall be deemed to have received during that period pay at a rate equal to the rate of pay on the basis of which the amount required by this Act to be paid by him for that period of service was determined; and

(*b*) a period of service during which a person continues to be a member of the forces after he has, pursuant to paragraph (*c*) or (*d*) of subsection (2) of section 4, ceased to contribute to the Superannuation Account shall be deemed to be a period of pensionable service to the credit of that person.

Payment of Benefits.

Benefits payable on retirement.

10. (1) A contributor who, having reached retirement age, ceases to be a member of the forces for any reason other than disability or misconduct is entitled to a benefit determined as follows:

(*a*) if he has served in the forces for three years or less, he is entitled to a return of contributions;

(*b*) if he has served in the forces for more than three years but less than ten years, he is entitled to

(i) a return of contributions, or

(ii) a cash termination allowance,

whichever is the greater; and

(*c*) if he has served in the forces for ten or more years, he is entitled to an annuity.

Retirement due to disability.

(2) A contributor who is compulsorily retired from the forces by reason of having become disabled is entitled to a benefit determined as follows:

(*a*) if he has served in the forces for less than ten years, he is entitled to

(i) a return of contributions, or

(ii) a cash termination allowance,

whichever is the greater; and

Clause 9. Section 55(1).

Clause 10. (1) Sections 49(*b*)(i), (*d*) and (*f*), and 51(1).

(2) Sections 49(*c*) and 51(1).

(*b*) if he has served in the forces for ten or more years, he is entitled to an annuity.

Retirement to promote economy or efficiency.

(3) A contributor who, not having reached retirement age, is compulsorily retired from the forces to promote economy or efficiency is entitled to a benefit determined as follows:

(*a*) if he has served in the forces for three years or less, he is entitled to a return of contributions;

(*b*) if he has served in the forces for more than three years but less than ten years, he is entitled to

(i) a return of contributions, or

(ii) a cash termination allowance,

whichever is the greater;

(*c*) if he has served in the forces for ten or more years but less than twenty years, he is entitled,

(i) in the case of a contributor who, not having been a member of the forces on the 1st day of June, 1944 but having served on active service during the war that commenced on the 10th day of September, 1939 in any of His Majesty's forces wherever raised, became a member of the forces before 1949 and has served continuously therein since so becoming a member, to an annuity, and

(ii) in the case of any other contributor, to an annuity, reduced, until such time as the contributor reaches sixty-five years of age but not thereafter, as follows:

(A) in the case of a contributor whose retirement is due to a reduction in the total number of members of the forces, by five per cent for each full year not exceeding six by which the period of his service in the forces is less than twenty years, and

(B) in any other case, by one-third, or, in the discretion of the Treasury Board, by five per cent for each full year not exceeding six by which the period of his service in the forces is less than twenty years; and

(*d*) if he has served in the forces for twenty or more years, he is entitled to an annuity.

Retirement due to inefficiency.

(4) A contributor who, not having reached retirement age, is compulsorily retired from the forces by reason of his inefficiency in the performance of his duties is entitled to a benefit determined as follows:

(*a*) if he has served in the forces for less than ten years, he is entitled to a return of contributions; and

(*b*) if he has served in the forces for ten or more years, he is entitled to

(3) Sections 49(*b*)(ii) and (iii), (*d*) and (*g*) and 51(1).

(4) Sections 49(*h*) and 52.

(i) an annuity, reduced by one-half until such time as he reaches sixty-five years of age, and thereafter by one-third, or

(ii) in the discretion of the Treasury Board, the whole or any part specified by the Treasury Board of any annuity to which he would have been entitled under this section if he had been compulsorily retired from the forces to promote economy or efficiency due to a reduction in the total number of members of the forces, except that in no case shall the amount thereof be less than the amount of the annuity referred to in subparagraph (i).

Retirement due to misconduct.

(5) A contributor who is compulsorily retired from the forces by reason of misconduct is entitled to

(*a*) a return of contributions, or

(*b*) in the discretion of the Treasury Board, if he has served in the forces for ten or more years, the whole or any part specified by the Treasury Board of any annuity to which he would have been entitled under this section if,

(i) in the case of a contributor who at the time of his retirement had reached retirement age, he had ceased to be a member of the forces for any reason other than disability or misconduct, or

(ii) in the case of a contributor who at the time of his retirement had not reached retirement age, he had been compulsorily retired from the forces to promote economy or efficiency due to a reduction in the total number of members of the forces,

except that in no case shall the capitalized value thereof be less than the amount of the return of contributions referred to in paragraph (*a*).

Retirement for other reasons.

(6) A contributor who, not having reached retirement age, retires voluntarily from the forces is entitled to a benefit determined as follows:

(*a*) if, in the case of an officer, he has served in the forces for less than twenty-five years or, in the case of a contributor other than an officer, he has served in the forces for less than twenty years, he is entitled to

(i) a return of contributions, or

(ii) in the discretion of the Treasury Board, if he has served in the forces for ten or more years, an annuity, reduced by five per cent for each full year by which his age at the time of his retirement is less than the retirement age applicable to his rank;

(*b*) if, in the case of an officer, he has served in the forces for twenty-five or more years, he is entitled to an annuity, reduced by five per cent for each full year by which his age at the time of his retirement is less than the retirement age applicable to his rank; and

(5) Sections 49(*i*) and 52.

(6) Sections 49(*a*), (*e*) and 52.

(*c*) if, in the case of a contributor other than an officer, he has served in the forces for twenty or more years, he is entitled to an annuity, reduced, if he has served in the forces for less than twenty-five years, by five per cent for each full year by which the period of his service in the forces is less than twenty-five years.

Special rules.

(7) Notwithstanding anything in this section, a contributor who ceases to be a member of the forces for any reason, having been immediately before he ceased to be a member of the forces a person appointed or enrolled as an officer temporarily or for a fixed term who became so appointed or enrolled after the coming into force of this Act, is entitled only to

(*a*) a return of contributions, or

(*b*) a cash termination allowance,

whichever is the greater, unless at the time he became so appointed or enrolled he was entitled to an annuity under this Act or a pension under Part V of the former Act by virtue of having served in the forces.

Idem.

(8) Subsection (7) does not apply to any person who upon ceasing to be a member of the forces would not, but for that subsection, have been entitled under this Act to any benefit other than a return of contributions.

Idem.

(9) For the purposes of this section,

(*a*) an officer who is retired from the forces by reason of the expiration or anticipated expiration of a fixed term of service shall be deemed to have retired from the forces

(i) compulsorily, to promote economy or efficiency due to reduction in the total number of members of the forces, if he did not accept an offer made to him for a further fixed term of service in the forces,

(ii) compulsorily, if he offered to accept a commission for an indefinite term of service in the forces and his offer was not accepted, and

(iii) voluntarily, if he was offered and did not accept a commission for an indefinite term of service in the forces;

(*b*) a contributor other than an officer who is retired from the forces upon the expiration of a period of engagement shall be deemed to have retired from the forces

(i) compulsorily, if he offered to re-engage in the forces but his offer was not accepted, and

(ii) voluntarily, if he did not accept an offer made to him to re-engage in the forces;

(*c*) a female contributor who resigns or is compulsorily retired from the forces by reason of her marriage shall be deemed to have retired voluntarily from the forces;

(7) New.

(8) New.

(9) Sections 45(2), (2a) and (3), 67.

(*d*) an officer shall be deemed to have been compulsorily retired from the forces by reason of misconduct if

(i) by sentence of a court martial, he was dismissed, or dismissed with disgrace, from Her Majesty's service,

(ii) he was deprived of his commission by reason of misconduct or conviction by a civil tribunal,

(iii) he was called upon to retire or resign his commission by reason of misconduct, or

(iv) he tendered his resignation to avoid trial on charges involving misconduct, and his resignation was accepted; and

(*e*) a contributor other than an officer shall be deemed to have been compulsorily retired from the forces by reason of misconduct if

(i) by sentence of a court martial, he was dismissed, or dismissed with disgrace, from Her Majesty's service, or

(ii) he was released from the forces by reason of misconduct or conviction by a civil tribunal.

Idem.

(10) Notwithstanding anything in this section,

(*a*) a contributor who, not having reached retirement age, is compulsorily retired from the forces to promote economy or efficiency is entitled to a benefit determined under subparagraph (ii) of paragraph (*b*) or clause (B) of subparagraph (ii) of paragraph (*c*) of subsection (3) only if the Treasury Board approves of the payment of that benefit to him, and if the Treasury Board does not so approve he shall be deemed to have been compulsorily retired from the forces by reason of his inefficiency in the performance of his duties;

(*b*) a contributor who, not having reached retirement age, is compulsorily retired from the forces by reason of his inefficiency in the performance of his duties, or who is compulsorily retired from the forces by reason of misconduct, is entitled to a benefit determined under subparagraph (ii) of paragraph (*b*) of subsection (4) or paragraph (*b*) of subsection (5), as the case may be, only if a recommendation has been made by the Minister that it is in the public interest by reason of good and faithful service rendered by him before the time his inefficiency became manifest, or before the time of his misconduct, as the case may be, that he be paid that benefit; and

(10) Sections 49(*b*)(iii) and 49(*i*).

(*c*) a contributor who, not having reached retirement age, retires voluntarily from the forces is entitled to an annuity determined under subparagraph (ii) of paragraph (*a*) of subsection (6) only if a recommendation has been made by the Minister that his retirement from the forces was in the public interest and that it is in the public interest that he be paid that annuity.

Computation of length of service.

(11) For the purposes of subsection (2) and subparagraph (ii) of paragraph (*c*) of subsection (3) of this section and for the purposes of section 11, there shall be included in computing the length of service of a contributor in the forces,

(*a*) any period of service described in clause (C) or (D) of subparagraph (ii) of paragraph (*b*) of section 5, and any period of service described in clause (G) of subparagraph (ii) of paragraph (*b*) of section 5 in a theatre of active operations as defined by the regulations, that the contributor was entitled to count as pensionable service for the purposes of this Act; and

(*b*) any period of service that he was entitled to count as pensionable service pursuant to section 19.

Benefits payable on death.

11. (1) Upon the death of a contributor who, at the time of his death, was entitled under this Act to an annuity, the widow and children of the contributor are entitled to the following allowances, computed on the basis of the product obtained by multiplying the average annual pay received by the contributor during the period specified in paragraph (*b*) of subsection (1) of section 9, by the number of years of pensionable service to his credit, one one-hundredth of the product so obtained being hereinafter referred to as the "basic allowance":

(*a*) in the case of a widow, an immediate annual allowance equal to the basic allowance, and

(*b*) in the case of each child, until the child reaches eighteen years of age, an immediate annual allowance equal to one fifth of the basic allowance or, if the contributor died without leaving a widow or the widow is dead, two-fifths of the basic allowance;

but the total amount of the allowances paid under paragraph (*b*) shall not exceed four-fifths of the basic allowance or, if the contributor died without leaving a widow or the widow is dead, eight-fifths of the basic allowance.

Idem.

(2) Upon the death of a contributor who served in the forces for ten or more years and was a member of the forces at the time of his death, the widow and children of the contributor are entitled to the annual allowances to which they would have been entitled under subsection (1) had the contributor, immediately before his death, become entitled under this Act to an annuity.

(11) Section 50(3).

Clause 11. Sections 50(1), (2) and 51(2).

Idem.

(3) Upon the death of a contributor who served in the forces for less than ten years and was a member of the forces at the time of his death, the widow and children of the contributor, in any case where the contributor died leaving a widow or a child less than eighteen years of age, are entitled jointly to

(*a*) a return of contributions, or

(*b*) a cash termination allowance,

whichever is the greater.

PAYMENTS TO WIDOW AND CHILDREN.

Lump sum payments.

12. (1) Where, in this Act, it is provided that the widow and children of a contributor are entitled jointly to a return of contributions or a cash termination allowance, the total amount thereof shall be paid to the widow of the contributor, except that

(*a*) if at the time of the death of the contributor all of the children were eighteen years of age or over and at the time the payment is to be made the widow is dead or cannot be found, the total amount shall be paid to the children in equal shares;

(*b*) if at the time of the death of the contributor any of the children were less than eighteen years of age, and the contributor died without leaving a widow or at the time the payment is to be made the widow is dead or cannot be found, the total amount shall be paid to the children in such shares as the Treasury Board considers equitable and proper under the circumstances, or to any of them, as the Treasury Board may direct;

(*c*) if any of the children who were less than eighteen years of age at the time of the death of the contributor are living apart from the widow at the time the payment is to be made, the total amount shall be paid to the widow and the children so living apart from her in such shares as the Treasury Board considers equitable and proper under the circumstances, or to the widow or any of the children so living apart from her, as the Treasury Board may direct; and

(*d*) if the contributor died without leaving any children and at the time the payment is to be made the widow is dead or cannot be found, or if the contributor died without leaving a widow and at the time the payment is to be made all of the children are dead or cannot be found, the total amount shall be paid to the contributor's service estate.

Remarriage of widow.

(2) Where the widow of a contributor is entitled to an annual allowance under this Act, payment of the allowance shall be suspended in the event of her remarriage but shall

Clause 12. Sections 50(1), (1*a*), 51(2) and 59A.

be resumed in the event of the death of her husband by that marriage.

Allowances paid to children.

(3) Where a child of a contributor is entitled to an annual allowance or other amount under this Act, payment thereof shall, if the child is less than eighteen years of age, be made to the person having the custody and control of such child, or, where there is no person having the custody and control of such child, to such person as the Treasury Board may direct, and for the purposes of this subsection the widow of the contributor, except where the child is living apart from the widow, shall be presumed, *prima facie*, to be the person having the custody and control of such child.

Woman deemed to be widow.

(4) For the purposes of this Act, a woman who

(*a*) establishes to the satisfaction of the Treasury Board that she had, for a period of not less than seven years immediately prior to the death of a contributor with whom she had been residing and whom by law she was prohibited from marrying by reason of a previous marriage either of the contributor or of herself to another person, been maintained and publicly represented by that contributor as his wife, or

(*b*) establishes to the satisfaction of the Treasury Board that she had, for a number of years immediately prior to the death of a contributor with whom she had been residing, been maintained and publicly represented by that contributor as his wife, and that at the time of the death of that contributor neither she nor the contributor was married to any other person,

shall, if the Treasury Board so directs, be deemed to be the widow of that contributor and to have become married to him at such time as she commenced being so represented as his wife, and for the purpose of this Act a woman to whom this subsection would apply, but for her marriage to a contributor after such time as she commenced being so represented as his wife shall, if the Treasury Board so directs, be deemed to have become married to that contributor at the time when, in fact, she commenced being so represented.

Woman deemed to have predeceased contributor.

(5) If, upon the death of a contributor, it appears to the Treasury Board that the widow of the contributor had, for a number of years immediately prior to his death, been living apart from him under circumstances that would have disentitled her to an order for separate maintenance under the laws of the province in which the contributor was ordinarily resident, and if the Treasury Board so directs, having regard to the surrounding circumstances, including the welfare of any children involved, she shall be deemed, for the purposes of this Act, to have predeceased the contributor.

Application.

(6) Subsections (4) and (5) do not apply in respect of any contributor whose death occurred before the 28th day of June, 1955.

Marriage after sixty years of age.

13. (1) Notwithstanding anything in this Act, the widow of a person is not entitled to any annual allowance under this Act if that person was over sixty years of age at the time of his marriage, unless, after that time, that person became or continued to be a contributor.

Child born after parent sixty years of age.

(2) Notwithstanding anything in this Act, except as provided in the regulations a child who was born to or adopted by a person or who became the stepchild of a person at a time when that person was over sixty years of age is not entitled to any annual allowance under this Act, unless, after that time, that person became or continued to be a contributor.

Death within 5 years after marriage.

(3) Notwithstanding anything in this Act, where a contributor dies within five years after his marriage the amount of any annual allowance to which his widow and children may become entitled under this Act shall, if the Treasury Board is not satisfied that anticipation of impending death was not a consideration affecting the agreement to marry, be reduced by

(*a*) one hundred per cent, if the contributor dies within one year after his marriage;

(*b*) ninety-eight per cent, if he dies within the thirteenth month after his marriage;

(*c*) ninety-six per cent, if he dies within the fourteenth month after his marriage;

and so on, by like progression, until the sixtieth month after his marriage but not thereafter.

Age differences.

(4) Notwithstanding anything in this Act, the amount of any annual allowance to which the widow of a contributor may be entitled under this Act shall, if the age of the contributor exceeded that of his widow by twenty or more years, be reduced by an amount determined in accordance with the regulations.

Application.

(5) Subsections (1) and (2) do not apply in respect of any contributor whose death occurred before the day this Act was assented to.

Saving provision.

(6) Nothing in this section shall be held to prejudice any right that a child of an earlier marriage of the contributor has to an allowance under section 11.

Widowers.

(7) In this Act, unless the context otherwise requires, "widow" includes "widower", but no person is entitled to an allowance under this Act by virtue of being the widower of a contributor.

Diversion of Amounts Payable in Certain Cases.

"Recipient" defined.

14. (1) In this section, "recipient" means a person to whom any amount is or is about to become payable under this Act.

Clause 13. Section 59.

Clause 14. Section 62(1).

Payments to dependants of recipient.

(2) Where any court in Canada of competent jurisdiction has made an order requiring a recipient to pay an amount to his spouse, former spouse, child or other dependant and the court has issued to the Minister a notice, in the form prescribed by the regulations, requesting on behalf of the recipient that there be paid to the person named in the order an amount specified in the notice, the amount so specified or any lesser amount specified by the Minister shall, if the Minister so directs, be deducted either in a lump sum or in instalments from any amount that is or is about to become payable to the recipient under this Act, and shall be paid to the person named in the order.

Where recipient unable to manage own affairs.

(3) Where, for any reason, a recipient is unable to manage his own affairs, or where he is incapable of managing his own affairs, and there is no person entitled by law to act as his committee, the Minister of Finance may pay to any person designated by the Treasury Board to receive payment on behalf of the recipient any amount that is or becomes payable to the recipient under this Act.

Payment deemed to be to recipient.

(4) For the purposes of this Act, any payment made pursuant to subsection (2) or (3) shall be deemed to have been made to the recipient in respect of whom the payment was made.

Residual Amounts.

Residual amounts.

15. Where, upon the death of a contributor, there is no person to whom an allowance provided in this Act may be paid, or where the persons to whom such allowance may be paid die or cease to be entitled thereto and no other amount may be paid to them under this Act, any amount by which the amount of a return of contributions exceeds the aggregate of all amounts paid to those persons and to the contributor under this Act or the former Act shall be paid, in the case of a contributor whose death occurred while he was a member of the forces, to the service estate of the contributor, and in any other case, to the estate of the contributor.

Special Cases.

Elective Contributors.

"Elective contributor" defined.

16. (1) In this section, "elective contributor" means a person by whom an election under subsection (2) has been made.

Election.

(2) Any member of the forces who, immediately before the coming into force of this Act, was a member of the forces but was not a contributor under Part V of the former

Clause 15. Sections 51(3) and (4)(*b*).

Clause 16. Sections 45(1) (*i*) (v), 56 and 66.

Act, or was entitled to a pension under any of Parts I to III of the former Act by virtue of having served in the forces, may, within one year after the coming into force of this Act, elect to become a contributor under this Act.

Idem.

(3) An election under subsection (2) made by a person who, at the time of the making of the election, was a person appointed or enrolled as an officer of the forces temporarily or for a fixed term is void unless, in the case of a person who became so appointed or enrolled before the coming into force of this Act, he was a man of the forces immediately before he became so appointed or enrolled, or unless at the time he became so appointed or enrolled he was entitled to a pension under any of Parts I to III of the former Act by virtue of having served in the forces.

Service under Parts I to III of former Act.

(4) An elective contributor is entitled to count as pensionable service for the purposes of this Act any period of service that, at the time of making the election, he was entitled under Part I, II or III of the former Act to count for pension purposes, and upon the making of that election he shall be deemed, for the purposes of this Act, to have elected to pay for that service.

Application of ss. (3) of s. 7.

(5) Subsection (3) of section 7 does not apply in respect of any election deemed by subsection (4) to have been made by an elective contributor.

Amount required to be paid.

(6) The amount required to be paid by an elective contributor for any period of service described in subsection (4) is an amount equal to

(*a*) the total amount that he would have been required to contribute had he, during that period, been required to contribute in the manner and at the rate set forth in subsection (1) of section 4, in respect of pay equal to the pay authorized to be paid to him during that period, without interest;

minus

(*b*) the total amount of the contributions made by him under Part I, II or III of the former Act in respect of that service.

Pay deemed to have been received.

(7) For the purposes of this Act, the pay deemed to have been received by an elective contributor during any period of service described in subsection (4) is pay at a rate equal to the rate of pay authorized to be paid to him during that period.

Applicable rate in respect of certain service.

(8) For the purposes of paragraph (*a*) of subsection (6), the rate set forth in subsection (1) of section 4, in respect of any portion of the period specified in that paragraph that is before the 1st day of October, 1946, shall be deemed to be five per cent.

Surrender of benefits under former Act.

(9) Upon the making of any election under subsection (2), an elective contributor ceases to be entitled to any benefit under Part I, II or III of the former Act, and there

shall be credited to the Superannuation Account in respect of that contributor an amount equal to the amount determined under paragraph (*b*) of subsection (6).

Former Members of the Forces.

Persons re-enrolled in forces.

17. (1) Where a person who has become entitled to an annuity under this Act or a pension under Part V of the former Act by virtue of having served in the forces is re-enrolled in the forces and becomes, or would have become, but for the provisions of paragraph (*c*) or (*d*) of subsection (2) of section 4, a contributor under this Act, whatever right or claim that he may have had to that annuity or pension (hereinafter in this subsection referred to as the "original annuity") shall thereupon cease and the period of service upon which the original annuity was based may be counted by him as pensionable service for the purposes of this Act, except that

(*a*) if, upon subsequently ceasing to be a member of the forces, he is not entitled under this Act to any benefit other than a return of contributions, the amount so returned shall not include any amount paid into the Superannuation Account to his credit at any time before the time of his re-enrollment in the forces, and whatever right or claim that, but for this subsection, he would have had to the original annuity upon subsequently ceasing to be a member of the forces shall thereupon be restored to him; and

(*b*) if, upon subsequently ceasing to be a member of the forces, he is entitled under this Act to an annuity the capitalized value of which is less than the capitalized value of the original annuity, in lieu of any other benefit under this Act whatever right or claim that, but for this subsection, he would have had to the original annuity upon subsequently ceasing to be a member of the forces shall thereupon be restored to him, and there shall be paid to him an amount equal to his contributions under this Act made in respect of the period of his service in the forces after the time of his re-enrollment.

Employment otherwise than in forces.

(2) Where a retired officer, warrant officer or chief petty officer first class or second class who has become entitled to an annuity under this Act or a pension under Part V of the former Act by virtue of having served in the forces is employed in the public service of Canada or is enrolled in any of the naval, army or air forces of Her Majesty raised by Canada, other than the forces, he is entitled to receive that part of his annuity or pension which, when added to his pay, does not exceed the greater of

Clause 17. Sections 60 and 61(*h*).

(*a*) the pay authorized to be paid to him at the time of his retirement, or

(*b*) the current pay in effect for an officer, warrant officer or chief petty officer first class or second class holding the same rank and under the same circumstances as the contributor at the time of his retirement.

Application of ss. (2).

(3) Subsection (2) does not apply in respect of any period of service in the reserve forces, except any continuous period of full-time service therein in excess of six months during which the contributor received the pay of his rank as though he were a member of the forces.

Persons deemed to have become re-enrolled in forces.

(4) For the purposes of this Act, where a person who has become entitled to an annuity under this Act or a pension under Part V of the former Act by virtue of having served in the forces is enrolled in any of the naval, army or air forces of Her Majesty raised by Canada, other than the forces, he shall, upon the expiration of any continuous period of full-time service therein of one year ending after the coming into force of this Act, be deemed to have become re-enrolled in the forces at the commencement of that period, and, in any such case, the provisions of section 4 shall be deemed to have applied in respect of that period whether that period commenced before or after the coming into force of this Act, but nothing in this section shall be held to require the repayment by him of such part of that annuity or pension as, during that period, he was entitled under subsection (2) of this section or subsection (1) of section 60 of the former Act to receive.

Members of the Forces Enrolled Temporarily or for a Fixed Term.

Election.

18. (1) Any person who becomes a contributor under this Act, having been enrolled as an officer of the forces temporarily or for a fixed term before so becoming a contributor, is entitled to count as pensionable service for the purposes of this Act any period of service in the forces during which he was so enrolled (except any such service described in clause (D) of subparagraph (ii) of paragraph (*b*) of section 5), if he elects, within one year of becoming a contributor under this Act, to pay for that service, in which case the amount required by this Act to be paid by him therefor is an amount equal to the greater of

(*a*) six per cent of the pay authorized to be paid to him during that period, or

(*b*) the aggregate of

(i) any amount withheld under regulations made under the *National Defence Act* from his pay in respect of that period, and

Clause 18. Section 56(4).

(ii) any gratuity paid to him under the regulations mentioned in subparagraph (i) in respect of that period,

together with simple interest at four per cent per annum from the time of the expiration of that period or the time of the payment of that gratuity, whichever is the later, until the time of making the election.

Application of ss. (3) of s. 7.

(2) Subsection (3) of section 7 does not apply in respect of any election made under this section.

Transfer of amounts withheld.

(3) Upon any person described in subsection (1) becoming a contributor under this Act, any amount withheld as described in paragraph (*b*) of subsection (1) that has not previously been paid to him shall be transferred to the Superannuation Account, and upon the transfer of that amount the contributor shall be deemed to have elected to pay for the period of service in respect of which that amount was withheld and to have paid that amount as or on account of the amount required by this Act to be paid by him for that service.

Former Public Service Employees and Members of the Royal Canadian Mounted Police.

Election.

19. (1) Any person who becomes a contributor under this Act, having been employed in the Public Service but not having become entitled to an annuity or annual allowance under the *Public Service Superannuation Act*, or having been a member of the Royal Canadian Mounted Police but not having become entitled to an annuity or annual allowance under the *Royal Canadian Mounted Police Superannuation Act*, is entitled to count as pensionable service for the purposes of this Act any period of service described in clause (A) or (B) of subparagraph (ii) of paragraph (*b*) of section 5 that, under the *Public Service Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, he was entitled to count for pension purposes, if he elects, within one year of becoming a contributor under this Act, to pay for that service, in which case the amount required by this Act to be paid by him for that service is,

(*a*) in the case of service for which, by the *Public Service Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, he was required to pay, any amount by which

(i) the total amount required by that Act to be paid by him for that service,

exceeds

(ii) the total amount actually paid by him for that service, minus any amount paid to him under that Act at any time before the making of the election,

Clause 19. Sections 45(1)(*i*)(i) and 56(1), (2) and (5).

together with simple interest at four per cent per annum on any amount paid to him under that Act at any time before the making of the election, from the time when the payment was made until the time of making the election; and

(*b*) in the case of service for which, by the *Public Service Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, he was not required to pay, an amount equal to the amount that he would have been required to pay had he, during the period of that service, been required to to contribute in the manner and at the rate set forth in subsection (1) of section 4, in respect of pay at a rate equal to the rate of pay authorized to be paid to him during that period, together with interest, as defined in subsection (2) of section 6.

Pay deemed to have been received.

(2) For the purposes of this Act, the pay deemed to have been received by a person to whom subsection (1) applies, during any period of service of the kind described in paragraph (*a*) or (*b*) of subsection (1), is pay at a rate equal to the rate of pay on the basis of which the amount required to be paid for that period of service

(*a*) by the *Public Service Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, in the case of service of the kind described in paragraph (*a*) of subsection (1), or

(*b*) by this Act, in the case of service of the kind described in paragraph (*b*) of subsection (1),

was determined.

Surrender of benefits upon election.

(3) Notwithstanding anything in the *Public Service Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, upon the making of any election under subsection (1), the person so electing and any person to whom any benefit might otherwise have become payable under the *Public Service Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, in respect of that person, cease to be entitled to any benefit under that Act in respect of any service of that person to which that election relates.

Right to retain pension.

(4) Any person who becomes a contributor under this Act, having been employed in the Public Service and having become entitled to an annuity or annual allowance under the *Public Service Superannuation Act*, or having been a member of the Royal Canadian Mounted Police and having become entitled to an annuity or annual allowance under the *Royal Canadian Mounted Police Superannuation Act*, is entitled, for the purposes of this Act, to retain that annuity or annual allowance, but the period of service upon which that annuity or annual allowance was based may not

be counted by that person for the purpose of any benefit to which he may become entitled under this Act by reason of having become a contributor hereunder.

Election to surrender benefits.

(5) Notwithstanding subsection (4), any person to whom that subsection applies may elect, within one year of becoming a contributor under this Act, to surrender the annuity or annual allowance therein referred to, in which case notwithstanding anything in the *Public Service Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, the person so electing and any person to whom any benefit might otherwise have become payable under the *Public Service Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, in respect of that person, cease to be entitled to any benefit under that Act in respect of any service of that person described in clause (A) or (B) of subparagraph (ii) of paragraph (*b*) of section 5, and the person so electing shall be subject to the provisions of subsection (1) in all respects as though he had not become entitled to an annuity or annual allowance under that Act but had elected under subsection (1) to pay for the whole of any service described in clause (A) or (B) of subparagraph (ii) of paragraph (*b*) of section 5 that, under the *Public Service Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, he was entitled to count for pension purposes.

Amount to be credited to Superannuation Account.

(6) Upon the making of any election under this section whereby the person so electing is required by this Act to pay for any period of service of the kind described in paragraph (*a*) of subsection (1), there shall be charged to the account in the Consolidated Revenue Fund maintained pursuant to the *Public Service Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, and credited to the Superannuation Account in respect of that person, an amount equal to the amount determined under subparagraph (ii) of paragraph (*a*) of subsection (1), and for the purposes of the *Public Service Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, the amount of any return of contributions or other lump sum payment that is or may become payable under that Act to or in respect of that person shall be deemed to be the amount otherwise determined thereunder minus the amount required by this subsection to be credited to the Superannuation Account upon the making of the election.

Service Pension Board.

Service Pension Board.

20. (1) The Minister shall appoint a board, to be known as the Service Pension Board, consisting of a chairman, one member from each of the Services and a member to represent the Minister.

Clause 20. Section 58.

Duty of Board.

(2) It shall be the duty of the Service Pension Board to determine, in the case of any contributor who is retired from the forces, the reason for his retirement from the forces, and the Board shall, on the making of any such determination, certify in writing the reason for such retirement as determined by the Board.

Certification of reason for retirement.

(3) No payment shall be made of any annuity or other benefit under this Act to a contributor who is retired from the forces except upon certification in writing by the Service Pension Board of the reason for such retirement as determined by the Board, and upon the certification thereof the contributor shall be presumed, *prima facie*, to have been retired from the forces for that reason.

Application of ss. (2) and (3).

(4) Subsections (2) and (3) do not apply, in any case or class of cases specified by the Treasury Board, to or in respect of any contributor who has served in the forces for less than ten years.

REGULATIONS.

Regulations.

21. The Governor in Council may make regulations

(*a*) prescribing anything that, by this Act, is to be prescribed or is to be determined or regulated by regulation;

(*b*) prescribing the terms and conditions upon which a person who is retired from the forces and, within sixty days after his retirement therefrom, again becomes a member of the forces, shall be deemed to have continued to be a member of the forces notwithstanding his retirement therefrom;

(*c*) prescribing the extent to which and the circumstances under which any period of service of a person, whether before or after the coming into force of this Act, for which no pay was authorized to be paid or for which any forfeiture of pay or deduction from pay in respect of a period of suspension from duty was authorized to be made shall be counted as pensionable service for the purposes of this Act, and prescribing the pay that shall be deemed to have been authorized to be paid to that person and to have been received by him during that period;

(*d*) providing for the continuation in force of any outstanding direction made by the Minister or the Treasury Board under section 62 of the former Act, under the circumstances contemplated by that section and subject to modification or suspension as contemplated by that section;

(*e*) providing, notwithstanding anything in this Act, for the reduction by the Treasury Board of any annuity or pension payable under this Act or Part V

Clause 21. Sections 61 and 62.

of the former Act to or in respect of a person who, after his retirement from the forces, is convicted of an indictable offence committed by him while a member of the forces where, in the opinion of the Service Pension Board, the commission of the offence by him constituted misconduct in the performance of his duties as a member of the forces;

(*f*) providing for the payment out of the Superannuation Account, upon the death of a contributor and upon application to the Minister by or on behalf of any successor thereunder to whom any annual allowance becomes payable under this Act, of the whole or any part of such portion of any estate, legacy, succession or inheritance duties or taxes that are payable by the successor as is determined in accordance with the regulations to be attributable to that allowance, and prescribing the amounts by which and the manner in which any such allowance and any amount payable under section 15 in any such case shall be reduced; and

(*g*) generally, for carrying into effect the purposes and provisions of this Act.

Recovery of debit balance in pay account of former member.

22. (1) Any debit balance in the pay account of a former member of the forces may be recovered from any annuity or other benefit to which he is entitled under this Act or from any amount that becomes payable under this Act to his service estate, whether such debit balance existed at the time of his retirement or was ascertained after that time.

Idem.

(2) Recovery of a debit balance pursuant to this section shall be effected in such manner and to such extent as may be prescribed by the regulations, but, in the case of any annuity or other benefit to which a former member of the forces is entitled under this Act, such recovery shall not be effected unless notice of the existence of the debit balance and the amount thereof has been given to him, or has been forwarded by registered mail addressed to him at his last known address.

PAYMENTS OUT OF ACCOUNT.

Payments out of Superannuation Account.

23. All amounts required for the payment of benefits under this Act, including any pension referred to in subsection (2) of section 28, shall be paid out of the Consolidated Revenue Fund and charged to the Superannuation Account.

AMOUNTS TO BE CREDITED TO ACCOUNT.

Amounts to be credited quarterly.

24. (1) There shall be credited to the Superannuation Account quarterly in each fiscal year

Clause 22. Section 68.

Clause 23. Section 63(1).

Clause 24. Section 63(2).

(*a*) an amount representing interest on the balance from time to time to the credit of the said Account, at such rates and calculated in such manner as may be prescribed by the regulations, and

(*b*) such amount in relation to the total amount paid into the said Account during the preceding quarter by way of contributions in respect of current services and past services rendered by contributors as is specified by the Minister of Finance.

General pay increase credit.

(2) There shall be credited to the Superannuation Account, as soon as possible following the authorization of any pay increase of general application to the forces, such amount as, in the opinion of the Minister of Finance, is necessary to provide for the increase in the cost to Her Majesty of the benefits payable under this Act, as a result of such pay increase.

Actuarial Report.

Actuarial report.

25. The Minister of Finance shall lay before Parliament at least once in every five years an actuarial report on the state of the Superannuation Account, containing an estimate of the extent to which the assets of the said Account are sufficient to meet the cost of the benefits payable under this Act.

Annual Report.

Annual report.

26. The Minister shall lay before Parliament each year a report on the administration of this Act during the preceding fiscal year, including a statement showing the amounts paid into and out of the Superannuation Account during that year, by appropriate classifications, the number of contributors and the number of persons receiving benefits under this Act, together with such additional information as is prescribed by the regulations.

Offence and Punishment.

Offence.

27. Any person who knowingly makes any statement or gives any information that is false in any material particular for the purpose of obtaining, either for himself or for any other person, any payment under this Act is guilty of an indictable offence and liable to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or to both such fine and imprisonment.

Clause 25. Section 65(2).

Clause 26. Sections 61(*e*) and 65(1).

Clause 27. Section 62A.

TRANSITIONAL.

Transitional.

28. (1) Notwithstanding the repeal of Part V of the former Act, any act or thing required to be done for the purpose of giving effect to the provisions of Part V of the former Act providing for the payment to any person of any pension or gratuity for which that person had, before the date this Act was assented to, become eligible, but which had not, before the coming into force of this Act, become payable to that person, may be done subject to the provisions of that Part in force immediately before the coming into force of this Act in all respects as though those provisions had continued in force.

Continuation of pensions.

(2) Subject to subsection (5), a person to whom any pension has become payable under Part V of the former Act shall, for the purposes of this Act, be deemed to have become entitled to that pension under this Act.

Persons deemed to be contributors-

(3) For the purposes of this Act, a person to whom, as a contributor under Part V of the former Act, any pension has become payable under the former Act shall, upon his death on or after the day this Act was assented to, be deemed to have been a contributor under this Act who, at the time of his death, was entitled under this Act to an annuity.

Idem.

(4) For the purposes of this Act, a person who, on or after the day this Act was assented to but before the coming into force of this Act, ceased to be a member of the forces, having been at the time he ceased to be a member of the forces a person to whom Part V of the former Act applied, shall be deemed to have been, at the time he ceased to be a member of the forces, a contributor under this Act who, immediately before the coming into force of this Act, had been a contributor under Part V of the former Act.

Set-off of payments.

(5) Where any benefit has become payable to a person under the former Act as a consequence of the death of any person described in subsection (3) or as a consequence of any person described in subsection (4) having ceased to be a member of the forces,

(*a*) if the benefit so payable was a pension, whatever right or claim that person may have had to that pension upon the coming into force of this Act is terminated, and any payment thereof made to that person under the former Act shall be set off against any amount payable to or in respect of that person under this Act; and

(*b*) if the benefit so payable was a gratuity, he is entitled to an annuity or annual allowance otherwise payable under this Act only if, within ninety days after the coming into force of this Act, he pays into the Superannuation Account an amount equal to the gratuity so payable to him.

Clause 28. New.

Persons serving in forces upon coming into force of Act.

(6) For the purposes of this Act, a person who

(*a*) was a member of the forces upon the coming into force of this Act, and

(*b*) was, immediately before the coming into force of this Act, a person to whom Part V of the former Act applied,

shall be deemed to have been a contributor under Part V of the former Act immediately before the coming into force of this Act and, notwithstanding section 4 of this Act, to have become a contributor under this Act upon its coming into force, except that upon so becoming a contributor he shall be subject in all respects to the provisions of section 4.

Revocation of election made by contributor under s. 48 of former Act.

(7) Notwithstanding anything in this Act or Part V of the former Act, any person who elected to become a contributor under Part V of the former Act and elected under section 48 of that Act to contribute in respect of any period of service described in subsection (2) of section 56 of that Act may, within one year after the coming into force of this subsection, whether or not he is a member of the forces at that time, revoke the election made by him under section 48 of that Act, in which case

(*a*) he shall be deemed not to have elected under section 48 of that Act to contribute in respect of that service, and subsection (2) of section 56 of that Act shall be deemed to have applied in respect thereof from and after his election to become a contributor under Part V of that Act;

(*b*) the amount required by subsection (2) of section 56 of that Act to be deducted or commuted in respect of that service shall be deemed to be the amount otherwise determined under that subsection less the amount of the contributions made by him in respect of that service under section 48 of that Act at any time before the revocation of the election; and

(*c*) any amount by which the amount of the contributions referred to in paragraph (*b*) exceeds the amount otherwise determined referred to in that paragraph shall, upon the revocation of the election, be paid to him.

Election.

(8) Notwithstanding anything in this section, any person to whom subsection (4) applies may, in accordance with the regulations,

(*a*) make any election, exercise any option or do any other thing contemplated by this Act as though that person were still a member of the forces, and

(*b*) elect to retain or receive, in lieu of any other benefit payable under this Act, any benefit that has or might have become payable to him under the former Act upon ceasing to be a member of the forces, and upon

so electing, he is entitled to that benefit less any amount thereof paid to him at any time prior to the making of the election.

PART II.

R.S., cc. 63, 310; 1952-53, c. 24; 1953-54, c. 13; 1955, c. 28; 1956, c. 18.

Defence Services Pension Continuation Act.

29. In this Part, "former Act" means the *Defence Services Pension Act.*

30. The long title of the former Act is repealed and the following substituted therefor:

"An Act to provide for the Payment of Pensions to Certain Persons enrolled as Members of the Regular Forces before the 1st day of April, 1946."

31. Section 1 of the former Act is repealed and the following substituted therefor:

"**1.** This Act may be cited as the *Defence Services Pension Continuation Act.*"

32. (1) Section 2 of the former Act is amended by adding thereto the following subsection:

Meaning of "child".

"(2) In this Act, words referring to the child of a person include a stepchild of that person, an illegitimate child of that person who, at the time of that person's death, was being maintained by him and was wholly or substantially dependent upon him for support, and an individual adopted either legally or in fact by that person while such individual was under eighteen years of age."

(2) Notwithstanding subsection (1), no allowance is payable under the former Act to or in respect of a child to whom, but for subsection (1), an allowance would not have been payable thereunder, in respect of any period before the coming into force of this Act.

33. (1) Section 3 of the former Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsections:

Voluntarily after twenty years.

"(2a) An officer who retires voluntarily after twenty years' service is entitled to a pension for life equal to the greater of

(*a*) the pension that he would have been entitled to if he were retired compulsorily, reduced by five per cent for each complete year by which his age at the time of his retirement is less than the prescribed age limit for his rank, or

PART II.

Clause 29. New.

Clause 30. The long title of the former Act presently reads as follows:

"An Act respecting Pensions for the Defence Services."

The only provisions of the former Act that will continue in force are those presently contained in Parts I to IV of that Act which provide for the payment of pensions to persons enrolled in the forces before the 1st day of April, 1946.

Clause 31. This amendment adds the underlined word.

Clause 32. The purpose of the new subsection (2) is to make applicable to the former Act the provisions of Part I of this Bill defining what is meant by a child. The new subclause (2) would preclude the payment of any allowance arising out of this amendment in respect of any period before its coming into force.

Clause 33. The purpose of the new subsection (2a) is to authorize the payment of a reduced pension to an officer who retires voluntarily after twenty years' service. A man of the forces to whom the former Act applies, who retires voluntarily after twenty years' service is entitled to a pension under section 12.

(*b*) the pension, if any, to which he is entitled under subsection (2);

but no pension is payable under this subsection unless a recommendation has been made by the Minister and approved by the Treasury Board that the retirement of such officer was in the public interest and that it is in the public interest that he be paid that pension.

Idem.

"(2b) Notwithstanding subsection (2) or (2a), a warrant officer who, at the end of a period of engagement or re-engagement, retires voluntarily after twenty years' service is entitled to the same pension as if he were retired compulsorily."

(2) Subsection (2b) of section 3 of the former Act as enacted by this section is applicable in respect of any person who either before or after the coming into force of this section retired from the force.

34. Subsection (1) of section 17 of the former Act is repealed and the following substituted therefor:

Certificate of medical board.

"**17.** (1) Before a pension is granted to a militiaman who, after having served for less than twenty years, retires on the ground of his being incapacitated by infirmity of mind or body for the discharge of his duty, a medical board constituted in accordance with regulations made under the *National Defence Act* shall certify that such militiaman is so incapacitated and that the incapacity is likely to be permanent."

35. Sections 42 and 43 of the former Act are repealed and the following substituted therefor:

Time and duration of payment.

"**42.** Pensions and compassionate allowances granted under this Act are, unless otherwise ordered by the Governor in Council, payable in equal monthly instalments in arrears, and unless otherwise specified by this Act shall continue during the lifetime of the recipient and thereafter until the end of the month during which he dies.

Fractions of years.

"**43.** For the purpose of computing pensions or gratuities, fractions of years of service shall be counted."

1953-54, c. 13 s. 3.

36. (1) Paragraph (*b*) of subsection (1) of section 44B of the former Act is repealed and the following substituted therefor:

"(*b*) providing for payment out of the Consolidated Revenue Fund, upon the death of any person in respect of whom any pension or compassionate allowance becomes payable under any of Parts I to III upon application to the Minister by or on behalf of any successor thereunder to whom any such pension or allowance becomes payable, of the whole or any part

The purpose of the new subsection (2b) is to make it clear that a warrant officer who, at the end of a period of engagement, retires voluntarily after twenty years' service is entitled to a pension.

Clause 34. Subsection (1) presently reads as follows:

"**17.** (1) Before a pension is granted to a militiaman who, after having served for less than twenty years, retires on the ground of his being incapacitated by infirmity of mind or body for the discharge of his duty, a medical board composed of the senior surgeon of the battery, squadron or regiment of which such militiaman is a member, and two other legally qualified medical practitioners, shall certify that such militiaman is so incapacitated and that the incapacity is likely to be permanent."

This clause would change the constitution of the medical board to that constituted in accordance with regulations made under the *National Defence Act.*

Clause 35. The amendment to section 42 adds the underlined words. Section 43 presently reads as follows:

"**43.** For the purpose of computing pensions or gratuities under this Act fractions of years of service shall be counted, and for this purpose a period of service of fifteen days or more shall count as one month but a period of less than fifteen days shall not be counted."

The purpose of the amendment to this section is to facilitate the computation of broken periods of service.

Clause 36. The amendment to paragraph (*b*) of subsection (1) adds the underlined words. Subsection (2) presently reads as follows:

"(2) Notwithstanding anything in Part V of this Act, that Part does not apply in respect of any service that, by virtue of any regulation made pursuant to paragraph (*a*) of subsection (1), any person described in that paragraph elects to count for the purpose of computing his pension under any of Parts I to III."

The amendment to subsection (2) and the addition of the new subsection (3) are consequential upon the repeal, by clause 41 of this Bill, of Part V of the former Act.

of such portion of any estate, legacy, succession or inheritance duties or taxes that are payable by the successor as is determined in accordance with the regulations to be attributable to that pension or allowance, and prescribing the amounts by which and the manner in which any such pension or allowance shall be reduced."

(2) Subsection (2) of section 44B of the former Act is repealed and the following substituted therefor:

Application of Part V.

"(2) Notwithstanding anything in Part V of this Act as it was before the coming into force of this subsection, that Part shall be deemed not to have applied in respect of any service that, by virtue of any regulation made under paragraph (*a*) of subsection (1), any person described in that paragraph elected to count for the purpose of computing his pension under any of Parts I to III.

Persons deemed to have elected to count certain service.

"(3) Any person described in paragraph (*a*) of subsection (1) who was a contributor under Part V of this Act immediately before the coming into force of this subsection shall be deemed to have elected at that time to count, for the purpose of computing his pension under any of Parts I to III, any period of service that, by virtue of any regulation made under paragraph (*a*) of subsection (1), he was entitled to elect to count for that purpose."

37. (1) The former Act is further amended by adding thereto the following sections:

Recovery of debit balance in pay account of former member.

"**44D.** (1) Any debit balance in the pay account of a former member of the forces may be recovered from any pension or gratuity to which he is entitled under any of Parts I to III or from any amount that becomes payable under any of Parts I to III to his service estate, whether such debit balance existed at the time of his retirement or was ascertained after that time.

Idem.

"(2) Recovery of a debit balance pursuant to this section shall be effected in such manner and to such extent as may be prescribed by regulations made by the Governor in Council, but, in the case of any pension or gratuity to which a former member of the forces is entitled under any of Parts I to III, such recovery shall not be effected unless notice of the existence of the debit balance and the amount thereof has been given to him or has been forwarded by registered mail addressed to him at his last known address.

Unpaid instalments.

"(3) Where a person who is entitled under any of Parts I to III to contribute in respect of any service and has undertaken to contribute in respect of that service by instalments, ceases to be a member of the forces before all the instalments have been paid, the unpaid instalments may be reserved, in accordance with the regulations, from any amount payable to him by Her Majesty, including any

Clause 37. The purpose of the new section 44D is to permit the recovery of a debit balance in the pay account of a former member of the forces from any pension or gratuity payable to him, and the recovery of unpaid instalments of contributions from any amounts due to him from the Crown. Corresponding provisions are contained in Part I of this Bill. The purpose of subsection (1) of the new section 44E is to carry forward in statutory form a wartime Order in Council that made provision for the augmentation of pensions of persons who re-enrolled in the forces or became employed in the public service of Canada. The purpose of subsection (2) of the new section 44E is to make applicable the provisions of the *Public Service Pension Adjustment Act* to the amount by which a pension was augmented by the Order in Council referred to above.

pension or gratuity payable to him under any of Parts I to III, until such time as all the instalments have been paid or the contributor dies, whichever occurs first.

Pension to include amount of augmentation.

"**44E.** (1) For the purposes of this Act, the pension payable to a recipient under any of Parts I to III is the pension otherwise payable to the recipient thereunder, plus any amount by which that pension was, by Order in Council P.C. 77/8785 of the 26th day of September, 1942 made under the *War Measures Act*, authorized to be augmented, which Order shall, for the purposes of this Act, be deemed to have been made under a provision of this section that, at the time when the Order was made, authorized the making thereof, and to have continued in effect thereafter, in respect of any service before the 31st day of March, 1947 in respect of which such augmentation was authorized, notwithstanding the revocation of such Order on the 31st day of March, 1947.

Public Service Pension Adjustment Act.

"(2) For the purposes of the *Public Service Pension Adjustment Act*, a pension equal to the amount by which any pension otherwise payable to a recipient under any of Parts I to III was authorized as described in subsection (1) to be augmented shall be deemed to be payable to the recipient under this section, in the same manner, at the same time, for and in respect of the same period and subject to the same terms and conditions as the pension authorized to be augmented."

(2) Paragraph (*e*) of section 2 of the *Public Service Pension Adjustment Act* is amended by adding thereto, immediately after subparagraph (vii) thereof, the following subparagraph:

"(viia) section 44E of the *Defence Services Pension Continuation Act*,"

38. Section 45 of the former Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Non-flying rates of pay.

"(1a) Notwithstanding paragraph (*g*) of subsection (1), in determining the pay payable to a person in respect of any period of service on active service in His Majesty's air force raised in Canada during time of war, there shall be excluded the difference between general list and non-flying rates of pay where applicable."

39. Section 48 of the former Act is amended by adding thereto, immediately after subsection (2a) thereof, the following subsection:

Contributions for certain prior service.

"(2b) Notwithstanding subsection (2), the contributions required under this section in respect of any service of a contributor described in subparagraph (iii) of paragraph (*i*)

Clause 38. The purpose of the new subsection (1a) is to make it clear that wartime active service flying pay is to be excluded for the purpose of computing contributions or pensions or gratuities under the former Act.

Clause 39. The new subsection (2b) prescribes the contribution required for prior service during World War II in the forces of Her Majesty other than those raised by Canada. A corresponding provision is contained in Part I of this Bill.

of subsection (1) of section 45 prior to the time he became a contributor for which he has not contributed but for which he has elected under subsection (1) to contribute is an amount equal to that which he would have contributed had he, during that service, made contributions under this Part in the manner and at the relevant rates set out in subsection (1) of section 47, in respect of pay and allowances on a full-time basis at the rates in effect during that service for the rank or ranks in the Canadian forces corresponding to the rank or ranks held by him during that service, together with simple interest at the rate of four per cent per annum up to the time of his election."

40. Section 59 of the former Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

Saving provision.

"(2a) Paragraph (*a*) of subsection (1) does not apply to prohibit the widow of a contributor from becoming entitled to a pension or gratuity under this Part in any case where, after the date of the contributor's marriage, he became or continued to be a contributor under this Part."

41. Part V of the former Act is repealed.

GENERAL.

42. A reference in section 5 of the *Financial Administration Act* to the *Defence Services Pension Act* shall be construed as a reference to the *Canadian Forces Superannuation Act* and the *Defence Services Pension Continuation Act.*

COMING INTO FORCE.

43. Subsection (7) of section 28 shall come into force on the day this Act is assented to; section 44E of the former Act as enacted by subsection (1) of section 37, and subsection (2) of section 37 shall be deemed to have come into force on the day on which the *Public Service Pension Adjustment Act* came into force; sections 38 and 39 shall be deemed to have come into force on the 31st day of August, 1946; section 40 shall be deemed to have come into force on the 1st day of March, 1958; and the other provisions of this Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Clause 40. This clause in conjunction with clause 43 will make applicable the provisions of subclause (1) of clause 13 to a person who became the widow of a contributor between the 1st day of March, 1958 and the day on which this Bill is assented to, in any case where the contributor married in the circumstances described in that subclause.

Clause 41. Part V is the Part being replaced by Part I of this Bill.

Clause 42. The purpose of this clause is to extend the reference in section 5 of the *Financial Administration Act* to include a reference to Part I of this Bill.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-63.

An Act to amend the Farm Improvement Loans Act.

First reading, June 15, 1959.

THE MINISTER OF FINANCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21423-9

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-63.

An Act to amend the Farm Improvement Loans Act.

R.S., c. 110; 1952-53, c. 36; 1956, c. 24.

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

1. (1) Paragraph (*f*) of subsection (1) of section 2 of the *Farm Improvement Loans Act* is repealed and the following substituted therefor:

"Farm."

"(*f*) "farm" means land in Canada used for the purpose of farming;

"Farming."

(*ff*) "farming" includes live stock raising, dairying, bee keeping, fruit growing and all tillage of the soil;"

(2) Subparagraph (i) of paragraph (*h*) of subsection (1) of section 2 of the said Act is repealed and the following substituted therefor:

"(i) the purchase of agricultural implements or any stock or equipment for bee keeping,"

(3) Paragraph (*k*) of subsection (1) of section 2 of the said Act is repealed and the following substituted therefor:

"Live stock."

"(*k*) "live stock" includes horses and mares, bulls, cows, oxen, bullocks, steers, heifers and calves, sheep, swine, poultry, and fur-bearing animals;"

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

Meaning of "farm" and "farming" in *Bank Act*.

"(2) For the purposes of the *Bank Act*, the expressions "farm" and "farming" have, in respect of a farm improvement loan, the same meanings respectively as they have in this Act."

1956, c. 24, s. 1.

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

"(*d*) the principal amount of the loan did not at the time of the making of the loan, together with the amount owing in respect of other guaranteed farm improvement loans previously made to the borrower and disclosed

Explanatory Notes.

1. (1) The present definition of "farm" reads as follows:

"(*f*) "farm" means land in Canada used for the purpose of farming which term includes live stock raising, dairying, fruit growing and all tillage of the soil;"

The purpose of the proposed amendment is to include bee keepers as qualified borrowers under the Act.

(2) The present paragraph (*h*), in so far as it is relevant here, reads as follows:

"(*h*) "farm improvement loan" means a loan made by a bank to a farmer for the purpose of financing
(i) the purchase of agricultural implements,"

(3) (4) The present paragraph (*k*) of section 2(1) and subsection (2) read as follows:

"(*k*) "live stock" includes horses and mares, bulls, cows, oxen, bullocks, steers, heifers and calves, sheep, swine, and fur-bearing animals, *and the offspring of any of them;*

(2) For the purposes of this Act, and in respect of any farm improvement loan, for the purposes of the *Bank Act*, "live stock" includes poultry."

Subsection (2) was added in 1947 to extend the definition of live stock to include poultry in both this Act and the *Bank Act*. Since that time the *Bank Act* has been revised to include poultry. The present subsection (2) is therefore unnecessary for the *Bank Act* and the purpose of this amendment to paragraph (*h*) is to incorporate poultry in the definition of livestock in this Act. The new subsection (2) will enable security to be taken under section 88 of the *Bank Act* in the case of loans to bee keepers.

2. The present paragraph (*d*) of section 3(1) reads as follows:

"**3.** (1) The Minister shall, subject to the provisions of this section and sections 4 and 5, pay to a bank the amount of loss sustained by it as a result of a farm improvement loan, if

. . . . . .

(*d*) the principal amount of the loan did not at the time of the making of the loan, together with the amount owing in respect of other guaranteed farm improvement loans previously made to the borrower and disclosed in his application, or of which the bank had knowledge, exceed the sum of *five thousand dollars:*"

The purpose of the amendment is to increase the maximum loan from $5,000 to $7,500.

in his application, or of which the bank has knowledge, exceed the sum of seven thousand five hundred dollars;"

1952-53, c. 36, s. 4. 1956, c. 24, s. 2.

3. Subsection (2) of section 4 of the said Act is amended by striking out the word "and" after paragraph (*d*) thereof, by inserting the word "and" after paragraph (*e*) thereof and by adding thereto the following paragraph:

"(*f*) the period commencing on the 1st day of April, 1959 and ending on the 30th day of June, 1962."

1952-53, c. 36, s. 4; 1956, c. 24, s. 3.

4. Paragraph (*d*) of section 5 of the said Act is repealed and the following substituted therefor:

"(*d*) made during the period commencing on the 1st day of April, 1959 and ending on the 30th day of June, 1962, after the aggregate principal amount of the guaranteed farm improvement loans made by all banks during that period exceeds three hundred million dollars."

3. The purpose of this amendment is to extend the Act for the period April 1, 1959 to June 30, 1962.

4. The purpose of the proposed amendment is to establish three hundred million dollars as the limit of guaranteed loans made during the extended period.

C-64.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-64.

An Act to amend the Prime Minister's Residence Act.

AS PASSED BY THE HOUSE OF COMMONS,
16th JUNE, 1959.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21388-4

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-64.

An Act to amend the Prime Minister's Residence Act.

R.S. c. 216.

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

1. The Schedule to the *Prime Minister's Residence Act* is amended by adding thereto the following description:

"All that area composed of part of lot 2B, Range 10, of the cadastre of the Township of Eardley, County of Gatineau, Province of Quebec, described as follows:

COMMENCING in the westerly limit of the public road known as the Philippe Road at the point where it is intersected by the southerly shore of the creek running easterly out of Harrington Lake (Lac Mousseau); thence southerly along the said westerly limit of Philippe Road to a point in the said westerly limit which is at a distance of 1089.73 feet measured in a straight line having an assumed bearing of South fifteen degrees and forty-four minutes East from the point of commencement; thence North seventy-two degrees and thirty-three minutes West a distance of 79.34 feet; thence North fifty-six degrees and twenty-two minutes West a distance of 693.19 feet; thence North forty-eight degrees and thirty-two minutes West a distance of 321.88 feet; thence North forty-six degrees and twenty-five minutes West a distance of 156.01 feet to a point in a small creek or drainage course flowing northerly into Harrington Lake (Lac Mousseau), the said point being a distance of 46.32 feet westerly from the southwest corner of a white picket fence enclosing a garden; thence northerly following the said small creek to the southerly shore of Harrington Lake (Lac Mousseau); thence easterly following the southerly shore of Harrington Lake (Lac Mousseau) to the southerly shore of the above-mentioned creek running easterly out of Harrington Lake (Lac Mousseau); thence easterly along the said southerly shore of the said creek to the point of commencement."

Explanatory Note.

The purpose of this Bill is to bring the property described in the Schedule within the scope of the Act so that it may be used as a country residence for the person holding the office of Prime Minister of Canada.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-65.

An Act to mark the occasion of Her Majesty's Visit to Canada by providing for the Establishment and Administration of a Fund to Aid in Research on the Diseases of Children.

AS PASSED BY THE HOUSE OF COMMONS, 29th JUNE, 1959.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21531-9

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-65.

An Act to mark the occasion of Her Majesty's Visit to Canada by providing for the Establishment and Administration of a Fund to Aid in Research on the Diseases of Children.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it has pleased Your Majesty to approve the suggestion that the occasion of Your visit to Canada and Your personal interest in the well-being of children should be marked by the establishment in Your Name of a Fund to be devoted to the furthering of research into the diseases of children and the prevention and cure of such diseases, to which all who wish in this way to make a gift to Your Majesty may contribute: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, as follows:

SHORT TITLE.

Short title.

1. This Act may be cited as the *Queen Elizabeth II Canadian Research Fund Act.*

THE FUND.

Fund established.

2. There is hereby established a fund, to be known as The Queen Elizabeth II Canadian Fund to Aid in Research on the Diseases of Children (hereinafter called the Fund), which shall consist of all money, securities and other property received by the Board of Trustees of the Fund for the purposes thereof and shall include all income derived therefrom and all gifts, bequests, appropriations and other contributions made thereto.

Purposes of Fund.

3. The purposes of the Fund are to assist individuals or organizations to undertake or carry on research into the diseases of children, and the causes, prevention and treatment of such diseases.

Appropriation to the Fund.

4. There is hereby appropriated for the Fund, out of the Consolidated Revenue Fund, the sum of one million dollars.

THE BOARD OF TRUSTEES.

Board of Trustees.

5. (1) A corporation is hereby established, to be known as the Board of Trustees of the Queen Elizabeth II Canadian Fund to Aid in Research on the Diseases of Children (hereinafter called the Board), consisting of a Chairman and six other trustees to be appointed by Her Majesty by commission under the Great Seal of Canada.

Head office.

(2) The head office of the Board shall be at the City of Ottawa.

POWERS AND DUTIES OF THE BOARD.

Management and administration of Fund.

6. The Board shall manage and administer the Fund in accordance with and subject to the provisions of this Act.

Payments out of Fund.

7. The Board may make such payments out of the Fund for the purposes of the Fund as it considers desirable.

Investments.

8. The Board may invest any moneys of the Fund in bonds or other securities of the Government of Canada and may sell any such bonds and securities.

Advisory committees.

9. The Board may appoint from among its members or otherwise such advisory or other committees as it considers necessary or advisable for the administration of this Act.

Property.

10. The Board may, for the purposes of this Act, acquire by purchase, lease, gift, bequest or otherwise any real or personal property and may own, hold, sell, manage or otherwise deal therewith in such manner as it may determine.

By-laws.

11. The Board may make by-laws for regulating its proceedings and generally for carrying out the purposes and provisions of this Act.

GENERAL.

Gifts to Her Majesty.

12. A gift or bequest to the Fund or to the Board for the purposes of the Fund shall be deemed to be a gift to Her Majesty.

Staff.

13. The National Research Council shall provide to the Board without charge such secretarial and other administrative and technical services and facilities as are required for the purposes of this Act, and moneys of the National Research Council may be used for this purpose and for other costs of administration of the Fund.

AUDIT.

Audit.

14. The accounts and financial transactions of the Board shall be audited annually by the Auditor General and the report of the audit shall be made to the Board and to the Prime Minister.

REPORT TO PARLIAMENT.

Report to Parliament.

15. The Chairman of the Board shall within three months after the 31st day of March in each year submit to the Prime Minister a report of proceedings under this Act for the year ending on that day, including the financial statements of the Board and the Auditor General's report thereon, and the Prime Minister shall cause such reports 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.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-66.

An Act to Provide for Contributions and Loans to the Provinces in respect of Crop Insurance.

First reading, June 29, 1959.

THE MINISTER OF AGRICULTURE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21149-0

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-66.

An Act to Provide for Contributions and Loans to the Provinces in respect of Crop Insurance.

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 *Crop Insurance Act.*

INTERPRETATION.

Definitions.

2. In this Act,

"Agreement."
(*a*) "agreement" means an agreement made under this Act;

"Contributions."
(*b*) "contributions" means contributions by Canada pursuant to an agreement;

"Crop."
(*c*) "crop" means an agricultural crop declared by the regulations to be a crop for the purposes of this Act;

"Insurance scheme."
(*d*) "insurance scheme" means a scheme of crop insurance established by provincial law;

"Insured crop."
(*e*) "insured crop" means a crop insured under provincial law;

"Minister."
(*f*) "Minister" means the Minister of Agriculture;

"Provincial law."
(*g*) "provincial law" means a law of the province that

(i) establishes a scheme for the insurance of one or more crops, under the terms and conditions specified in this Act, the regulations and the agreement made with the province, against loss to crops resulting from natural causes,

(ii) provides for the administration of such a scheme of insurance by the province or an agency of the province, and

(iii) authorizes the province to enter into an agreement.

Explanatory Note.

The purpose of this Bill is to authorize contributions and loans out of the Consolidated Revenue Fund in respect of the operation of provincial schemes for crop insurance.

Agreements Authorized.

Agreements.

3. Subject to this Act, the Minister may, with the approval of the Governor in Council, enter into an agreement with any province to provide for the payment by Canada to the province of contributions in respect of the costs incurred by the province in the operation of an insurance scheme, and for the making of loans to the province in respect thereof.

Contributions and Loans.

Contributions.

4. (1) The contribution payable to a province under an agreement shall be paid in respect of each year and shall be the total of

(*a*) fifty per cent of the expenses incurred by the province in that year in the administration of the insurance scheme; and

(*b*) if the province has by the agreement undertaken to pay a share of the premiums, the lesser of

(i) the amount required to re-imburse the province for the share of the premiums paid by it in that year, or

(ii) twenty per cent of the premiums paid in respect of policies of insurance in that year.

Loans.

(2) The loans that may be made to a province under an agreement shall not exceed in any year seventy-five per cent of the amount by which the indemnities required to be paid under policies of insurance exceed the aggregate of

(*a*) the premium receipts for that year,

(*b*) the reserve for the payment of indemnities, and

(*c*) two hundred thousand dollars.

Terms of Agreement.

Contents of agreement.

5. (1) An agreement shall

(*a*) specify the terms and conditions of the insurance scheme, including

(i) the crops and the area or areas in the province to which the insurance scheme extends,

(ii) the nature of the losses insured against and the manner of ascertaining and determining losses,

(iii) the producers who are eligible for crop insurance,

(iv) the amount of the insurance to be effected on any crop in any area, which shall not exceed sixty per cent of the long-term average yield of the crop in the area,

(v) the period or season during which the insurance in respect of any crop shall be effective,

(vi) the premiums to be paid in respect of any policy of crop insurance, which shall be such as in the opinion of the Governor in Council will make the insurance scheme self-sustaining, and the share of such premiums to be paid by the province, and

(vii) particulars of the policies of insurance to be issued;

(*b*) contain provisions for establishing the value of crops for the purposes of the insurance scheme;

(*c*) set forth those expenses incurred by the province in the administration of the insurance scheme in respect of which contributions will be made by Canada under this Act, and the manner and method of calculating and determining such expenses;

(*d*) stipulate the minimum number of policies of insurance, or the minimum amount of insurance, in respect of any area or any crop required to entitle the province to contributions in respect thereof under this Act;

(*e*) provide for the settlement of differences arising under the agreement;

(*f*) contain a covenant by the province

(i) that it will establish a reserve fund for the payment of indemnities, and

(ii) that all premium receipts will be used only for the payment of indemnities under policies of insurance and not more than fifty per cent of the administration expenses referred to in paragraph (*c*), and

(iii) that it will keep and maintain such records and will furnish to Canada such information as the regulations prescribe; and

(*g*) contain a covenant by Canada to make the contributions and loans that are authorized to be made under this Act.

Amendments.

(2) Subject to the provisions of this Act and the regulations, an agreement may be amended at any time by mutual consent of the parties thereto,

(*a*) with respect to any matter specified in paragraph (*a*) of subsection (1), with the consent of the Minister; and

(*b*) with respect to any other matter, with the consent of the Governor in Council.

REGULATIONS.

Regulations.

6. (1) The Governor in Council may make regulations for the administration of this Act and all agreements and for carrying their purposes and provisions into effect, and, without restricting the generality of the foregoing, may make regulations

(*a*) defining the expression "producer" for the purposes of this Act;

(*b*) for calculating and determining the long-term average yield of any insured crops in any area;

(*c*) prescribing the matters that in addition to those set forth in an agreement shall be included in any insurance scheme;

(*d*) specifying the time and manner of payment of contributions by Canada under this Act; and

(*e*) prescribing the records to be kept by the province and the information to be furnished to Canada.

Alteration of regulations.

(2) No regulation by reference to which an agreement with a province has been made shall be altered except with the consent of the province or in accordance with the regulations to which it has agreed.

PAYMENTS OUT OF CONSOLIDATED REVENUE FUND.

Payment of contributions.

7. (1) Contributions or an advance on account thereof shall be paid by the Minister of Finance out of the Consolidated Revenue Fund upon the certificate of the Minister, but all payments of contributions are subject to the conditions specified in this Act and the regulations and to the observance of the covenants, agreements and undertakings contained in an agreement.

Loans.

(2) All amounts required for the purpose of making any loan to a province under the terms of an agreement shall be paid by the Minister of Finance out of the Consolidated Revenue Fund upon the certificate of the Minister, and shall be repayable upon such terms and conditions, including interest, as are prescribed by the Governor in Council.

DURATION OF AGREEMENT.

Duration of agreement.

8. (1) Subject to subsection (2), every agreement shall continue in force so long as the provincial law remains in operation and the province continues to give full effect to the agreement or until the expiration of five years from the day on which notice of intention to terminate the agreement is given by the Minister with the approval of the Governor in Council to the province with which the agreement was made, but notice of intention to terminate an agreement shall not be given until after the expiration of five years from the day the agreement came into force.

Termination by consent.

(2) An agreement may with the approval of the Governor in Council be terminated at any time by mutual consent of the parties thereto.

Application of Act.

9. (1) The cultivated land of a farmer in any area to which an insurance scheme extends is not eligible for assistance under the *Prairie Farm Assistance Act* if an insured crop is grown by the farmer on any part thereof.

One per cent levy.

(2) Section 11 of the *Prairie Farm Assistance Act* and section 23 of the *Prairie Grain Advance Payments Act* do not apply to the initial payment for grain grown on any land that by virtue of subsection (1) is not eligible for assistance under the *Prairie Farm Assistance Act*.

Definitions.

(3) In this section,

"Cultivated land."

(*a*) "cultivated land" means cultivated land as defined in the *Prairie Farm Assistance Act*; and

"Initial payment."

(*b*) "initial payment" means

(i) with respect to grain sold and delivered to The Canadian Wheat Board, the sum certain per bushel payable therefor under the *Canadian Wheat Board Act*, and

(ii) with respect to grain sold and delivered to any other person, the price paid therefor by the purchaser thereof.

REPORT TO PARLIAMENT.

Report.

10. The Minister shall, as soon as possible after the termination of each fiscal year, submit a report to Parliament respecting the operations for that year of the agreements made under this Act and the payments made to the provinces under each agreement.

COMMENCEMENT.

Commencement.

11. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-67.

An Act to provide for the Extension of Long Term Mortgage Credit to Farmers.

First reading, June 29, 1959.

THE MINISTER OF AGRICULTURE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21372-8—1

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-67.

An Act to provide for the Extension of Long Term Mortgage Credit to Farmers.

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

SHORT TITLE.

Short title.

1. This Act may be cited as the *Farm Credit Act.*

INTERPRETATION.

Definitions.

2. In this Act,

"Appraised value."

(*a*) "appraised value" means the appraised value of property as established under the regulations;

"Borrower."

(*b*) "borrower" means a farmer who has obtained a loan under this Act;

"Chattels."

(*c*) "chattels" means live stock and farm equipment;

"Corporation."

(*d*) "Corporation" means the Farm Credit Corporation established by this Act;

"Farmer."

(*e*) "farmer" means a person whose principal occupation is farming, and, for the purposes of Part II, includes a co-operative farm association and a family farming corporation as defined by regulation;

"Farming."

(*f*) "farming" includes live stock raising, dairying, fruit growing and all tillage of the soil;

"Farm land."

(*g*) "farm land" or "farm" means land that is under occupation and is being farmed by a farmer or land that has been purchased by a farmer for immediate occupation and farming by him, and includes buildings and other improvements thereon;

"Minister."

(*h*) "Minister" means the Minister of Agriculture; and

"Mortgage."

(*i*) "mortgage" includes hypothecs and ventes à réméré.

Explanatory Note.

The purpose of this Bill is to establish a system of long term mortgage credit to farmers. The Bill incorporates the present *Canadian Farm Loan Act* with extensions and in addition adds a new type of supervised farm mortgage credit.

PART I

FARM CREDIT CORPORATION.

Corporation Established.

Corporation established.

3. (1) There shall be a corporation to be called the Farm Credit Corporation consisting of five members, each of whom shall be appointed by the Governor in Council to hold office during pleasure for a term not exceeding ten years.

Chairman and Vice-Chairman.

(2) The Governor in Council shall designate one of the members to be Chairman of the Corporation and one of the members to be Vice-Chairman of the Corporation.

Temporary substitute members.

(3) The Governor in Council may appoint one or more persons to act as a member in the event that any member of the Corporation is absent or unable to act.

Re-appointment.

(4) A member is eligible for re-appointment upon the expiration of his term of office.

Executive.

Chairman chief executive officer.

4. (1) The Chairman is the chief executive officer of the Corporation and has supervision over and direction of the work and staff of the Corporation.

Absence, etc. of Chairman.

(2) If the Chairman is absent or is unable to act or if the office is vacant, the Vice-Chairman has and may exercise all the powers and functions of the Chairman.

Acting Chairman.

(3) The Corporation may authorize one or more of its members to act as Chairman for the time being in the event that the Chairman and Vice-Chairman are absent or unable to act or if the offices are vacant.

Head Office and Quorum.

Head office.

5. (1) The head office of the Corporation shall be at Ottawa.

Quorum.

(2) Three members constitute a quorum of the Corporation.

Vacancy.

(3) A vacancy in the membership of the Corporation does not impair the right of the remainder to act.

Salaries and Expenses of Members.

Salaries, etc.

6. The members shall be paid such salary, fees or other remuneration as the Governor in Council may fix, and each member is entitled to be paid reasonable travelling and other expenses incurred by him in the performance of his duties while away from his ordinary place of residence.

By-Laws.

By-laws.

7. The Corporation may make by-laws for the conduct and management of its business.

Staff.

Staff.

8. (1) The Corporation may employ such officers and employees as it deems necessary for the purpose of this Act and may fix their remuneration and terms and conditions of employment.

Application of *Civil Service Act.*

(2) Any member or employee of the Corporation who, at the time of his appointment or employment under or pursuant to this Act, held a position in the civil service, or was an employee within the meaning of the *Civil Service Act*, retains and is eligible to receive all the benefits, except salary as a civil servant, that he would have retained or been eligible to receive had he remained under that Act.

Advisory Committee.

Advisory committee.

9. (1) The Minister shall appoint an Advisory Committee consisting of a Chairman and at least six but not more than nine other members, the majority of whom shall be farmers or representatives of farm organizations.

Functions.

(2) The Advisory Committee appointed under subsection (1) shall advise the Corporation with respect to such matters arising under this Act as are referred to it by the Minister or the Corporation.

Remuneration and expenses.

(3) The members of the Advisory Committee may be paid for their services such remuneration and expenses as are fixed by the Governor in Council.

Agent of Her Majesty.

Agent of Her Majesty.

10. (1) The Corporation is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

Contracts.

(2) The Corporation may, on behalf of Her Majesty, enter into contracts in the name of Her Majesty or in the name of the Corporation.

Property.

(3) Property acquired by the Corporation is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Corporation.

Actions, suits, etc.

(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by

or against the Corporation in the name of the Corporation in any court that would have jurisdiction if the Corporation were not an agent of Her Majesty.

Surplus Crown Assets Act not applicable.

(5) The *Surplus Crown Assets Act* does not apply to the Corporation or property of the Corporation.

Objects, Purposes and Powers.

Objects, purposes and powers.

11. (1) The objects and purposes of the Corporation are to make and to administer and supervise farm loans as provided in this Act, and for such objects and purposes the Corporation may

(*a*) take and hold mortgages on real and personal property and any other security;

(*b*) acquire, hold and sell or otherwise dispose of real property for its actual use in the operation and management of its business;

(*c*) acquire, by foreclosure or other proceedings or in any other manner, and hold any real and personal property mortgaged to the Corporation and sell, mortgage, lease or otherwise dispose of such property, but any real property so acquired shall be disposed of within five years from the day on which it was acquired or within such further period as the Governor in Council may prescribe;

(*d*) engage the services of appraisers, consultants, advisers or other persons and establish branches or employ agents as may be necessary in the conduct of its business, and may make arrangements with the Director, The Veterans' Land Act for utilizing the services of any persons employed pursuant to the *Veterans' Land Act* in the administration of this Act;

(*e*) make compositions or schemes of arrangement, grant extensions of time and revise, amend or re-negotiate any mortgage or other agreement;

(*f*) take such steps and do all such things as to it appear necessary or desirable to protect the interests of the Corporation;

(*g*) prescribe forms of mortgages, agreements and other documents and execute and deliver deeds, grants, conveyances, transfers, releases, discharges or other documents as may be necessary in the conduct of its business; and

(*h*) generally, do any act or thing incidental or conducive to the exercise of its powers and functions and the conduct of its business.

Determination of principal occupation.

(2) Where a person has two or more major occupations, one of which is farming, the Corporation may determine which of such occupations is his principal occupation for the purposes of this Act.

Financial Provisions.

Capital.

12. At the request of the Corporation, the Minister of Finance may with the approval of the Governor in Council pay to the Corporation, out of the Consolidated Revenue Fund, amounts not exceeding in the aggregate eight million dollars, and the money paid to the Corporation under this section constitutes the capital of the Corporation.

Loans.

13. At the request of the Corporation, the Minister of Finance may, out of the Consolidated Revenue Fund, lend money to the Corporation on such terms and conditions as are approved by the Governor in Council, but the aggregate amount of the loans outstanding made under this section shall not at any time exceed twenty-five times the capital of the Corporation.

Bank accounts.

14. (1) The Corporation shall maintain in its own name one or more accounts in the Bank of Canada, or in one or more chartered banks designated by the Minister of Finance.

Receipts.

(2) All money received by the Corporation through the conduct of its operations or otherwise shall be deposited to the credit of the accounts established pursuant to subsection (1) and shall be administered by the Corporation exclusively in the exercise and performance of its powers, duties and functions.

Investments.

(3) The Corporation may invest any money administered by it in debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada or any province of Canada.

Auditors.

(4) The accounts and financial transactions of the Corporation shall be audited by the Auditor General.

Fiscal year.

(5) The fiscal year of the Corporation is the period of twelve months commencing on the 1st day of April and ending on the 31st day of March next following.

Reserve.

15. (1) The Corporation shall establish a reserve out of which may be paid any losses sustained by the Corporation in the conduct of its business.

Maintenance of reserve.

(2) The Corporation shall at the end of each fiscal year, if the amount standing to the credit of the reserve established under subsection (1) is less than the amount of the capital of the Corporation, credit to the reserve the net earnings of the Corporation in that fiscal year or so much thereof as is required to increase the amount of the reserve to the amount of the capital of the Corporation, and any net earnings of the Corporation remaining shall be paid to the Receiver General of Canada.

Provisions Applicable to All Loans.

General provisions respecting loans.

16. The following provisions are applicable to all loans made by the Corporation under this Act:

(*a*) the proceeds of the loan shall be used for the following purposes only, namely,

(i) to acquire farm land,

(ii) to purchase fertilizers, seed, live stock, tools, machinery and any implements and equipment necessary for the efficient operation of the mortgaged farm,

(iii) to erect farm buildings or to clear, drain, irrigate, fence or make any other permanent improvement to increase the productive value of the mortgaged farm,

(iv) to discharge liabilities, or

(v) any purpose that in the judgment of the Corporation is necessary for the efficient operation of the mortgaged farm or will establish or increase the value of the farming enterprise in respect of which the loan is to be made as an economic unit;

(*b*) loans under this Act shall be made only to farmers who are actually engaged in or are shortly to become engaged in the operation of the mortgaged farm and whose experience, ability and character are such as to warrant the belief that the farm to be mortgaged will be successfully operated;

(*c*) the interest rate on loans shall be a rate that, in the opinion of the Corporation, is sufficient to provide for the interest payable by the Corporation to the Minister of Finance and the expenses of the Corporation, including reasonable provision for reserves against losses;

(*d*) every loan shall be repayable upon such terms as the Corporation may prescribe and within such periods as are prescribed by this Act;

(*e*) notwithstanding anything contained in the *Interest Act*,

(i) every borrower shall be required to pay simple interest on defaulted payments at a rate not exceeding one-half of one per cent per annum plus the rate of interest payable on principal money not in arrears, to pay when due all assessments, taxes and other charges necessary to be paid for the security of the Corporation in respect of the loan and to effect such insurance as the Corporation may require; and

(ii) if any taxes, assessments or charges referred to in subparagraph (i) or any premiums on insurance effected pursuant to subparagraph (i) are not paid when due, the borrower shall be considered in default under the mortgage, and they may be paid by the Corporation and charged to the borrower with interest thereon at the rate for defaulted payments;

(*f*) subject to the *Interest Act* and the regulations, a borrower may at any time repay the whole or part of his loan on any date on which an instalment becomes due; and

(*g*) the mortgage given to secure the loan shall contain a covenant by the borrower

(i) that he will not use the proceeds of the loan for any purposes other than those specified in paragraph (*a*), and

(ii) that he will not, without the consent of the Corporation, dispose of any of the property subject to the mortgage or any interest therein.

Taxes.

Taxes.

17. The Corporation may pay to a municipal or other taxing authority an amount equivalent to the taxes that might be levied in respect of any property held by it or of any interest of the Corporation in property if the Corporation were not an agent of Her Majesty.

Supervision of Farming Operations.

Agreements to supervise farming operations.

18. The Corporation may make an agreement with any borrower for the supervision of his farming operations on such terms and conditions as the Corporation may prescribe in any case where such supervision is not obligatory under this Act.

Regulations.

Regulations.

19. (1) The Corporation may, with the approval of the Governor in Council, make regulations for carrying the purposes and provisions of this Act into effect and, without restricting the generality of the foregoing, may make regulations,

(*a*) establishing the basis and method of determining the appraised value of property for the purposes of this Act, but the appraised value shall be based only on the value of the land for agricultural purposes and as far as possible on the productive value as shown by experience;

(*b*) defining the expressions "economic farm unit", "single farming enterprise", "co-operative farm association" and "family farm corporation" for the purposes of this Act;

(*c*) defining "live stock and farm equipment" for the purposes of this Act and prescribing the kinds or classes thereof on which security may be taken by the Corporation under this Act;

(*d*) prescribing fees for the inspection and supervision of farming operations by the Corporation under this Act;

(*e*) prescribing the maximum and minimum proportions of a loan under Part III that may be based on the appraised value of farm lands or of chattels; and

(*f*) prescribing the charges that may be made against borrowers for the expenses of determination of title and registration of mortgages and other documents, and, subject to paragraph (*d*) of section 26, of appraisals.

Wood lots.

(2) For the purposes of this Act the value of a farm for agricultural purposes may include the commercial value of any part thereof used for the production of forest products.

PART II.

Farm Loans.

Loans to farmers.

20. The Corporation may make a loan to a farmer on the security of a first mortgage on farm lands and such additional security as the Corporation may require.

Amount of loan.

21. (1) The amount of a loan under this Part shall not exceed seventy-five per cent of the appraised value of the farm lands on the security of which the loan is made.

Maximum to one person.

(2) The total amount outstanding of loans made under this Part to any one person, alone or jointly with others, or in respect of a single farming enterprise, shall not exceed twenty thousand dollars.

Term of repayment.

22. A loan made under this Part shall be repayable within a period not exceeding thirty years.

PART III.

Supervised Farm Loans.

Supervised loans.

23. Subject to the provisions of this Part, the Corporation may make loans to farmers upon the security of first mortgages on farm lands and chattels and such additional security as the Corporation may require.

Conditions under which loans may be made.

24. The Corporation may make a loan to a person under this Part if the Corporation is satisfied that

(*a*) the borrower is a farmer who has attained the age of twenty-one years, has not attained the age of forty-five years and has had at least five years' experience in farming; and

(*b*) the farming enterprise in respect of which the loan is to be made is an economic farm unit.

Plan to be submitted.

25. (1) An applicant for a loan under this Part shall submit with his application a plan of farming operations, and no loan shall be made to him unless such plan is approved by the Corporation and the applicant undertakes to follow it.

Amendment of plan.

(2) A plan of farming operations approved by the Corporation under subsection (1) may at any time be amended with the approval of the Corporation.

Provisions applicable to loans.

26. The following provisions are applicable to a loan made under this Part:

(*a*) the loan shall be made on the security of a first mortgage on farm lands and chattels of the borrower and shall be further secured by insurance on the life of the borrower;

(*b*) a loan made to any one person shall not exceed the lesser of

(i) twenty-seven thousand five hundred dollars; or

(ii) seventy-five per cent of the appraised value of the farm lands and chattels on the security of which the loan is made;

(*c*) the portion of the loan based on the appraised value of the land shall be repayable within a period not exceeding thirty years and the remainder of the loan shall be repayable within a period not exceeding ten years; and

(*d*) the borrower shall pay to the Corporation an appraisal fee of two per cent of the amount of the loan or one hundred dollars, whichever is the lesser, and shall pay to the Corporation an annual supervising fee as prescribed by the Corporation.

Mortgage covenants.

27. (1) A mortgage given to secure a loan under this Part shall include a covenant by the borrower that he will follow the plan of farming operations approved by the Corporation, will permit supervision and inspection of his farming operations as required by the Corporation until the principal amount of the loan outstanding has been reduced to sixty-five per cent of the appraised value of the land and will annually submit to the Corporation in such form as the Corporation may prescribe a net worth statement, a statement of revenues and expenditures and such other information respecting his farming operations as the Corporation may require.

Breach.

(2) Upon breach of a covenant mentioned in subsection (1), the loan shall at the option of the Corporation immediately become due and payable.

Not eligible for farm improvement loan.

28. A borrower under this Part is not eligible for a farm improvement loan under the *Farm Improvement Loans Act* unless the principal amount of the loan under this Part outstanding is less than sixty-five per cent of the appraised value of the farm lands on which the loan is secured, or twenty thousand dollars, whichever is the lesser.

PART IV.

Transitional and Repeal.

Staff continued.

29. All persons who on the day this Act comes into force are officers or employees of the Canadian Farm Loan Board shall be deemed on that day to have been appointed under subsection (1) of section 8.

Farm Credit Corporation successor to Canadian Farm Loan Board.

30. (1) The Farm Credit Corporation is hereby declared to be the successor to the Canadian Farm Loan Board and all property, rights, obligations and liabilities of the Canadian Farm Loan Board existing immediately before the day on which this Act comes into force shall be deemed to be property, rights, obligations and liabilities of the Farm Credit Corporation on and from that day.

Reserve continued.

(2) The amount that at the coming into force of this Act is standing to the credit of the reserve established under section 9 of the *Canadian Farm Loan Act* shall be deemed to have been established as a reserve under section 15 of this Act.

Substitution.

(3) Whenever in any Act, order, regulation, mortgage, contract or other document there is a reference to the Canadian Farm Loan Board or the *Canadian Farm Loan Act* there shall in each and every case be substituted therefor a reference to the Farm Credit Corporation and to this Act respectively.

Outstanding shares cancelled.

(4) The shares of capital stock of the Canadian Farm Loan Board issued and outstanding at the coming into force of this Act are hereby cancelled and an amount equal to the par value thereof shall be deemed to have been paid to the Corporation by the Minister of Finance under section 12.

Repeal

31. The *Canadian Farm Loan Act* is repealed.

Commencement.

32. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-68.

An Act to amend the Maritime Coal Production Assistance Act and to authorize certain Amendments to the Agreement made under that Act with Dominion Coal Company, Limited.

First reading, June 30, 1959.

THE MINISTER OF MINES AND TECHNICAL SURVEYS.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21382-7

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-68.

An Act to amend the Maritime Coal Production Assistance Act and to authorize certain Amendments to the Agreement made under that Act with Dominion Coal Company, Limited.

R.S., c 173; 1958, c. 36.

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 *Maritime Coal Production Assistance Act* is repealed and the following substituted therefor:

"An Act to assist Producers of Coal in Canada."

2. Section 1 of the said Act is repealed and the following substituted therefor:

Short title.

"**1.** This Act may be cited as the *Coal Production Assistance Act*."

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

"Coal producer."

"(*a*) "coal producer" means the operator of a coal mine engaged in the production or in the production and processing of coal in Canada;"

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

"Minister."

"(*c*) "Minister" means the Minister of Mines and Technical Surveys; and"

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

Aggregate amounts of loans.

"**6.** The aggregate principal amount of loans made to coal producers under this Act shall not exceed twenty million dollars and the aggregate principal amount of loans made under this Act to any one coal producer shall not exceed twelve million dollars."

Explanatory Notes.

1. and **2.** The proposed amendments to the long and short titles of the *Maritime Coal Production Assistance Act* will reflect its extended coverage to coal producers in all parts of Canada.

3. (1) Paragraph (*a*) of section 2 of the Act now reads:

"(*a*) "coal producer" means the operator of a coal mine engaged in the production or in the production and processing of coal in the *Atlantic Maritime Provinces;*"

The proposed amendment will extend the application of the Act to coal producers in all parts of Canada.

(2) Paragraph (*c*) of section 2 of the Act now reads:

"(c) "Minister" means the *Minister of Trade and Commerce;* and"

The administration of the Act has been transferred to the Minister of Mines and Technical Surveys pursuant to the *Public Service Re-arrangement and Transfer of Duties Act.*

4. Section 6 of the Act now reads:

"**6.** The aggregate principal amount of loans made to coal producers under this Act shall not exceed *ten* million dollars and the aggregate principal amount of loans made under this Act to any one coal producer shall not exceed *seven and one-half* million dollars."

In view of the extension of the Act for an additional period of five years, it is necessary to increase to twenty million dollars the aggregate principal amount that may be loaned. The proposed amendment will also increase to twelve million dollars the aggregate principal amount of loans that can be made to any one coal producer.

5. Section 7 of the said Act is repealed and the following substituted therefor:

Limitation.

"**7.** No agreements shall be made under section 3 after the 31st day of October, 1964."

1958, c. 36.

6. (1) Notwithstanding anything in the said Act, the Minister may enter into an agreement with the Dominion Coal Company Limited (hereinafter called "the Company") to amend the agreement made under that Act with the Company on the 14th day of March, 1950 (as amended by agreements made with the Company on the 25th day of May, 1956 and on the 24th day of February, 1959) so as to provide for

(*a*) the removal of any obligation on the part of the Company, during or in respect of the period commencing on the 1st day of July, 1957 and ending on the 31st day of December, 1962 to make any repayments of the loan made to the Company under the said agreement;

(*b*) the resumption of repayments by the Company of the loan in consecutive semi-annual payments to be computed, as contemplated in the original repayment terms of the agreement, at thirty cents per ton of coal produced during the six months period immediately preceding each repayment date, such repayments to commence on the 30th day of June, 1963 and to continue thereafter until the full amount of the loan has been repaid;

(*c*) an obligation on the part of the Company to repay on the 30th day of June, 1970 the balance, if any, then outstanding;

(*d*) an increase in the rate of interest payable on the loan to four per cent per annum with effect from the 1st day of July, 1957; and

(*e*) such other amendments with respect to the security given or to be given by the Company or with respect to any other provision of the agreement as the Minister may deem necessary for the proper carrying out of the amendments described in paragraphs (*a*), (*b*), (*c*) and (*d*).

(2) Amendments, made pursuant to subsection (1), to the agreement with Dominion Coal Company Limited shall have effect on such day prior to the coming into force of this section as may be agreed upon by the Minister and the Company.

5. Section 7 of the Act now reads:

"**7.** No agreements shall be made under section 3 after the 31st day of October, *1959*."

The proposed amendment will extend the operation of the Act for a further period of five years.

6. The purpose of this provision is to authorize amendments to a loan agreement made with Dominion Coal Company Limited. Repayment terms of that agreement were in accordance with section 4 of the Act which reads as follows:

"**4.** (1) A loan shall bear interest at a rate fixed by the Governor in Council based on the average rate of interest return that the Minister of Finance determines is yielded by bonds of the Government of Canada of a term comparable with that of the loan or, if there are no such bonds outstanding, that would in the opinion of the Minister of Finance be yielded by such bonds, and shall be repaid by semi-annual payments at a rate of not less than thirty cents per net ton of coal produced by the mines in respect of which the loan was made.

(2) The semi-annual payments mentioned in subsection (1) shall commence in the year after the last instalment of the loan is made or the date fixed in the agreement for the completion of the project, whichever is the earliest; and the loan shall be repaid within fifteen years after the first payment is due.

(3) A loan shall be secured by a first charge or mortgage in favour of Her Majesty on the mine and equipment in respect of which the loan is made or on other property of the coal producer or by such other security as the Minister may approve."

The proposed amendments to the loan agreement will remove the obligation of the Company to make repayments during or in respect of a period from July 1st, 1957 to December 31st, 1962; the Company to resume repayments on June 30th, 1963 in accordance with the original repayment terms, to complete repayment within the original fifteen year period ending on June 30th, 1970 and to pay additional interest of one-half per cent per annum as from July 1, 1957.

C-69.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-69.

An Act to amend the British North America Acts, 1867 to 1952, with respect to Representation in the Senate.

First reading, July 6, 1959.

MR. NIELSEN.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21561-6

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-69.

An Act to amend the British North America Acts, 1867 to 1952, with respect to Representation in the Senate.

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

1. Sections 21 and 22 of the British North America Act, 1867, are repealed and the following substituted therefor:

Number of Senators.

"**21.** The Senate shall, subject to the Provisions of this Act, consist of One Hundred and Four Members, who shall be styled Senators."

Representation of Provinces and Territories in Senate.

"**22.** In relation to the Constitution of the Senate Canada shall be deemed to consist of Four Divisions:—

1. Ontario;
2. Quebec;
3. The Maritime Provinces, Nova Scotia, New Brunswick and Prince Edward Island;
4. The Western Provinces of Manitoba, British Columbia, Saskatchewan and Alberta;

which Four Divisions shall (subject to the Provisions of this Act) be equally represented in the Senate as follows: Ontario by twenty-four senators; Quebec by twenty-four senators; the Maritime Provinces and Prince Edward Island by twenty-four senators; ten thereof representing Nova Scotia, ten thereof representing New Brunswick, and four thereof representing Prince Edward Island; the Western Provinces by twenty-four senators, six thereof representing Manitoba, six thereof representing British Columbia, six thereof representing Saskatchewan, and six thereof representing Alberta.

Newfoundland shall be entitled to be represented in the Senate by six members.

Explanatory Notes.

Sections 1 and 2 of the British North America Act, 1886 read as follows:

"**1.** The Parliament of Canada may from time to time make provision for the representation in the Senate and House of Commons of Canada, or in either of them, of any territories which for the time being form part of the Dominion of Canada, but are not included in any province thereof.

"**2.** Any Act passed by the Parliament of Canada before the passing of this Act for the purpose mentioned in this Act shall, if not disallowed by the Queen, be, and shall be deemed to have been, valid and effectual from the date at which it received the assent, in Her Majesty's name, of the Governor General of Canada."

The purpose of this Bill is to make provision for representation in the Senate of territories which form part of the Dominion of Canada, but are not included in any province thereof, as authorized by the Act of 1886.

The Yukon Territory as constituted by chapter 41 of the Statutes of Canada, 1901, and such other part of Canada not comprised within a province as may from time to time be defined by the Parliament of Canada shall be entitled to be represented in the Senate by two members, one for the Yukon Territory and one for such other part of Canada not comprised within a province.

In the case of Quebec each of the Twenty-four Senators representing that Province shall be appointed for One of the Twenty-four Electoral Divisions of Lower Canada specified in Schedule A to Chapter One of the Consolidated Statutes of Canada."

2. Section 28 of the said Act is repealed and the following substituted therefor:

Maximum number of Senators.

"**28.** The number of Senators shall not at any time exceed One Hundred and Twelve."

Short title and citation.

3. This Act may be cited as the *British North America Act, 1959*, and the *British North America Acts, 1867 to 1952*, and this Act may be cited together as the *British North America Acts, 1867 to 1959*.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-70.

An Act to amend the Combines Investigation Act and the Criminal Code.

First reading, July 9, 1959.

THE MINISTER OF JUSTICE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21589-7

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-70.

An Act to amend the Combines Investigation Act and the Criminal Code.

R.S., c. 314; 1953-54, c. 51.

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

1. The *Combines Investigation Act* is amended by adding thereto, immediately after section 32 thereof, the following section:

Misrepresentations as to ordinary price.

"**32A.** Every one who, for the purpose of promoting the sale or use of an article or commodity, makes any materially misleading representation to the public, by any means whatever, concerning the price at which such or like articles or commodities have been, are, or will be, ordinarily sold, is guilty of an offence punishable on summary conviction."

2. Section 34 of the said Act is amended by adding thereto the following subsection:

Defences.

"(5) Where, in a prosecution under this section, it is proved that the person charged refused or counselled the refusal to sell or supply an article or commodity to any other person, no inference unfavourable to the person charged shall be drawn from such evidence if he satisfies the court that he had reasonable cause to believe and did believe

(*a*) that the other person was persistently using articles or commodities supplied by the person charged as loss-leaders, that is to say, not for the purpose of making a profit thereon but for purposes of advertising;

(*b*) that the other person was persistently using articles or commodities supplied by the person charged not for the purpose of selling such articles or commodities at a profit but for the purpose of attracting customers to his store in the hope of selling them other articles or commodities;

(*c*) that the other person was persistently engaging in misleading advertising in respect of articles or commodities supplied by the person charged;

(*d*) that the other person was persistently failing to provide the level of servicing that purchasers of such articles or commodities might reasonably expect from such other person; or

(*e*) that the other person was persistently and unfairly disparaging the value of an article or commodity supplied by the person charged, in relation to its price or otherwise."

3. Paragraphs (*b*) and (*c*) of subsection (1) of section 412 of the *Criminal Code* are repealed and the following substituted therefor:

Lower prices in particular area.

"(*b*) engages in a policy of selling goods in any area of Canada at prices lower than those exacted by such seller elsewhere in Canada, having or designed to have the effect or tendency of substantially lessening competition or eliminating a competitor in such part of Canada; or

Lessening prices.

(*c*) engages in a policy of selling goods at prices unreasonably low, having or designed to have the effect or tendency of substantially lessening competition or eliminating a competitor,"

Application of Acts to fishing agreements.

4. Nothing in the *Combines Investigation Act* or in section 411 of the *Criminal Code* shall be construed to apply to any contract, agreement or arrangement between fishermen or associations of fishermen in British Colombia, and persons or associations of persons engaged in the buying or processing of fish in British Columbia, relating to the prices, remuneration or other conditions under which fish will be caught and supplied to such persons by fishermen between the 1st day of January, 1959 and the 31st day of December, 1960.

C-71.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-71.

An Act to Provide for the Humane Slaughter of Food Animals.

First reading, July 11, 1959.

THE MINISTER OF AGRICULTURE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

21607-7

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-71.

An Act to Provide for the Humane Slaughter of Food Animals.

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 *Humane Slaughter of Food Animals Act.*

Interpretation.

Definitions. "Establishment."

2. In this Act

(*a*) "establishment" means an establishment that is registered under the *Meat Inspection Act* and in which meat products are prepared;

"Food animal."

(*b*) "food animal" means cattle, swine, sheep, goat or horse; and

"Meat product."

(*c*) "meat product" means

(i) a food animal carcass,

(ii) the product or by-product of a food animal carcass, and

(iii) a food product containing any product or by-product mentioned in subparagraph (ii).

Export and Interprovincial Movement.

Compliance with regulations prescribing manner of slaughter.

3. No person shall export out of Canada, or send or convey from one province to another, any meat product prepared in an establishment unless

(*a*) the food animal from which the meat product was derived was slaughtered in the manner prescribed by the regulations, and

(*b*) the establishment meets the requirements of the regulations.

Regulations.

Regulations.

4. The Governor in Council may, for the purpose of ensuring humane slaughter of food animals in an establishment, make regulations respecting the manner of, and methods and devices to be employed in, the slaughter of food animals in an establishment.

Offences.

Offences.

5. (1) Every person who or whose employee or agent has violated any provision of this Act is guilty of an offence and is liable

(*a*) on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment, or

(*b*) upon conviction on indictment to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment.

Evidence.

(2) In a prosecution for a violation of this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence.

Venue.

(3) Proceedings in respect of an offence under this Act may be instituted, carried on and concluded at the place where the offence was committed or where the accused resides or carries on business.

Powers of Inspectors.

Inspectors.

6. Every inspector appointed, designated or employed under the *Meat Inspection Act* may for the purposes of this Act exercise all the powers he has under the *Meat Inspection Act*.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-72.

An Act to Provide for the Payment of Additional Grants to the Province of Newfoundland.

First reading, July 13, 1959.

THE MINISTER OF FINANCE.

20892-6 THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-72.

An Act to Provide for the Payment of Additional Grants to the Province of Newfoundland.

WHEREAS Term 29 of the Terms of Union of Newfoundland with Canada provided that, in view of the difficulty of predicting with sufficient accuracy the financial consequences to Newfoundland of becoming a province of Canada, the Government of Canada would appoint a Royal Commission within eight years from the date of Union to review the financial position of the Province of Newfoundland and to recommend the form and scale of additional financial assistance, if any, that might be required by the Government of the Province of Newfoundland to enable it to continue public services at the levels and standards reached subsequent to the date of Union, without resorting to taxation more burdensome, having regard to capacity to pay, than that obtaining generally in the region comprising the Maritime Provinces of Nova Scotia, New Brunwsick, and Prince Edward Island; and

WHEREAS pursuant to Term 29, by Order in Council P.C. 257 of the 21st day of February, 1957, a Royal Commission composed of The Honourable John Babbitt McNair, The Chief Justice of the Supreme Court of New Brunswick, Fredericton, New Brunswick, The Honourable Sir Albert Joseph Walsh, The Chief Justice of the Supreme Court of Newfoundland, St. John's, Newfoundland, and Mr. John James Deutsch, Vancouver, British Columbia, was constituted under Part I of the *Inquiries Act;* and

WHEREAS the Royal Commission in a report to His Excellency the Governor General in Council, dated the 31st day of May, 1958, made certain recommendations for payment by Canada to the Province of Newfoundland; and

WHEREAS both the Government of the Province of Newfoundland and the Government of Canada have recognized the great difficulties inherent in determining future payments on an equitable basis from the experience of one selected year; and

Explanatory Note.

The purpose of this Bill is to authorize the payment of additional annual grants to the Province of Newfoundland in accordance with the scale contained in the Report of the Royal Commission on Newfoundland Finances that was appointed as required by Term 29 of the Terms of Union of Newfoundland with Canada.

WHEREAS since the report of the Royal Commission was made, the Government of Canada has proposed a comprehensive study of Dominion-Provincial financial relations in co-operation with the Provinces, and all the Provinces have agreed to participate therein; and

WHEREAS in the course of such a review any special circumstances relating to the financial position of the Province of Newfoundland after the 31st day of March, 1962, would be taken into consideration; and

WHEREAS pursuant to the recommendations made by the Royal Commission established in fulfilment of the obligation of the Government of Canada under the said Term 29, it is now desirable to enact a measure to provide for additional grants to the Province of Newfoundland;

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 *Newfoundland Additional Grants Act.*

ADDITIONAL GRANTS.

Payment of additional grants.

2. There shall be paid to the Province of Newfoundland out of the Consolidated Revenue Fund in respect of the fiscal years set forth in this section, additional grants as follows:

Fiscal year 1957-58	$6,600,000
Fiscal year 1958-59	6,950,000
Fiscal year 1959-60	7,300,000
Fiscal year 1960-61	7,650,000
Fiscal year 1961-62	8,000,000.

Time of payment.

3. (1) The grants payable under this Act in respect of the fiscal years 1957-58 and 1958-59 shall be paid immediately upon the coming into force of this Act, and shall be recorded in the Accounts of Canada as transactions for the 1958-59 fiscal year.

Idem.

(2) One-half of the grant payable under this Act in respect of the fiscal year 1959-60 shall be paid immediately upon the coming into force of this Act and the balance thereof on the 1st day of January, 1960, and the grant payable under this Act in respect of a subsequent fiscal year shall be paid as follows, namely, one-half thereof on the 1st day of July next following the beginning of the fiscal year and the balance thereof on the 1st day of January next thereafter.

C-73.

Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-73.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1960.

AS PASSED BY THE HOUSE OF COMMONS, 18th JULY, 1959.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

20631-8

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

THE HOUSE OF COMMONS OF CANADA.

BILL C-73.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1960.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, the Right Honourable Vincent Massey, Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1960, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act No. 5, 1959.*

$2,509,880,956.37 granted for 1959–60.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole two billion, five hundred and nine million, eight hundred and eighty thousand, nine hundred and fifty-six dollars and thirty-seven cents towards defraying the several charges and expenses of the public service, from the 1st day of April, 1959, to the 31st day of March, 1960, not otherwise provided for, and being the aggregate of

(*a*) the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1960, as contained in Schedule A, less the Amounts voted on account of the said items by the *Appropriation Act No. 2, 1959*, and the *Appropriation Act No. 4, 1959*, $2,409,439,428.04; and

(*b*) the total of the amounts of the items set forth in the Supplementary Estimates for the fiscal year ending the 31st day of March, 1960, as contained in Schedule B, less the amounts voted on account of the said items by the *Appropriation Act No. 4, 1959*, $100,441,528.33.

Purpose and effect of each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedules shall be deemed to have been enacted by Parliament on the 1st day of April, 1959.

Power to raise loan of $500,000,000 for public works and general purposes.

4. The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of five hundred million dollars, as may be required for public works and general purposes.

Account to be rendered.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A

Based on the Main Estimates, 1959-60. The amount hereby granted is $2,409,439,428.04 being the total of the amounts of the items in the Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 2, 1959*, and the *Appropriation Act, No. 4, 1959*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1960, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	ADMINISTRATION BRANCH		
1	Departmental Administration, including Advisory Committee on Agricultural Services	747,531	
2	Information Division	622,790	
3	Contributions to Commonwealth Agricultural Bureaux in a total amount of £46,384, notwithstanding that payments may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1958, which is	125,599	
4	Economics Division	726,985	
	RESEARCH BRANCH		
5	Branch Administration, including an amount of $187,420 for grants in aid of agricultural research in universities and other scientific organizations in Canada	1,752,025	
	Research Institutes, Regional Laboratories, Branch Farms and Research Services—		
6	Operation and Maintenance	21,151,451	
7	Construction or Acquisition of Buildings, Works, Land and Equipment	7,187,248	
	PRODUCTION AND MARKETING BRANCH		
8	Branch Administration, including Marketing of Agricultural Products	890,029	
9	Agricultural Products Board Administration	10,000	
10	Agricultural Stabilization Act Administration	103,710	
11	Subsidies for Cold Storage Warehouses under the Cold Storage Act, in the amounts detailed in the Estimates	235,500	
	Dairy Products Division—		
12	Operation and Maintenance	901,306	
13	Grants and other assistance in accordance with the Cheese and Cheese Factory Improvement Act	985,676	
	Fruit and Vegetable Division, including Maple Products and Honey—		
14	Operation and Maintenance	1,880,989	
15	Assistance in construction of potato warehouses under terms and conditions approved by the Governor in Council	25,000	
	Health of Animals Division—		
16	Administration of Animal Contagious Diseases Act, and Meat and Canned Foods Act	6,957,334	
17	Animal Pathology	1,079,437	
18	Construction or Acquisition of Buildings, Works, Land and Equipment	343,540	
19	Compensation for animals slaughtered	1,500,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE—*Concluded*		
	PRODUCTION AND MARKETING BRANCH—*Concluded*		
	Livestock Division—		
20	Operation and Maintenance, including premiums on pure bred sires and contributions for livestock improvement; stockyard supervision and furs	2,553,666	
21	Supervision of Race Track Betting	591,315	
22	Grants to Agricultural Fairs, Exhibitions and Museums in accordance with regulations of the Governor in Council; payments pursuant to agreements in force on March 31, 1959, with Exhibitions covering the construction of buildings and other major undertakings; and a grant of $50,000 to the Royal Agricultural Winter Fair, Toronto, and Freight Assistance on Livestock Shipments for Exhibition thereat	923,600	
23	Special Grant to Royal Agricultural Winter Fair, Toronto	15,000	
24	Grants to Agricultural Organizations as detailed in the Estimates	224,250	
25	Quality Premiums on High Grade Hog Carcasses and Administration Costs	6,500,000	
	Plant Products Division—		
26	Operation and Maintenance, including Seeds, Feeds, Fertilizers, Insecticides and Fungicides Control	1,743,872	
27	Freight Assistance on Western Feed Grains	20,000,000	
28	Agricultural Lime Assistance	700,000	
29	Plant Protection Division	1,032,318	
30	Poultry Division	1,130,289	
	SPECIAL		
31	Prairie Farm Rehabilitation Act and Water Storage	5,153,000	
32	Major Irrigation and Reclamation Projects in the Western Provinces, including payments in respect of the South Saskatchewan River Project to be made in accordance with the Agreement that was entered into between the Government of Canada and the Government of the Province of Saskatchewan on the 25th day of July, 1958	14,649,128	
33	Assiniboine and Qu'Appelle Rivers—Dyking and Cut-Offs	150,000	
34	Land Protection and Reclamation; Clearing and Settlement of New Lands under terms and conditions approved by the Governor in Council	500,000	
35	Maritime Marshland Rehabilitation Act	2,357,195	
36	Prairie Farm Assistance Act Administration	630,069	
			106,079,852
	ATOMIC ENERGY		
	ATOMIC ENERGY CONTROL BOARD		
37	Administration Expenses of the Atomic Energy Control Board	62,800	
38	Grants for Researches and Investigations with respect to Atomic Energy	650,000	
	ATOMIC ENERGY OF CANADA LIMITED (RESEARCH PROGRAM)		
39	Current Operation and Maintenance, including expendable research equipment	20,582,800	
40	Construction or Acquisition of Buildings, Works, Land and Equipment and to authorize Central Mortgage and Housing Corporation to undertake construction of works at Deep River for Atomic Energy of Canada Limited	10,796,700	
			32,092,300

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	AUDITOR GENERAL'S OFFICE		
41	Salaries and Expenses of Office, and to ratify payments totalling $11,728.15, made as salary to F. C. Wynne, Auditor 2, in respect of the period from the 9th day of October, 1955, when he automatically ceased to be employed in the Public Service having attained seventy years of age, to the 14th day of March, 1958, when he ceased to render services to Her Majesty, as if he had been employed	.....	875,010
	BOARD OF BROADCAST GOVERNORS		
42	Salaries and Expenses of the Board	.....	200,000
	CANADIAN BROADCASTING CORPORATION		
43	Grant in respect of the net operating requirements of the Radio and Television Services	58,404,000	
44	Grant for the capital requirements, including the replacement of existing capital assets, of the Radio and Television Services	9,197,000	
	INTERNATIONAL SHORTWAVE BROADCASTING SERVICE		
45	Maintenance and Operation including authority to credit to this Appropriation revenue from the rental of facilities in the Radio-Canada Building and at Sackville, N.B., to an amount of $331,500 and to re-expend these moneys for the purposes of the International Service	1,983,225	
46	Construction or Acquisition of Buildings, Works, Land and Equipment, including Supervision	57,750	
			69,641,975
	OFFICE OF THE CHIEF ELECTORAL OFFICER		
47	Salaries and Expenses of Office	.....	79,420
	CITIZENSHIP AND IMMIGRATION		
48	Departmental Administration	774,401	
	CITIZENSHIP		
49	Citizenship Registration Branch	477,571	
50	Citizenship Branch	881,109	
51	Grants to Organizations as detailed in the Estimates	40,000	
	IMMIGRATION BRANCH		
52	Administration of the Immigration Act	1,199,386	
53	Field and Inspectional Service, Canada, including $13,000 for Grants to Immigrant Welfare Organizations	6,899,092	
54	Field and Inspectional Service, Abroad	2,261,296	
55	Trans-Oceanic and Inland Transportation and Other Assistance for Immigrants and Settlers, subject to the approval of Treasury Board, including care en route and while awaiting employment; and payments to the Provinces pursuant to agreements entered into, with the approval of the Governor in Council, in respect of expenses incurred by the Provinces for indigent immigrants	3,100,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	CITIZENSHIP AND IMMIGRATION—*Concluded*		
	INDIAN AFFAIRS BRANCH		
56	Administration	680,907	
	Indian Agencies—		
57	Operation and Maintenance	3,728,028	
58	Construction or Acquisition of Buildings, Works, Land and Equipment	1,141,130	
	Reserves and Trusts—		
59	Operation and Maintenance	367,421	
	Welfare of Indians—		
60	Operation and Maintenance	6,817,932	
61	Construction or Acquisition of Buildings, Works, Land and Equipment	2,015,000	
	Economic Development of Indians—		
62	Operation and Maintenance including an amount of $5,700 for Grants to promote Indian Agriculture, Handicrafts and Economic Enterprises Generally	867,272	
63	Construction or Acquisition of Buildings, Works, Land and Equipment	213,985	
	Education—		
64	Administration, Operation and Maintenance	17,734,854	
65	Construction or Acquisition of Buildings, Works, Land and Equipment, including payments under agreements to provide Joint Educational Facilities to Indian Pupils	7,362,500	
66	Grant to provide Additional Services to the Indians of British Columbia	100,000	
			56,661,884
	CIVIL SERVICE COMMISSION		
67	Salaries and Contingencies of the Commission	.....	3,661,089
	DEFENCE PRODUCTION		
	A—DEPARTMENT		
68	Departmental Administration	7,507,609	
69	Care, Maintenance and Custody of Standby Defence Plants, Buildings, Machine Tools and Production Tooling	882,011	
70	For the establishment of production capacity and for capital assistance for the construction, acquisition, extension or improvement of capital equipment or works by private contractors engaged in defence contracts, or by Crown Plants operated on a management-fee basis, or by Crown Companies under direction of the Minister of Defence Production, subject to the approval of Treasury Board	2,907,000	
71	Grants to municipalities in lieu of taxes on Crown-owned defence plants operated by private contractors	100,000	
72	To establish qualified sources for the production of component parts and materials subject to the approval of Treasury Board	500,000	
	B—CROWN COMPANIES		
73	Expenses incurred by Defence Construction (1951) Limited in procuring the construction of defence projects on behalf of the Department of National Defence and procuring the construction of such other projects as are approved by Treasury Board	3,349,237	
	Canadian Arsenals Limited—		
74	Administration and Operation	2,000,000	
75	Construction, Improvements and Equipment	1,128,288	
			18,374,145

SCHEDULE A—*Continued*

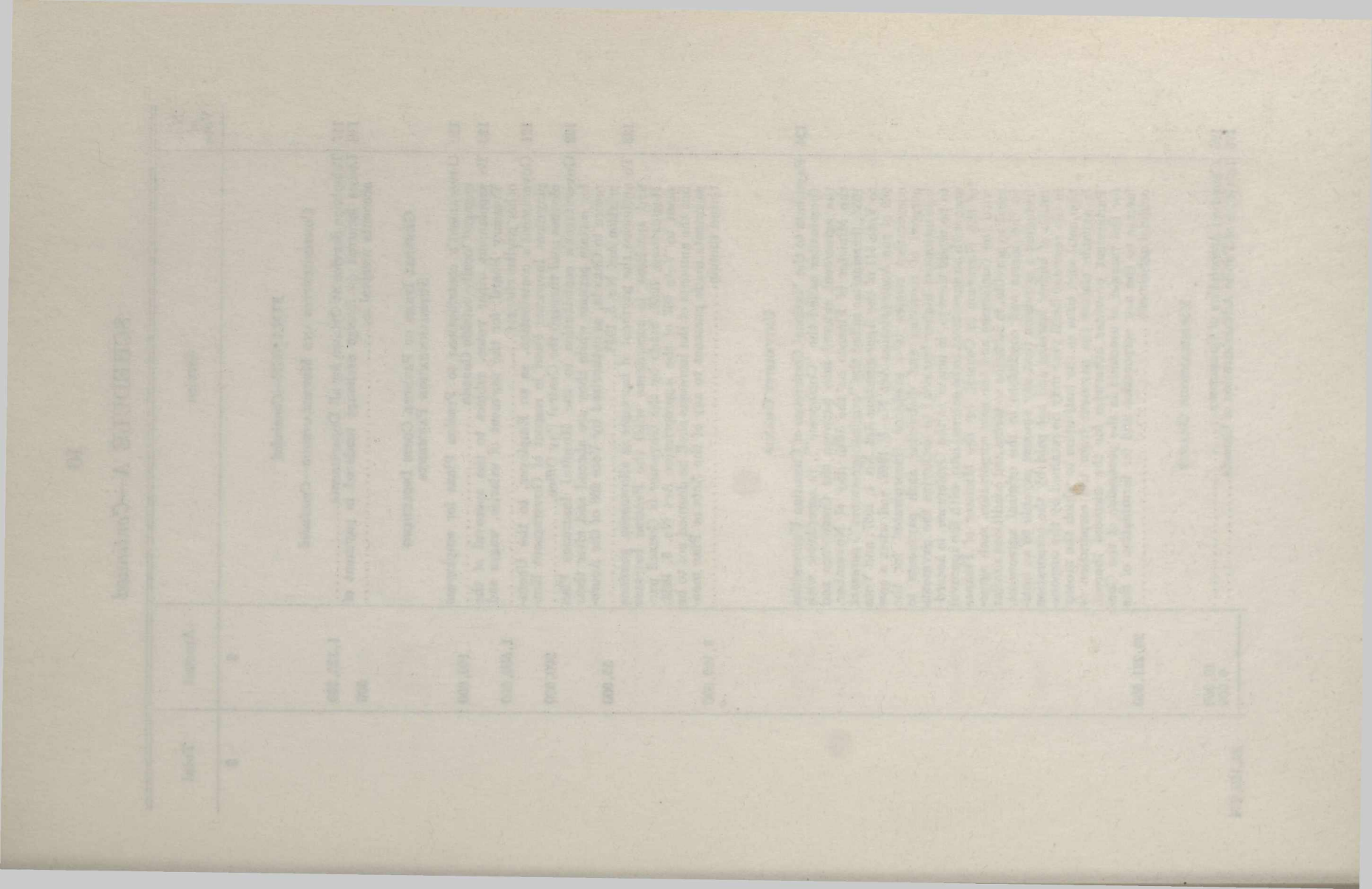
No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS		
	A—Department and Missions Abroad		
76	Departmental Administration	6,319,803	
77	Representation Abroad—Operational—including authority, notwithstanding the Civil Service Act, for the appointment and fixing of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff by the Governor in Council	9,606,439	
78	Representation Abroad—Construction, acquisition or improvement of buildings, works, land, equipment and furnishings, and to the extent that blocked funds are available for these expenditures, to provide for payment from these foreign currencies owned by Canada and provided only for governmental or other limited purposes	1,565,405	
79	Official Hospitality	40,000	
80	Relief and repatriation of distressed Canadian citizens abroad and their dependents, and the reimbursement of the United Kingdom for relief expenditures incurred by its Diplomatic and Consular Posts on Canadian account (part recoverable)	15,000	
81	Canadian Representation at International Conferences	243,000	
82	Grant to the United Nations Association in Canada	11,000	
83	Grant to the International Committee of the Red Cross	15,000	
84	Grant to the Canadian Atlantic Co-ordinating Committee	2,500	
	B—General		
85	Canadian Government's Assessment for Membership in the International (including Commonwealth) Organizations that are detailed in the Estimates, including authority to pay such assessments in the amounts and in the currencies in which they are levied; amount required in Canadian dollars, estimated as of December, 1958	3,838,519	
86	Canadian Government's Contribution to the United Nations Expanded Program for Technical Assistance to Under-Developed Countries in an amount of $2,000,000 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1958, which is	1,931,250	
87	Canadian Government's Contribution to the United Nations Technical Assistance Administration Training Centre at the University of British Columbia	10,000	
88	Canadian Government's Contribution to the United Nations Special Fund in an amount of $2,000,000 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1958, which is	1,931,250	
89	Contribution to the United Nations Children's Fund	650,000	
	North Atlantic Treaty Organization		
90	Special Administrative Expenses including payment of remuneration, subject to the approval of the Governor in Council and notwithstanding the Civil Service Act, in connection with the assignment by the Canadian Government of Canadians to the international staff of the North Atlantic Treaty Organization (part recoverable from the North Atlantic Treaty Organization.)	60,245	
91	Canadian Government's Contribution to the North Atlantic Treaty Organization's Science Fellowships and Advanced Studies Institutes Programs in an amount of $44,060 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1958, which is	42,545	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS—*Continued*		
	B—General—*Continued*		
	North Atlantic Treaty Organization—*Concluded*		
92	Further Contribution by the Canadian Government towards the cost of constructing the North Atlantic Treaty Organization Permanent Headquarters in an amount of 54,072,000 French francs, notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1958, which is	124,420	
	International Civil Aviation Organization		
93	To provide the International Civil Aviation Organization with office accommodation at less than commercial rates	214,594	
94	Payment to the International Civil Aviation Organization in part reimbursement of compensation paid to its Canadian employees for Quebec income tax for the 1958 taxation year	9,000	
	Pensions and Other Benefits		
95	To authorize payment of a pension during the current and subsequent fiscal years, notwithstanding anything contained in the Financial Administration Act or any other Act or Law, to Hilda L. Waddell, a former locally-engaged employee, at an annual rate of 60,000 Brazilian cruzeiros, notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1958, which is	412	
	International Joint Commission		
96	Salaries and Expenses of the Commission including, subject to the approval of the Governor in Council and notwithstanding the International Boundary Waters Treaty Act, as amended payment of salary of the Chairman at $17,500 per annum	112,124	
97	Canada's share of the expenses of studies, surveys and investigations of the International Joint Commission	116,110	
	Special		
98	Colombo Plan	50,000,000	
99	Canadian Government's Assessment for Membership in the Inter-Governmental Committee for European Migration in an amount of $234,875 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1958, which is	226,801	
100	Grant by the Canadian Government to the United Nations Refugee Fund	290,000	
101	Canadian participation in the work of the European Productivity Agency of the Organization for European Economic Co-operation	20,000	
102	Contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East	500,000	
103	Canada's civilian participation as a member of the International Commissions for Supervision and Control in Indo-China including authority, notwithstanding the Civil Service Act, for the appointment and fixing of salaries of Commissioners, Secretaries and staff by the Governor in Council	270,984	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS—*Concluded*		
	B—General—*Concluded*		
	Special—*Concluded*		
104	Technical Assistance to Commonwealth Countries and Territories other than those eligible for assistance under the Colombo Plan or West Indies Assistance Program	500,000	
105	West Indies Assistance Program	2,100,000	
			80,766,401
	FINANCE		
	General Administration		
106	Departmental Administration	2,461,599	
107	Comptroller of the Treasury— Central Office and Branch Offices Administration	18,213,329	
	Administration of Various Acts and Costs of Special Functions		
108	Superannuation and Retirement Acts Administration	685,425	
109	The Bank Act—Salaries and Expenses of the Inspector General of Banks' Office	32,810	
110	Administration of the Farm Improvement Loans Act, the Veterans' Business and Professional Loans Act, the Fisheries Improvement Loans Act and the Prairie Grain Producers' Interim Financing Act	101,530	
111	Tariff Board— Administration	151,481	
112	Royal Canadian Mint— Administration, Operation and Maintenance	1,187,135	
113	Construction or Acquisition of Equipment	117,395	
	Subsidies and Other Payments to Provinces		
	Special Payments to Provinces		
114	Payments to the Government of each Province, in respect of income tax collected from corporations whose main business is the distribution to or generation for distribution to the public of electrical energy, gas or steam, of amounts computed in accordance with section 6 of The Tax Rental Agreements Act, 1952, as if the last two lines of subsection (1) of that section read as follows: ". . . ending on the thirty-first day of December, one thousand nine hundred and fifty-seven"	9,000,000	
	Payments to Municipalities		
115	Grants to Municipalities in accordance with the Municipal Grants Act and Regulations made thereunder	22,500,000	
	Contingencies and Miscellaneous		
116	Miscellaneous minor or unforeseen expenses, subject to the approval of the Treasury Board, including authority to re-use any sums repaid to this appropriation from other appropriations, and for special compensation or other rewards for inventions or practical suggestions for improvements	1,500,000	



SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FINANCE—*Concluded*		
	CONTINGENCIES AND MISCELLANEOUS—*Concluded*		
117	Telephone Service at Ottawa for all Departments	1,326,200	
118	Losses incurred on foreign exchange tendered in payment of accounts receivable	500	
	GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS		
119	Government's contributions to Pension Plans for employees engaged locally outside Canada	100,000	
120	To supplement other votes, subject to the approval of the Treasury Board, for the payment of salaries, wages and other paylist charges	1,500,000	
121	Government's contribution, as an Employer, to the Unemployment Insurance Fund in respect of Government Employees paid through the Central Pay Office	900,000	
122	Government's contribution to the Hospital Insurance Plan for certain persons while they are abroad and after their return to Canada, as authorized by Vote 668 of the Appropriation Act No. 5, 1958	55,000	
123	To authorize the payment of increases in allowances, pensions and annuities, in accordance with the Pension Increase Regulations, 1958, made by the Governor in Council pursuant to Vote 667 of the Appropriation Act No. 5, 1958: but the amounts of the increases shall be deemed not to be payments made pursuant to any of the Acts or Plan mentioned therein	3,100,000	
	UNIVERSITY GRANTS		
124	Payments to the National Conference of Canadian Universities (hereinafter called the "Conference"), in accordance with the agreement entered into between the Conference and the Minister of Finance on the 19th day of November, 1958, (hereinafter called the "original agreement") pursuant to Vote 541 of the Appropriation Act No 1, 1957, and Vote 669 of the Appropriation Act No. 5, 1958; and when a new corporation comes into existence (incorporated for the purpose of receiving and disbursing such payments to institutions of higher learning) to authorize the payments to be made thereto, in lieu of to the Conference, in accordance with an agreement to be entered into, with the approval of the Governor in Council, by the Minister of Finance with the Conference and the new corporation, such agreement to provide, in addition to terms and conditions similar to the terms and conditions in the original agreement, including a provision that any amount payable to an institution of higher learning and not paid by the corporation in the relevant fiscal year may be retained by the corporation until such time as the institution to which the money is payable claims the payment from the corporation or Parliament provides otherwise for the disposal thereof, for the transfer of amounts in the possession of the Conference to the new corporation and for termination of the original agreement	26,221,500	
	MISCELLANEOUS GRANTS		
125	Canadian Association of Consumers	10,000	
126	Institute of Public Administration of Canada	6,000	
			89,169,904

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FISHERIES		
	General Services		
127	Departmental Administration	398,000	
128	Information and Educational Service, including Grant of $3,000 to Nova Scotia Fisheries Exhibition	184,000	
129	Economics Service	327,600	
130	Industrial Development Service	746,365	
	Field Services		
131	Field Services Administration	870,710	
	Conservation and Development Service—		
132	Operation and Maintenance (including the former Destruction of Harbour and Gray Seals)	5,532,452	
133	Construction or Acquisition of Buildings, Works, Land and Equipment	1,657,900	
134	Inspection and Consumer Service	1,794,705	
135	Fishermen's Indemnity Plan Administration	236,600	
	Special		
136	Canadian share of expenses of the International Commissions detailed in the Estimates	972,830	
137	Newfoundland Bait Service	435,560	
138	Extension of educational work in co-operative producing and selling among fishermen	90,000	
139	Fisheries Prices Support Act Administration	63,940	
140	Payment, subject to such terms and conditions as the Governor in Council prescribes, of assistance to producers of salted fish on products designated by the Governor in Council, in the amount of 50% of the laid down cost of salt purchased for their production, including authority to charge administrative costs to the Vote in these Estimates which provides for administration of the Fisheries Prices Support Act	600,000	
141	Assistance in the construction of vessels of the dragger or long liner type, subject to such terms and conditions as may be approved by the Governor in Council	350,000	
142	Assistance in the construction of bait freezing and storage facilities, subject to the regulations established by the Governor in Council	30,000	
	Fisheries Research Board of Canada		
143	Headquarters Administration	184,420	
144	Operation and Maintenance, including an amount of $50,000 for contributions towards Fisheries Research and for Scholarships	3,950,565	
145	Construction or Acquisition of Buildings, Works, Land and Equipment	942,130	
			19,367,777

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	GOVERNOR GENERAL AND LIEUTENANT-GOVERNORS		
146	Office of the Secretary to the Governor General	205,397	
147	To authorize reimbursement to the Lieutenant-Governors of the Provinces of Canada of the costs of travelling and hospitality incurred in the exercise of their duties up to a maximum per annum for each as follows: (*a*) where the population of the province at the last decennial census did not exceed 500,000, $5,000; (*b*) where the population of the province at the last decennial census exceeded 500,000, $5,000 plus $1,000 per each 100,000 or fraction of 100,000 of population over 500,000 but not exceeding $12,000 in any case	86,000	
			291,397
	INSURANCE		
148	Departmental Administration	.....	694,441
	JUSTICE		
	A—Department		
149	Departmental Administration including Annual Contribution of $200 to the Conference of Commissioners on Uniformity of Legislation in Canada	741,825	
150	Parole Act Administration, including $60,000 for Grants to Recognized Prisoners' Aid Societies as may be approved by Treasury Board	344,531	
	Supreme Court of Canada—		
151	Administration	218,599	
	Exchequer Court of Canada—		
152	Administration	131,898	
	Northwest Territories—		
153	Administration of Justice in the Northwest Territories, including the Northwest Territories Territorial Court	107,440	
	Yukon Territory—		
154	Administration of Justice in the Yukon Territory including the Yukon Territorial Court	123,397	
155	Payments of Gratuities to the widows or other dependents of Judges who die while in office	20,000	
	Combines Investigation Act—		
156	Restrictive Trade Practices Commission	86,110	
157	Office of Investigation and Research	452,109	
158	Bankruptcy Act Administration	52,620	
	B—Penitentiaries		
159	Administration of the Office of the Commissioner of Penitentiaries, including $75,000 for Grants to Recognized Prisoners' Aid Societies, as may be approved by the Treasury Board	572,678	
160	Operation and Maintenance of Penitentiaries, including supplies and services relating thereto; administration, operation, repair and upkeep of buildings, works and equipment; maintenance, discharge and transfer of inmates; compensation to discharged inmates permanently disabled while in penitentiaries	12,705,059	
161	Construction, Improvements and Equipment	6,058,571	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	JUSTICE—*Concluded*		
	PENSIONS AND OTHER BENEFITS		
162	To increase by $400 a year the allowance payable to Mrs. Alice Joynson, pursuant to Chapter 11 of the Statutes of 1914, and to increase by $300 a year the allowance payable to Mrs. Jean Laird Farrell, pursuant to Chapter 76 of the Statutes of 1927; such increases to be effective from the 1st day of April, 1959	700	
			21,615,537
	LABOUR		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
163	Departmental Administration, including grants as detailed in the Estimates and the expenses of the International Labour Conferences	1,105,745	
164	Economics and Research Branch, including research grants and related expenses	670,030	
165	Annuities Act Administration	1,242,512	
166	Industrial Relations activities, including the administration of the Industrial Relations and Disputes Investigation Act, the Canada Fair Employment Practices Act, the Female Employees Equal Pay Act, the Fair Wages and Hours of Labour Act, the Annual Vacations Act, and Regulations, and the promotion of labour-management co-operation	610,739	
167	Civilian Rehabilitation Branch, including payments to the Provinces to implement a program for the rehabilitation of disabled persons, in accordance with terms and conditions approved by the Governor in Council	209,850	
	SPECIAL SERVICES		
168	Special Services Branch including the promotion of a program for combatting seasonal unemployment, the organization and use of workers for farming and related industries and assistance to the Provinces under agreements entered into with the Provinces by the Minister of Labour with the approval of the Governor in Council, and the movement, reception, supervision and welfare of workers from outside Canada to work on farms and other essential employment where Canadian labour is not available to meet the need	588,786	
	VOCATIONAL TRAINING CO-ORDINATION		
169	Administration	110,920	
170	To carry out the purposes of the Vocational Training Co-ordination Act and agreements made thereunder; to authorize Minister of Labour to enter into agreements with any Province on terms approved by the Governor in Council to provide financial assistance to vocational and technical schools, and training under youth training projects and to provide for the expenditures thereunder and under vocational training agreements entered into in previous years, including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current fiscal year not to exceed a total amount of $9,825,700—Payments to the Provinces	9,525,700	
	GOVERNMENT EMPLOYEES COMPENSATION		
171	Administration of the Government Employees Compensation Act	98,958	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LABOUR—*Concluded*		
	B—Unemployment Insurance Commission		
172	Administration of the Unemployment Insurance Act, including expenditures incurred in connection with other duties and responsibilities assumed and carried out as required by the Governor in Council on the recommendation of the Minister of Labour in accordance with section 4 of the Act..	35,179,000	
173	Transfer of labour to and from places where employment is available and expenses incidental thereto, in accordance with regulations of the Governor in Council.....	75,000	
			49,417,240
	LEGISLATION		
	The Senate		
	The Speaker of the Senate—		
174	Allowance in lieu of Residence.....	3,000	
175	General Administration.....	722,090	
	House of Commons		
	The Speaker of the House of Commons—		
176	Allowance in lieu of Residence.....	3,000	
	Deputy Speaker of the House of Commons—		
177	Allowance in lieu of Apartments.....	1,500	
178	Allowance to the Deputy Chairman of Committees.....	2,000	
179	Expenses of the Canada-United States Joint Parliamentary Committee, and the expenses of delegates to the Inter-parliamentary Union.....	5,000	
180	Subscriptions to Publications of the Commonwealth Parliamentary Association to be distributed to Members of the House of Commons, and to provide for the Canadian share of expenses of the Commonwealth Parliamentary Association.....	10,000	
181	Grant to the Canadian North Atlantic Treaty Organization Parliamentary Association.....	14,000	
182	General Administration—Estimates of the Clerk.....	1,889,060	
183	Estimates of the Sergeant-at-Arms.....	867,829	
184	Pension to the unmarried sister of the late Colonel Harry Baker, M.P.....	700	
	Library of Parliament		
185	General Administration.....	353,845	
			3,872,024
	MINES AND TECHNICAL SURVEYS		
	A—Department		
	Administration Services		
186	Departmental Administration.....	697,289	
187	Explosives Act Administration.....	95,418	
188	Mineral Resources Division.....	281,753	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	MINES AND TECHNICAL SURVEYS—*Continued*		
	A—DEPARTMENT—*Continued*		
	SURVEYS AND MAPPING BRANCH		
189	Branch Administration, including a Grant of $1,000 to the Canadian Institute of Surveying and Photogrammetry	82,820	
190	Geodetic Survey of Canada	788,606	
191	International Boundary Commission	83,224	
	Topographical Surveys, including expenses of the Canadian Board on Geographical Names—		
192	Administration, Operation and Maintenance	1,980,020	
193	Construction or Acquisition of Equipment	100,000	
	Canadian Hydrographic Service—		
194	Administration, Operation and Maintenance, including Canada's fee for membership in the International Hydrographic Bureau	3,661,349	
195	Construction or Acquisition of Buildings, Works, Land and Equipment	2,777,057	
196	Legal Surveys and Aeronautical Charts	775,463	
197	Provincial and Territorial Boundary Surveys	43,800	
	Map Compilation and Reproduction—		
198	Administration, Operation and Maintenance	1,283,532	
199	Construction or Acquisition of Equipment	180,200	
	GEOLOGICAL SURVEY OF CANADA		
200	Administration, Operation and Maintenance, including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, and $50,000 for Grants in aid of Geological Research in Canadian Universities	3,299,108	
201	Construction or Acquisition of Equipment	198,118	
	MINES BRANCH		
202	Administration, Operation and Maintenance	3,527,130	
203	Construction or Acquisition of Equipment	269,245	
	GEOGRAPHICAL BRANCH		
204	Administration, Operation and Maintenance, including a Grant of $500 to the Canadian Association of Geographers and a Grant of $3,500 to the University of British Columbia in aid of Research in Foreign Geography	358,681	
	DOMINION OBSERVATORIES		
	Dominion Observatory, Ottawa and Field Stations—		
205	Administration, Operation and Maintenance, including the expenses of the National Committee for Canada of the International Astronomical Union, the fee for membership in the International Astronomical Union, and a Grant of $3,500 to the Royal Astronomical Society of Canada	896,930	
206	Construction or Acquisition of Buildings, Works, Land and Equipment	486,800	
	Dominion Astrophysical Observatory, Victoria, B.C.—		
207	Administration, Operation and Maintenance	146,838	
208	Construction or Acquisition of Buildings, Works, Land and Equipment	67,975	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	MINES AND TECHNICAL SURVEYS—*Concluded*		
	A—Department—*Concluded*		
	General		
209	Purchases of air photography and the expenses of the Inter-departmental Committee on Air Surveys	1,900,000	
210	Polar Continental Shelf Project	567,849	
	B—Dominion Coal Board		
211	Administration and Investigations of the Dominion Coal Board	121,925	
212	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council	10,089,350	
213	Subventions in respect of eastern coal under agreements entered into pursuant to the Atlantic Provinces Power Development Act	1,700,000	
			36,460,480
	NATIONAL DEFENCE		
214	Departmental Administration	3,380,550	
	Inspection Services		
215	Operation and Maintenance	6,967,225	
216	Construction or Acquisition of Buildings, Works, Land and Equipment	563,400	
	Royal Canadian Navy		
217	Operation and Maintenance	192,550,000	
218	Construction or Acquisition of Buildings, Works, Land and Major Equipment	94,942,000	
	Canadian Army		
219	Operation and Maintenance	357,913,000	
220	Construction or Acquisition of Buildings, Works, Land and Major Equipment	90,940,000	
	Royal Canadian Air Force		
221	Operation and Maintenance	546,991,000	
222	Construction or Acquisition of Buildings, Works, Land and Major Equipment	249,313,000	
	Defence Research and Development		
	Defence Research Board—		
223	Operation and Maintenance	21,924,603	
224	Construction or Acquisition of Buildings, Works, Land and Equipment	7,594,261	
225	Development	21,565,000	
	Defence Expenditures by Other Government Departments		
226	Services and facilities supplied to the Department of National Defence by the Department of Transport	3,412,659	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL DEFENCE—*Concluded*		
	MUTUAL AID		
227	Contributions to infrastructure and military costs of the North Atlantic Treaty Organization and the transfer of defence equipment and supplies and the provision of services and facilities for defence purposes in accordance with section 3 of The Defence Appropriation Act, 1950, not exceeding a total of $90,000,000 including the present value of defence equipment or supplies or the cost of services made available by the Canadian Forces estimated in the amount of $68,150,000 and provided by appropriations for those forces in the current and former years in respect of which, notwithstanding subsection (3) of section 3 of the said Act, no amount shall be charged to this appropriation or paid into a special account; Provided by this note	21,850,000	
	NATIONAL DEFENCE GENERAL		
228	To authorize, notwithstanding section 30 of the Financial Administration Act, and subject to allotment by the Treasury Board, total commitments of $2,902,205,282 for the purposes of the foregoing votes relating to National Defence, regardless of the year in which such commitments will come in course of payment (of which it is estimated that $1,267,298,584 will come due for payment in future years)	1	
	GENERAL SERVICES		
229	Grants to Military Associations, Institutes and Others as detailed in the Estimates	259,175	
230	Grants to the Town of Oromocto, subject to the approval of Treasury Board, for municipal services including the maintenance and operation of schools and to promote the development of the Town	1,656,000	
	PENSIONS AND OTHER BENEFITS		
231	Civil Pensions, as detailed in the Estimates	2,457	
232	To authorize in respect of members of the Royal Canadian Air Force on leave without pay and serving as instructors with civilian training organizations operating under the British Commonwealth Air Training Plan who were killed, payment to their dependents of amounts equal to the amounts such dependents would have received under the Pension Act, as amended, had such service as instructors been military service in the armed forces of Canada, less the value of any benefits received by such dependents under insurance contracts which were effected on the lives of such members of the Royal Canadian Air Force by or at the expense of the civilian organizations	4,090	
	Defence Services Pension Act—		
233	Government's contribution to the Permanent Services Pension Account	51,791,054	
			1,673,619,475
	NATIONAL FILM BOARD		
234	Administration, Production and Distribution of Films and Other Visual Materials	4,361,772	
235	Acquisition of Equipment	193,964	
			4,555,736

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL GALLERY OF CANADA		
236	Administration, Operation and Maintenance, including Grants as detailed in the Estimates	879,640	
237	Payment to the National Gallery Purchase Account for the purpose of acquiring works of art in conformity with section 8 of the National Gallery Act	25,000	904,640
	NATIONAL HEALTH AND WELFARE		
	A—Department		
238	Departmental Administration	1,601,785	
	National Health Branch		
	Health Services, including Assistance to the Provinces—		
239	Administration	364,459	
240	Consultant and Advisory Services	748,415	
241	Laboratory and Advisory Services	1,917,266	
242	To authorize General Health Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current year not to exceed a total amount of $62,969,175	46,000,000	
	Indian and Northern Health Services—		
243	Operation and Maintenance, including Grants to Hospitals and Other Institutions which care for Indians and Eskimos	20,729,052	
244	Construction or Acquisition of Buildings, Works, Land and Equipment	3,100,500	
245	Medical Advisory, Diagnostic, and Treatment Services	4,699,622	
246	Administration of the Food and Drugs and the Proprietary or Patent Medicine Acts	1,901,138	
247	Administration of the Opium and Narcotic Drugs Act	226,469	
	Welfare Branch		
	Family Allowances and Old Age Security—		
248	Administration	3,112,657	
	Old Age Assistance, Blind Persons and Disabled Persons Allowances—		
249	Administration	114,915	
	General		
250	Grants to Health and Welfare and Related Organizations, as detailed in the Estimates	247,250	
	B—Civil Defence		
251	Expenses of the Civil Defence Program	7,220,817	91,984,345

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL RESEARCH COUNCIL		
252	Salaries and Other Expenses	26,192,170	
253	Construction or Acquisition of Buildings, Works, Land and Equipment	3,941,410	
			30,133,580
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
254	General Administration	4,317,418	
255	Inspection, Investigation and Audit Services	4,211,855	
	Ports—		
256	Operation and Maintenance	29,740,118	
257	Construction or Acquisition of Buildings, Works, Land and Equipment	935,500	
	TAXATION DIVISION		
258	General Administration	3,415,300	
259	District Offices	29,792,055	
	TAX APPEAL BOARD		
260	Administration Expenses	110,700	
			72,522,946
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
261	Departmental Administration	866,273	
262	Northern Research Co-ordination Centre, including a Grant of $10,000 to the Arctic Institute of North America; and an amount of $5,000 for grants in aid of northern research subject to allocation by Treasury Board	96,785	
263	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them for Campground and Picnic Area Developments	1,500,000	
	NATIONAL PARKS BRANCH		
264	Branch Administration	199,400	
	National Parks and Historic Sites Services—		
265	Administration, Operation and Maintenance including a grant of $25,000 towards the commemoration of Fort MacLeod as a Royal North West Mounted Police Post subject to such terms and conditions as may be approved by the Governor in Council	6,663,934	
266	Construction or Acquisition of Buildings, Works, Land and Equipment	18,694,912	
267	Grant to Jack Miner Migratory Bird Foundation	5,000	
268	Grant in aid of the development of the International Peace Garden in Manitoba	15,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES—*Continued*		
	NATIONAL PARKS BRANCH—*Concluded*		
269	To authorize payment to the National Battlefields Commission for the purposes and subject to the provisions of an Act respecting the National Battlefields at Quebec (Chap. 57, Statutes of 1908, as amended)	178,290	
270	Canadian Wildlife Service—Wildlife Resources Conservation and Development, including Administration of the Migratory Birds Convention Act	686,739	
	WATER RESOURCES BRANCH		
	Water Resources Branch—		
271	Administration, Operation and Maintenance, including Canada's share of the expenses of the International Executive Council, World Power Conference	1,389,466	
272	Construction or Acquisition of Buildings, Works, Land and Equipment	214,400	
273	Studies and surveys of the Columbia River Watershed in Canada	170,740	
274	Contribution to the cost of constructing a dam on the Conestogo River near Glen Allan, Ontario, for the purposes of flood control and water conservation, in accordance with the terms of an agreement entered into between Canada and the Province of Ontario	300,000	
	NORTHERN ADMINISTRATION AND LANDS BRANCH		
275	Branch Administration	1,587,128	
	Yukon Territory—		
276	Operation and Maintenance, including grants and contributions as detailed in the Estimates	1,090,457	
277	Construction or Acquisition of Buildings, Works, Land and Equipment	4,499,400	
	Northwest Territories and Other Field Services—		
278	Operation and Maintenance, including grants and contributions as detailed in the Estimates	9,692,954	
279	Construction or Acquisition of Buildings, Works, Land and Equipment, including costs arising out of the relocation of the town of Aklavik and payment of such compensation as the Governor in Council prescribes to persons affected by such relocation	18,640,498	
280	Contributions to the Provinces to assist in the development of roads leading to resources in accordance with agreements entered into by Canada and the Provinces	9,000,000	
	FORESTRY BRANCH		
281	Branch Administration	163,785	
	Forest Research Division—		
282	Operation and Maintenance	1,470,657	
283	Construction or Acquisition of Buildings, Works, Land and Equipment	123,240	
	Forestry Operations Division—		
284	Administration, Operation and Maintenance	343,468	
285	Construction or Acquisition of Buildings, Works, Land and Equipment	36,330	
286	Contributions to the Provinces for assistance in forest inventory, reforestation and forest fire protection in accordance with agreements entered into by Canada and the Provinces	2,200,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES—*Concluded*		
	FORESTRY BRANCH—*Concluded*		
	Forestry Operations Division—*Concluded*		
287	Contributions to the Provinces pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them in establishing forest access roads and trails for the attainment of adequate fire protection as well as other aspects of forest management	1,000,000	
	Forest Products Laboratories Division—		
288	Operation and Maintenance	820,097	
289	Construction or Acquisition of Buildings, Works, Land and Equipment	68,190	
290	Grant to Canadian Forestry Association	20,000	
291	Eastern Rockies Forest Conservation Board—Remuneration and Expenses of the Federal member of the Board	5,575	
	NATIONAL MUSEUM OF CANADA		
292	Administration, Operation and Maintenance	675,776	
	CANADIAN GOVERNMENT TRAVEL BUREAU		
293	To assist in promoting the Tourist Business in Canada, including Grant of $5,000 to the Canadian Tourist Association	2,319,342	
			84,737,836
	POST OFFICE		
294	Departmental Administration, including Canada's share of the upkeep of the International Bureaux at Berne and Montevideo	1,915,483	
295	Operations—Including salaries and other expenses of Staff Post Offices, District Offices, Railway Mail Service Staffs, and supplies, equipment and other items for Revenue Post Offices, including Administration	103,037,621	
296	Transportation—Movement of Mail by Land, Air and Water, including Administration	55,783,152	
297	Financial Services, including audit of revenue, money order and savings bank business; and postage stamps	2,828,709	
			163,564,965
	PRIVY COUNCIL		
298	Payment, notwithstanding anything in the Financial Administration Act or the Senate and House of Commons Act respecting the independence of Parliament, to each member of the Queen's Privy Council for Canada who is a Minister for whom no salary or allowance in addition to the allowances under section 33 and section 44 of the Senate and House of Commons Act is provided (the acceptance of which shall not render such member ineligible or disqualify him as a Member of the House of Commons) of a salary of $7,500 per annum and pro rata for any period less than a year	15,000	
	PRIVY COUNCIL OFFICE		
299	General Administration	503,643	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PRIVY COUNCIL—*Concluded*		
	PRIME MINISTER'S RESIDENCE		
300	Maintenance and Operation	25,000	
	SPECIAL		
301	Expenses of the Royal Commission on energy policies including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission	100,000	
302	Expenses of the Royal Commission on price spreads of food products including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission	170,000	
303	Preparatory work not within the fields of particular departments, on emergency defence measures	175,000	
304	Expenses pertaining to the visit to Canada in 1959 of Her Majesty The Queen and His Royal Highness The Prince Philip, Duke of Edinburgh, including authority, notwithstanding the Civil Service Act or any other Act but subject to the approval of Treasury Board, to appoint and to pay persons to be engaged temporarily in connection therewith	300,000	
	NATIONAL CAPITAL COMMISSION (formerly the Federal District Commission)		
305	Administration, and Operation and Maintenance of parkways and grounds adjoining Government Buildings at Ottawa and Hull	1,795,795	
306	Interest charges on outstanding loans that were made for the purpose of acquiring property in the National Capital Region	350,000	
307	Payment to the National Capital Fund	4,000,000	
			7,434,438
	PUBLIC ARCHIVES AND NATIONAL LIBRARY		
	A—PUBLIC ARCHIVES		
308	General Administration and Technical Services	542,870	
	B—NATIONAL LIBRARY		
309	General Administration	188,279	
310	Payment to the National Library Purchase Account for the purpose of acquiring books, in conformity with section 12 of the National Library Act	40,000	
			771,149
	PUBLIC PRINTING AND STATIONERY		
311	Departmental Administration	656,595	
312	Purchasing, Stationery and Stores	1,169,699	
313	Distribution of Official Documents	432,245	
314	Printing and Binding Official Publications for Sale and Distribution to Departments and the Public	700,000	
315	Printing of Canada Gazette	110,000	
316	Printing and Binding the Annual Statutes	35,000	
317	Plant Equipment and Replacements	397,711	
			3,501,250

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS		
318	General Administration	9,335,045	
	PUBLIC BUILDINGS CONSTRUCTION AND SERVICES		
	Acquisition, Construction and Improvements of Public Buildings		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—		
319	Newfoundland	1,085,000	
320	Nova Scotia	1,025,000	
321	Prince Edward Island	90,000	
322	New Brunswick	490,000	
323	Quebec	5,931,000	
324	Ottawa	16,505,000	
325	Ontario (other than Ottawa)	13,330,000	
326	Manitoba	1,207,000	
327	Saskatchewan	1,775,000	
328	Alberta	2,535,000	
329	British Columbia	1,950,000	
330	Yukon and Northwest Territories	2,968,000	
331	Improvements Generally— Not more than $25,000 to be expended on any one project without the approval of Treasury Board	700,000	
332	Maintenance and Operation of Public Buildings and Grounds, and to authorize commitments against future years in the amount of $1,300,000	43,293,000	
333	Furniture and Furnishings for Government Departments	2,549,820	
334	Work in the interests of Fire Prevention	174,263	
	HARBOURS AND RIVERS ENGINEERING SERVICES		
	Acquisition, Construction and Improvements of Harbour and River Works		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—		
335	Newfoundland	4,128,200	
336	Nova Scotia	5,150,500	
337	Prince Edward Island	1,092,000	
338	New Brunswick	4,388,000	
339	Quebec	5,757,900	
340	Ontario	6,223,500	
341	Manitoba and Saskatchewan	272,000	
342	Alberta and Northwest Territories	230,000	
343	British Columbia and Yukon	4,224,000	
344	Construction or Acquisition of Buildings, Works, Land and Equipment	275,000	
345	Remedial works where damages are caused by, or endanger, navigation or Federal Government structures; and the completion of protection works already under way	800,000	
346	Repairs and Upkeep, including reconstruction and replacements for the maintenance of services; wharf repairs at Ste. Angele de Laval, Quebec; and to authorize commitments against future years in the amount of $420,000, no new works to be undertaken	2,800,000	
	Dredging—		
347	Maintenance and Operation of Plant and Contract and Day Labour Works	3,606,075	
348	Construction or Acquisition of Plant and Equipment	2,632,500	
349	Maintenance and Operation of Graving Docks, Locks and Dams	882,195	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS—*Concluded*		
	DEVELOPMENT ENGINEERING SERVICES		
350	Canada's share of the cost of International and Interprovincial bridges, as detailed in the Estimates	2,500,000	
351	Towards replacement of Low Level Burlington Canal Bridge	2,700,000	
352	Towards an investigation to determine the feasibility of constructing a proposed Causeway across Northumberland Strait, including the opening of a test quarry	250,000	
353	Roads and Bridges—Maintenance and Operation	186,175	
354	Testing Laboratories—Operation and Maintenance	818,622	
	Trans-Canada Highway—		
355	Construction through National Parks	13,405,000	
356	Contribution to the Province of New Brunswick towards construction of dam on Tantramar River, New Brunswick	84,375	
	GENERAL		
357	Advance planning of projects including acquisition of sites	1,500,000	
358	Balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1959–60	800,000	
359	Miscellaneous Works not otherwise provided for: a maximum of $15,000 may be expended in respect of any one work and, with the approval of Treasury Board, that maximum may be increased to $25,000	2,400,000	
360	To supplement, on approval of Treasury Board except where less than $1,000 is required, any of the appropriations of the Department of Public Works	700,000	
	CENTRAL MORTGAGE AND HOUSING CORPORATION		
361	Expenses incurred in constructing and supervising construction of married quarters, rental housing, schools and related services on behalf of the Department of National Defence	900,000	173,649,170
	ROYAL CANADIAN MOUNTED POLICE		
	Headquarters Administration and National Police Services—		
362	Operation and Maintenance	6,270,114	
363	Construction or Acquisition of Buildings, Works, Land and Equipment	282,515	
	Land, Air and Training Divisions—		
364	Operation and Maintenance	35,227,872	
365	Construction or Acquisition of Buildings, Works, Land and Equipment	5,826,605	
	Marine Services—		
366	Operation and Maintenance	1,633,618	
367	Construction or Acquisition of Buildings, Works, Land and Equipment	427,022	
368	Grant to the Canadian Association of Chiefs of Police	500	
369	Grant to the Royal Canadian Mounted Police Veterans' Association	300	
	PENSIONS AND OTHER BENEFITS		
370	Pensions to families of members of the Mounted Police who have lost their lives while on duty, as detailed in the Estimates	15,162	
371	Government's Contribution to the Royal Canadian Mounted Police Pension Account	1,432,171	51,115,879

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	SECRETARY OF STATE		
372	Departmental Administration	303,040	
373	Companies Division	115,035	
374	Trade Marks Division, including a contribution to the International Office for the Protection of Industrial Property	196,478	
375	Bureau for Translations	1,599,375	
	PATENT AND COPYRIGHT OFFICE		
376	Administration Division	207,190	
377	Patent Division	1,991,670	
378	Copyright and Industrial Designs Division, including a contribution to the International Office for the Protection of Literary and Artistic Works	31,115	
	SPECIAL		
379	Special expenditure in connection with a Commission under the Inquiries Act to inquire into the workings of the Patent Act, the Copyright Act, the Industrial Designs Act, and other related legislation	11,900	
			4,455,803
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
380	Departmental Administration, including fees for membership in the International Organizations listed in the Details of the Estimates	2,636,084	
	Trade Commissioner Service—		
381	Administration and Operation	3,747,293	
382	Construction or Acquisition of Buildings, Land, Equipment and Furnishings	222,000	
383	Exhibitions Branch	790,592	
384	Standards Branch	2,383,690	
385	Dominion Bureau of Statistics, including the fee for membership in the Inter-American Statistical Institute and a contribution of $500 to the International Statistical Institute	8,565,609	
	BOARD OF GRAIN COMMISSIONERS (Canada Grain Act)		
386	Administration	173,931	
387	Inspection and Weighing of Grain, and Related Services	4,427,169	
	Canadian Government Elevators—		
388	Operation and Maintenance, including authority to purchase screenings	1,464,517	
389	Construction or Acquisition of Buildings, Works, Land and Equipment	194,000	
	SPECIAL		
390	International Economic and Technical Co-operation Branch	410,903	
	PENSIONS AND OTHER BENEFITS		
391	To authorize payment of a pension during the current and subsequent fiscal years, notwithstanding anything in the Financial Administration Act or any other Act or Law, to Ryuji Yoshimura, a former locally-engaged employee, at an annual rate of $600	600	
			25,016,388

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT		
	A—Department		
392	Departmental Administration	2,587,500	
393	The St. Lawrence River Joint Board of Engineers—Canadian Section	61,500	
	Canal Services		
394	Administration	128,500	
395	Operation and Maintenance	2,577,184	
396	Construction or Acquisition of Buildings, Works, Land and Equipment, including payments to Provinces or Municipalities as contributions towards construction done by those bodies	1,195,520	
397	Operating deficit and capital requirements of Canals and Works entrusted to the St. Lawrence Seaway Authority with the approval of the Governor in Council, and to authorize, notwithstanding the Financial Administration Act or any other Act, the disbursement by the Authority of revenues derived from the operation and management of such Canals and Works	2,934,815	
	Marine Services		
398	Marine Services Administration including Agencies	849,800	
	Marine Service Steamers—		
399	Administration, Operation and Maintenance	15,975,187	
400	Construction or Acquisition of Vessels and Equipment	13,575,000	
	Aids to Navigation—		
401	Administration, Operation and Maintenance, including fees for membership in the International Organizations listed in the Details of the Estimates	5,945,892	
402	Construction or Acquisition of Buildings, Works, Land and Equipment	5,132,100	
403	Nautical Services, including Canada's share of the cost of the North Atlantic Ice Patrol; grants and contributions as detailed in the Estimates; rewards for saving life from vessels in distress; subsidy to a salvage company; and the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen as defined in section 306 of the Canada Shipping Act	557,221	
404	Pilotage Service, including authority for temporary recoverable advances not exceeding $20,000	1,177,065	
405	Steamship Inspection Service, including the carrying out of the provisions of the conventions for the safety of life at sea and load lines and contributions as detailed in the Estimates	1,033,575	
406	Marine Reporting Service	146,136	
	Ship Channel Service—St. Lawrence and Saguenay Rivers—		
407	Administration, Operation and Maintenance	1,521,804	
408	Contract Dredging, including Acquisition of Land for Ship Channel Improvements	4,094,000	
	Railway and Steamship Services		
409	Repairs and expenses in connection with the operation and maintenance of Official Railway Cars under the jurisdiction of the Department	59,800	
	Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1959—		
410	Prince Edward Island Car Ferry and Terminals	1,741,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Continued*		
	A—DEPARTMENT—*Continued*		
	RAILWAY AND STEAMSHIP SERVICES—*Concluded*		
	Payments etc.—*Concluded*		
411	Newfoundland Ferry and Terminals	4,738,000	
412	Strait of Canso—Causeway Maintenance	10,000	
413	Enlargement of Dock and Terminal Facilities at North Sydney, Nova Scotia	14,000	
414	Construction of New Dock and Terminal Facilities at Port aux Basques, Newfoundland	36,000	
415	Construction or Acquisition of Auto-Ferry Vessels and Equipment as listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects	1,130,000	
416	Newfoundland Coastal Services—Construction or Acquisition of Passenger-Cargo Vessels and Equipment, and Harbour Facilities	3,090,000	
417	Yarmouth, Nova Scotia—Bar Harbour, Maine, U.S.A., Ferry Service—Deficit, 1959	131,000	
418	Degaussing Canadian-owned merchant ships, of 1,000 gross tons and over, of Canadian registry, or of United Kingdom registry if subject to re-transfer to Canadian registry under special inter-governmental arrangement	255,000	
419	Maritime Freight Rates Act—Payment to the Railway Companies operating in the select territory designated by the Act, of the difference occurring on account of the application of the Act, between the tariff tolls and normal tolls under approved tariffs (estimated and certified to the Minister of Transport by the Canadian National Railway Company and approved by auditors of the said Company respecting the Eastern Lines of the Canadian National Railways and in the case of the Other Railways by the Board of Transport Commissioners for Canada) on all traffic moved during the calendar year 1959	14,100,000	
420	To authorize the Governor in Council to grant to Canadian National Railway Company a subsidy of $25,000 per mile, but not exceeding $7,450,000, towards the construction of the line of railway referred to in Chapter 49 of the Statutes of Canada, 1953-54, as Branch Line Number 1 (described approximately as a line of railway from St. Felicien to Chibougamau and from Chibougamau to Beattyville in the Province of Quebec); such grant of subsidy to be made in such manner and in such amounts and subject to such conditions, if any, as the Governor in Council deems expedient; estimated requirement for the fiscal year 1959–60	1,000,000	
	PENSIONS AND OTHER BENEFITS		
421	Amount required to pay pensions at the rate of $300 per annum to former pilots: Arthur Baquet; Adelard Delisle; Raoul Lachance; Jules Lamarre; Wilhelm Langlois; Auguste Santerre	1,800	
422	Railway Employees' Provident Fund—To supplement pension allowances under the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act so as to make the minimum allowance payable in the calendar year 1959 $30 per month instead of $20 per month as fixed by the said Act	9,400	
423	Supplemental Pension Allowances to former employees of Newfoundland Railways, Steamships and Telecommunication Services transferred to Canadian National Railways	56,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Continued*		
	A—DEPARTMENT—*Continued*		
	AIR SERVICES		
	Administrative Branch		
424	Air Services Administration	1,342,652	
425	Construction Services Administration	2,809,785	
	Telecommunications Branch		
	Radio Aids to Air and Marine Navigation—		
426	Administration, Operation and Maintenance	16,628,508	
427	Construction or Acquisition of Buildings, Works, Land and Equipment	14,044,100	
	Radio Act and Regulations—		
428	Administration, Operation and Maintenance, including Canada's share of the costs of the international radio, telegraph and telephone organizations listed in the Details of the Estimates	2,645,708	
429	Construction or Acquisition of Buildings, Works, Land and Equipment	405,000	
	Telegraph and Telephone Service—		
430	Administration, Operation and Maintenance	264,867	
431	Construction or Acquisition of Buildings, Works, Land and Equipment	510,500	
	Meteorological Branch		
432	Administration, Operation and Maintenance, including Canada's assessment for membership in the World Meteorological Organization	12,299,325	
433	Construction or Acquisition of Buildings, Works, Land and Equipment	1,400,000	
	Civil Aviation Branch		
434	Control of Civil Aviation, including the Administration of the Aeronautics Act and Regulations issued thereunder	2,298,239	
435	Airports and Other Ground Services—Operation and Maintenance, including authority for payments of grants, totalling not more than $299,000, subject to approval by the Governor in Council, to appropriate church authorities at Gander, Newfoundland, for the purpose of relocating and re-establishing church activities from the airport limits to Gander Townsite and to provide, notwithstanding the Financial Administration Act or any other Act, that the Treasury Board may in the current and future years authorize arrangements to be made for the operation of hotel, bakery, restaurant, staff messing, staff accommodation and similar facilities at airports and authorize the disbursement of revenues derived therefrom and payment of deficits that may occur in the management and operation of these facilities	18,878,041	
436	Air Traffic Control	5,559,348	
437	Construction or Acquisition of Buildings, Works, Land and Equipment, including Construction Work on Municipal Airports and payments to Municipalities as contributions towards construction done by those bodies, and amounts to be paid in settlement of claims for compensation by persons whose property is injuriously affected by the operation of a zoning regulation made under authority of paragraph (*j*) of subsection (1) of section 4 of the Aeronautics Act and including authority to contribute up to $250,000 in 1959-60 to the Province of Nova Scotia towards the construction of a highway providing access to the new Halifax International Airport	63,000,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Concluded*		
	A—DEPARTMENT—*Concluded*		
	AIR SERVICES—*Concluded*		
	Civil Aviation Branch—*Concluded*		
438	Grants for the development of Civil Aviation, in the amounts detailed in the Estimates	599,400	
439	Contributions to Municipalities or Public Bodies for Construction and Improvements of Airports on Land acquired by such Organizations including a contribution to an appropriate authority in respect of an airport at Lourdes-du-Blanc-Sablon, Quebec	82,060	
440	Contributions toward Airport Development and Other Airport Projects on Cost-Sharing Basis, in the amounts detailed in the Estimates	90,000	
441	Payments to Other Governments or International Agencies for the operation and maintenance of airports, air navigation and airways facilities, including authority to pay in the amounts and in the currencies in which the assessments are levied and to authorize a Grant in the amount of $122,500 to the South Pacific Air Transport Council; amount required in Canadian dollars, estimated as of December, 1958	274,820	
	B—GENERAL		
	AIR TRANSPORT BOARD		
442	Salaries and Other Expenses, including the Canadian Delegation to the International Civil Aviation Organization	369,285	
	BOARD OF TRANSPORT COMMISSIONERS FOR CANADA		
443	Administration, Operation and Maintenance	1,112,773	
444	Among to be credited to the Railway Grade Crossing Fund, in addition to the amount to be credited to the Fund under the Railway Act in the current fiscal year, for the general purposes of the Fund	10,000,000	
	CANADIAN MARITIME COMMISSION		
445	Administration	153,488	
446	Steamship Subventions for Coastal Services, as detailed in the Estimates	5,553,500	
	NATIONAL HARBOURS BOARD		
447	Advances to National Harbours Board, subject to the provisions of section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1959 on any or all of the following accounts:		
	Reconstruction and Capital Expenditures—		
	Halifax $ 933,500		
	Saint John 830,000		
	Chicoutimi 150,000		
	Quebec 2,770,000		
	Prescott 325,000		
	Churchill 25,000		
	Generally—		
	Unforeseen and Miscellaneous 200,000		
	Less—Amount to be expended from Replacement and Other Funds $5,233,500 938,386	4,295,114	
			250,481,312

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	VETERANS AFFAIRS		
448	Departmental Administration	2,437,352	
449	District Services—Administration	3,271,281	
450	Veterans' Welfare Services (including the former Veterans Insurance Branch)	3,540,739	
	Treatment Services—		
451	Operation of Hospitals and Administration, including authority for payments, during the current and subsequent fiscal years, to Canteen Funds of departmental hospitals in amounts equal to the amounts of commissions received by or on behalf of Her Majesty from pay telephones in such hospitals	46,264,751	
452	Medical Research and Education	350,000	
453	Hospital Construction, Improvements, Equipment and Acquisition of Land	4,811,370	
454	Prosthetic Services—Supply, Manufacture and Administration	1,211,245	
455	Veterans' Bureau	625,296	
456	War Veterans Allowance Board—Administration	155,974	
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
457	War Veterans Allowances	59,785,000	
458	Assistance Fund (War Veterans Allowances)	2,550,000	
459	Treatment and Other Allowances	2,850,000	
	MISCELLANEOUS PAYMENTS		
460	Payments to the Last Post Fund; the payment under regulations of funeral and cemetery charges, including the perpetual care of graves where applicable; the cost and erection of headstones in Canada; the maintenance of departmental cemeteries; the maintenance of Canadian Battlefields Memorials in France and Belgium; Canada's share of the expenditures of the Imperial War Graves Commission; and production of Books of Remembrance	1,527,800	
461	Grant to Army Benevolent Fund	8,000	
462	Grant to Canadian Legion	9,000	
	CANADIAN PENSION COMMISSION		
463	Administration Expenses	2,593,195	
464	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; and including Newfoundland Special Awards	151,474,000	
465	Gallantry Awards-World War II and Special Force	21,000	
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT		
466	Administration of Veterans' Land Act; Soldier Settlement and British Family Settlement	5,152,331	
467	Upkeep of property, Veterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property; taxes, insurance and maintenance of public utilities	55,900	
468	Grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under section 38 of the Veterans' Land Act and grants to veterans settled on Dominion Lands, in accordance with an agreement with the Minister of Northern Affairs and National Resources under section 38 of the Veterans' Land Act	190,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	VETERANS AFFAIRS—*Concluded*		
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT—*Concluded*		
469	Grants to Indian veterans settled on Indian Reserve Lands under section 39 of the Veterans' Land Act	75,000	
470	Reduction of indebtedness to the Director of Soldier Settlement of a settler in respect of a property in his possession, the title of which is held by the Director, or such Soldier Settler Loans which are administered by the Indian Affairs Branch of the Department of Citizenship and Immigration, by an amount which will reduce his indebtedness to an amount in keeping with the productive capacity of the property or his ability to repay his indebtedness under regulations approved by the Governor in Council	1,500	
471	To authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act and to correct defects for which neither the veteran nor the contractor can be held financially responsible; and for such other work on other properties as may be required to protect the interest of the Director therein	11,850	
	TERMINABLE SERVICES		
472	Veterans Benefits, including Assistance and the training of certain Pensioners under regulations approved by the Governor in Council	767,900	
473	Repayment in such amounts as the Minister of Veterans Affairs determines, not exceeding the whole of an amount equivalent to the compensating adjustment made under subsection (1) of section 13 of the War Service Grants Act or the payment made pursuant to paragraph (*c*) of subsection (2) of section 12 of the Veterans Rehabilitation Act, where the person who made the compensating adjustment or payment does not receive benefits under the Veterans' Land Act or where, having had financial assistance under that Act, he is deemed by the Minister on termination of his contract or agreement under that Act to have derived thereunder either no benefit or a benefit that is less than the amount of the compensating adjustment or payment made	225,000	
			289,965,484
	LOANS, INVESTMENTS AND ADVANCES		
	ATOMIC ENERGY OF CANADA LIMITED		
474	Working Capital Advances to Atomic Energy of Canada Limited, subject to such terms and conditions as the Governor in Council may approve	4,500,000	
	NATIONAL DEFENCE		
475	To authorize loans to be made in the current and subsequent fiscal years in respect of housing projects constructed, pursuant to an agreement with the Minister of National Defence, for occupancy by members of the Canadian Forces; such loans to be at interest rates and in accordance with such terms and conditions as the Governor in Council prescribes	10,000,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LOANS, INVESTMENTS AND ADVANCES—*Continued*		
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
476	Advances to the Northern Canada Power Commission for the purpose of capital expenditures in accordance with subsection (1) of section 15 of the Northern Canada Power Commission Act	6,050,000	
477	Advances in accordance with agreements entered into pursuant to the Atlantic Provinces Power Development Act	11,627,000	
	PRIVY COUNCIL		
	National Capital Commission		
478	Loans to the National Capital Commission in accordance with Section 16 of the National Capital Act for the purpose of acquiring property in the National Capital Region, excluding property being acquired for the purpose of establishing what is commonly referred to as the "Greenbelt"	2,300,000	
479	Loans to the National Capital Commission, in the current and subsequent fiscal years, in accordance with Section 16 of the National Capital Act for the purpose of acquiring property in that area of the National Capital Region commonly referred to as the "Greenbelt"	9,000,000	
	PUBLIC WORKS		
	Central Mortgage and Housing Corporation		
480	Advances to Central Mortgage and Housing Corporation for the purposes of subsection (1) of section 37 of the National Housing Act, 1954, in respect of housing projects for veterans and for housing projects at Gander, Newfoundland, for sale or rental	60,000	
	TRADE AND COMMERCE		
	Trade Commissioner Service		
481	To increase to $350,000 the amount that may be charged at any time to the special account, mentioned in Vote 511 of the Appropriation Act No. 5, 1958, that was established for the purpose of providing for working capital advances to posts and employees on posting abroad	50,000	
	TRANSPORT		
	St. Lawrence Seaway Authority		
482	Loans to the St. Lawrence Seaway Authority in such manner and subject to such terms and conditions as the Governor in Council may approve	30,000,000	
	Canal Services		
483	Acquisition of land required in connection with the development of the 27 foot Cornwall Navigation System	180,000	

SCHEDULE A—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	LOANS, INVESTMENTS AND ADVANCES—*Concluded*		
	TRANSPORT—*Concluded*		
	Air Services		
484	Acquisition of land for control of properties in the vicinity of main terminal airports to prevent the erection of hazards to flying, and for future development of new and existing main terminal airports including alternative facilities for relieving congestion thereat	4,000,000	
485	Loan to the Canadian Overseas Telecommunication Corporation in accordance with section 14 of the Canadian Overseas Telecommunication Corporation Act for additions and betterments to facilities	2,500,000	
	National Harbours Board		
486	Advances to National Harbours Board, subject to the provisions of section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1959 on any or all of the following accounts:		
	Reconstruction and Capital Expenditures—		
	Three Rivers $ 525,000		
	Montreal 24,484,200		
	Vancouver 3,737,000		
	$28,746,200		
	Less—Amount to be expended from Replacement and Other Funds 1,817,416		
		26,928,784	
	VETERANS AFFAIRS		
	Soldier Settlement and Veterans' Land Act		
487	Protection of security—Soldier Settlement, and refunds of surplus to veterans	4,550	
488	Purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; and protection of security under the Veterans' Land Act	15,687,465	
			122,887,799
			*3,640,623,071

* Net total $2,409,439,428.04.

SCHEDULE B

Based on the Supplementary Estimates, 1959-60. The amount hereby granted is $100,441,528.33, being the amount of each of the items in the Estimates as contained in this Schedule less the amounts voted on account of the said items by the *Appropriation Act, No. 4, 1959.*

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1960, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	ADMINISTRATION BRANCH		
489	Economics Division—To extend the purposes of Vote 4 of the Main Estimates for 1959-60 to include the making of a grant in the amount of $400 to the Canadian Agricultural Economics Society	1	
	PRODUCTION AND MARKETING BRANCH		
490	Agricultural Stabilization Act Administration—Further amount required	250,000	
491	Subsidies for Cold Storage Warehouses under the Cold Storage Act in the amounts detailed in the Estimates—Further amount required	198,010	
	Dairy Products Division—		
492	Grants and other assistance in accordance with the Cheese and Cheese Factory Improvement Act—Further amount required	235,674	
	Fruit and Vegetable Division including Maple Products and Honey—		
493	Assistance in construction of potato warehouses under terms and conditions approved by the Governor in Council—Further amount required	125,900	
	Health of Animals Division—		
494	Contributions to the Provinces, in accordance with Regulations of the Governor in Council, of amounts not exceeding one-half of the amounts paid by the Provinces to owners of animals that have died as a result of rabies since the first day of April, 1958	125,000	
	Livestock Division—		
495	Operation and Maintenance—Further amount required	64,800	
496	Quality Premiums on High Grade Hog Carcasses and Administration Costs—Further amount required	936,000	
	Plant Products Division—		
497	Freight Assistance on Western Feed Grains—Further amount required	1,000,000	
498	Agricultural Lime Assistance—Further amount required	250,000	
499	Contributions to the Governments of the Provinces of Manitoba and Saskatchewan, in accordance with terms and conditions prescribed by the Governor in Council, of one-half the amounts paid by the Governments of those Provinces for transporting haying equipment, fodder and livestock to and within those Provinces on and after July 1, 1958	35,000	
			3,220,385
	CITIZENSHIP AND IMMIGRATION		
	CITIZENSHIP		
500	Citizenship Registration Branch—Further amount required		121,780

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	CIVIL SERVICE COMMISSION		
501	Salaries and Contingencies of the Commission—Further amount required		104,872
	DEFENCE PRODUCTION		
	A—Department		
502	Departmental Administration—Further amount required	41,500	
503	To establish qualified sources for the production of component parts and materials subject to the approval of Treasury Board—Further amount required	450,000	
504	To sustain technological capability in Canadian industry by supporting selected defence development programs on terms and conditions approved by the Treasury Board, and to authorize commitments against future years in the amount of $4,000,000	5,000,000	
			5,491,500
	EXTERNAL AFFAIRS		
	A—Department and Missions Abroad		
505	Departmental Administration—Further amount required and to authorize the Governor in Council, notwithstanding the Civil Service Act, to appoint a Chairman of the Canadian Section of the Canada-United States Permanent Joint Board on Defence and to fix his salary; and the person so appointed shall not be a contributor under the Public Service Superannuation Act	65,250	
	B—General		
	North Atlantic Treaty Organization		
506	Purchase and transfer of wheat flour to assist in the establishment of strategic stock piles of food supplies in member states of the North Atlantic Treaty Organization, subject to such terms and conditions as the Governor in Council prescribes	10,000,000	
	International Civil Aviation Organization		
507	To provide the International Civil Aviation Organization with office accommodation at less than commercial rates—Further amount required	1,500	
	Special		
508	Grant to the Commonwealth Institute in an amount of £500, notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of May, 1959, which is	1,353	
509	West Indies Assistance Program—Further amount required	583,500	
510	To reimburse the Agricultural Commodities Stabilization Account for dry skimmed milk donated to international relief agencies, organizations and governments	2,500,000	
			13,151,603

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FINANCE		
	GENERAL ADMINISTRATION		
511	Comptroller of the Treasury—Central Office and Branch Offices Administration—Further amount required	155,000	
	GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS		
512	To supplement other votes, subject to the approval of the Treasury Board, for the payment of salaries, wages and other paylist charges—Further amount required	1,500,000	
513	Government's share of medical-surgical insurance premiums, determined on such bases and paid in respect of such persons (and their dependents) who hold offices or positions or perform services the remuneration for which is payable out of the Consolidated Revenue Fund or by an agent of Her Majesty or who are contributors as defined in the Public Service Superannuation Act or who are members of the Canadian Forces or the Royal Canadian Mounted Police as the Governor in Council prescribes	3,500,000	
			5,155,000
	FISHERIES		
	GENERAL SERVICES		
514	Economics Service—Further amount required	20,000	
515	Industrial Development Service—Further amount required	800,000	
	FIELD SERVICES		
516	Field Services Administration—Further amount required	35,000	
517	Conservation and Development Service— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	295,300	
518	Inspection and Consumer Service—Further amount required	75,000	
	SPECIAL		
519	Newfoundland Bait Service—Further amount required	101,000	
520	To recoup the Lobster Trap Indemnity Account, established under Vote 540 of the Appropriation Act No. 5, 1955, to cover the net operating loss recorded in the Account as at March 31, 1959	70,790	
521	Destruction of dogfish and other predators	250,000	
	FISHERIES RESEARCH BOARD OF CANADA		
522	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	141,000	
			1,788,090
	JUSTICE		
	A—DEPARTMENT		
523	Departmental Administration—Further amount required	49,565	
524	Parole Act Administration—Further amount required	144,900	
525	Northwest Territories— Administration of Justice in the Northwest Territories, including the Northwest Territories Territorial Court—Further amount required	3,300	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	JUSTICE—*Concluded*		
	B—Penitentiaries		
526	Administration of the Office of the Commissioner of Penitentiaries—Further amount required	24,422	
527	Operation and Maintenance of Penitentiaries, including supplies and services relating thereto; administration, operation, repair and upkeep of buildings, works and equipment; maintenance, discharge and transfer of inmates; compensation to discharged inmates permanently disabled while in penitentiaries—Further amount required	932,918	
528	Construction, Improvements and Equipment—Further amount required	572,436	
			1,727,541
	LABOUR		
	A—Department		
	General Administration		
529	Departmental Administration, including the expenses of the International Labour Conferences—Further amount required	11,700	
530	Annuities Act—To authorize the payment of interest, in the current and subsequent fiscal years, out of the Government Annuities Account, at a rate determined from time to time by the Governor in Council, on moneys received on account of the purchase or the proposed purchase of an annuity under section 4 of the Government Annuities Act and which have been or are being refunded because they were not or are not so applied; the said interest to be compounded yearly and to be payable for the period commencing one month from the day on which the moneys were received by Her Majesty and ending on the day on which the refund was or is made	1	
	Special Services		
531	To extend to the 31st day of May, 1959, the period in respect of which payments may be made to a province on winter work projects in municipalities as contemplated by Vote 709 of the Appropriation Act No. 1, 1959	1	
	B—Unemployment Insurance Commission		
532	Administration of the Unemployment Insurance Act—Further amount required	100,000	
			111,702
	LEGISLATION		
	The Senate		
533	To authorize, notwithstanding anything contained in the Senate and House of Commons Act, payment to each member of the Senate who attended the first part of the Second Session of the Twenty-Fourth Parliament which commenced on January 15th, 1959, and ended on March 25th, 1959, of an amount representing the transportation and living expenses of such Member while on the journey between Ottawa and his place of residence after the Easter adjournment of Parliament on March 25th, 1959, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on that date, or at any other one time during the Session	6,500	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LEGISLATION—*Concluded*		
	HOUSE OF COMMONS		
534	Expenses of the Canada-United States Joint Parliamentary Committee, and the expenses of an observer to the Inter-Parliamentary Union—Further amount required.....	2,500	
535	Subscriptions to Publications of the Commonwealth Parliamentary Association to be distributed to Members of the House of Commons, and the Canadian share of expenses of the Commonwealth Parliamentary Association—Further amount required.....	1,000	
536	To authorize, notwithstanding anything contained in the Senate and House of Commons Act, payment to each Member of the House of Commons who attended the first part of the Second Session of the Twenty-Fourth Parliament which commenced on January 15th, 1959, and ended on March 25th, 1959, of an amount representing the transportation and living expenses of such Member while on the journey between Ottawa and his place of residence after the Easter adjournment of Parliament on March 25th, 1959, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on that date, or at any other one time during the Session.....	21,000	
			31,000
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
537	Departmental Administration—Further amount required.....	49,005	
	SURVEYS AND MAPPING BRANCH		
	Topographical Surveys—		
538	Administration, Operation and Maintenance—Further amount required.....	60,000	
539	Construction or Acquisition of Equipment—Further amount required.....	12,000	
	Canadian Hydrographic Service—		
540	Administration, Operation and Maintenance—Further amount required.....	214,190	
	Map Compilation and Reproduction—		
541	Administration, Operation and Maintenance—Further amount required.....	75,000	
	GEOLOGICAL SURVEY OF CANADA		
542	Administration, Operation and Maintenance—Further amount required.....	112,000	
	MINES BRANCH		
543	Administration, Operation and Maintenance—Further amount required.....	157,825	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	MINES AND TECHNICAL SURVEYS—*Concluded*		
	DOMINION OBSERVATORIES		
	Dominion Observatory, Ottawa and Field Stations—		
544	Administration, Operation and Maintenance—Further amount required	57,600	
545	Construction or Acquisition of Equipment—Further amount required	268,800	
	B—DOMINION COAL BOARD		
546	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council—Further amount required	4,332,900	
			5,339,320
	NATIONAL GALLERY OF CANADA		
547	Administration, Operation and Maintenance—Further amount required for the completion of the Permanent Canadian Pavilion at the Venice International Biennale of Art	.....	10,000
	NATIONAL HEALTH AND WELFARE		
	GENERAL		
548	Grants to Health and Welfare and Related Organizations, as detailed in the Estimates—Further amount required	.....	60,000
	NATIONAL RESEARCH COUNCIL		
549	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	.....	600,000
	NATIONAL REVENUE		
	TAXATION DIVISION		
550	General Administration—To ratify payments totalling $24,171.52 made as salary to M. W. McA'Nulty in respect of the period from the 17th day of February, 1957, when he automatically ceased to be employed in the Public Service having attained sixty-five years of age, to the 17th day of May, 1959, when he ceased to render services to Her Majesty as if he had been employed; and he shall be deemed, for the purposes of the Public Service Superannuation Act, to have been employed in the Public Service during that period	.....	1
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	NATIONAL PARKS BRANCH		
	National Parks and Historic Sites Services—		
551	Administration, Operation and Maintenance—Further amount required	358,463	
552	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	500,000	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES—*Concluded*		
	WATER RESOURCES BRANCH		
553	Saint John River—Federal expenditures in connection with investigations to be carried out by the Saint John River Board	70,000	
554	Fraser River—Federal expenditures in connection with investigations to be carried out by the Fraser River Board	150,000	
555	Construction of a fishway on the Yukon River at the site of the hydro-electric power development being constructed by the Northern Canada Power Commission for the Whitehorse area (Revote)	525,000	
	NORTHERN ADMINISTRATION AND LANDS BRANCH		
	Northwest Territories and Other Field Services—		
556	Operation and Maintenance—To extend the purposes of Vote 278 of the Main Estimates for 1959–60 to include the contributions detailed in these Estimates	1	
557	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	306,000	
	FORESTRY BRANCH		
	Forest Research Division—		
558	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	12,000	
	Forest Products Laboratories Division—		
559	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	19,000	
			1,940,464
	POST OFFICE		
560	Operations—Further amount required	488,430	
561	Transportation—Movement of Mail by Land, Air and Water, including Administration—Further amount required	2,215,000	
562	Financial Services, including audit of revenue, money order and savings bank business; and postage stamps—Further amount required	80,000	
			2,783,430
	PRIVY COUNCIL		
	SPECIAL		
563	Expenses of the Royal Commission on railway problems including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission	.....	200,000
	PUBLIC WORKS		
564	General Administration—Further amount required	197,000	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS—*Concluded*		
	PUBLIC BUILDINGS CONSTRUCTION AND SERVICES		
	Acquisition, Construction and Improvements of Public Buildings		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
565	Ottawa	696,000	
566	Ontario (other than Ottawa)	600,000	
567	British Columbia	35,000	
568	Work in the interests of Fire Prevention—To extend the purposes of Vote 334 of the Main Estimates for 1959–60 to include the making of a grant of $5,000 to the Canadian Joint Fire Prevention Publicity Committee	1	
	HARBOURS AND RIVERS ENGINEERING SERVICES		
	Acquisition, Construction and Improvements of Harbour and River Works		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
569	Newfoundland	109,000	
570	Nova Scotia	265,000	
571	New Brunswick	700,000	
572	Quebec	101,000	
573	Ontario	973,000	
574	British Columbia and Yukon	50,000	
	DEVELOPMENT ENGINEERING SERVICES		
	Trans-Canada Highway—		
575	Construction through National Parks—Further amount required	200,000	
	GENERAL		
576	Balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1959–60—Further amount required.	300,000	
	CENTRAL MORTGAGE AND HOUSING CORPORATION		
577	To reimburse Central Mortgage and Housing Corporation for losses sustained by it during the fiscal year 1958–59 as a result of the operation of Federal-Provincial projects undertaken under Section 36 of the National Housing Act, 1954..	127,667	
			4,353,668
	ROYAL CANADIAN MOUNTED POLICE		
	Land, Air and Training Divisions—		
578	Operation and Maintenance—Further amount required.....	189,100	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	ROYAL CANADIAN MOUNTED POLICE—*Concluded*		
	Marine Services—		
579	Operation and Maintenance—Further amount required.....	64,480	
580	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	21,000	
	PENSIONS AND OTHER BENEFITS		
581	Government's Contribution to the Royal Canadian Mounted Police Pension Account—Further amount required.....	16,792	
			291,372
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
582	Departmental Administration, including fees for membership in the International Organizations listed in the Details of the Estimates—Further amount required.....	700	
583	Dominion Bureau of Statistics—Further amount required.....	121,935	
			122,635
	TRANSPORT		
	A—DEPARTMENT		
584	Departmental Administration—Further amount required.....	54,120	
	CANAL SERVICES		
585	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	326,000	
586	Operating deficit and capital requirements of Canals and Works entrusted to the St. Lawrence Seaway Authority—Further amount required.....	296,000	
	MARINE SERVICES		
	Marine Service Steamers—		
587	Administration, Operation and Maintenance—Further amount required.....	2,878,600	
588	Pilotage Service—Further amount required.....	891,925	
	RAILWAY AND STEAMSHIP SERVICES		
	Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1959—		
589	Newfoundland Ferry and Terminals—Further amount required.....	412,000	
	Strait of Canso—		
590	Transportation Improvements and Facilities.....	28,000	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Concluded*		
	RAILWAY AND STEAMSHIP SERVICES—*Concluded*		
591	Construction or Acquisition of Auto-Ferry Vessels and Equipment as listed in the Details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects—Further amount required	1,000,000	
	AIR SERVICES		
	Telecommunications Branch		
	Radio Aids to Air and Marine Navigation—		
592	Administration, Operation and Maintenance—Further amount required	175,909	
	Telegraph and Telephone Service—		
593	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	26,000	
	Meteorological Branch		
594	Administration, Operation and Maintenance—Further amount required	170,000	
	Civil Aviation Branch		
595	Airports and Other Ground Services—Operation and Maintenance—Further amount required	199,283	
596	Construction or Acquisition of Buildings, Works, Land and Equipment—To extend the purposes of Vote 437 of the Main Estimates, 1959-60, to include the making of contributions during the current and subsequent fiscal years not exceeding in the aggregate $290,000 to the Municipalities of Strathcona and Leduc and the Town of Leduc, Alberta, towards the construction of a water main from Edmonton to Edmonton International Airport	1	
597	Contributions toward Airport Development and Other Airport Projects on Cost-Sharing Basis, in the amounts detailed in Estimates—Further amounts required	30,000	
	Special		
598	Gift of furnishings to the Headquarters of the World Meteorological Organization at Geneva, Switzerland	7,100	
	B—GENERAL		
	CANADIAN MARITIME COMMISSION		
599	Steamship Subventions for Coastal Services as detailed in the Estimates—Further amount required	54,700	
			6,549,638
	VETERANS AFFAIRS		
	Treatment Services—		
600	Operation of Hospitals and Administration—Further amount required	116,978	
601	Hospital Construction, Improvements, Equipment and Acquisition of Land—Further amount required	810,000	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	VETERANS AFFAIRS—*Concluded*		
602	Prosthetic Services—Supply, Manufacture and Administration—Further amount required	50,000	
	MISCELLANEOUS PAYMENTS		
603	Grant to Army Benevolent Fund—Further amount required	10,000	986,978
	LOANS, INVESTMENTS AND ADVANCES		
	EXTERNAL AFFAIRS		
604	Additional advance to the working capital fund of the United Nations Educational, Scientific and Cultural Organization in the amount of $300 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of May, 1959, which is	289	
	NATIONAL DEFENCE		
605	To increase by $1,250,000 the amount appropriated for the purposes of Vote 504 of the Appropriation Act, No. 5, 1958, and to decrease by $1,250,000 the amount appropriated for the purposes of Vote 505 of the said Act	1	
	PUBLIC WORKS		
	Central Mortgage and Housing Corporation		
606	Advances pursuant to sub-section (4) of section 36 of the National Housing Act, 1954, in respect of housing and land development projects undertaken jointly with the governments of the provinces during the fiscal year 1958-59	22,000,000	
	TRANSPORT		
	St. Lawrence Seaway Authority		
607	Loans to the St. Lawrence Seaway Authority in such manner and subject to such terms and conditions as the Governor in Council may approve—Further amount required	22,500,000	
	Air Services		
608	Loan to the Canadian Overseas Telecommunication Corporation in accordance with section 14 of the Canadian Overseas Telecommunication Corporation Act for additions and betterments to facilities—Further amount required	8,924,000	
	VETERANS AFFAIRS		
609	Advance to the Working Capital Fund of the Imperial War Graves Commission in the amount of £10,000 notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of May, 1959, which is	27,065	

SCHEDULE B—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	LOANS, INVESTMENTS AND ADVANCES—*Concluded*		
	VETERANS AFFAIRS—*Concluded*		
	Soldier Settlement and Veterans' Land Act		
610	Purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; and protection of security under the Veterans' Land Act—Further amount required..	12,937,500	
			66,388,855
			*120,529,834

* Net total $100,441,528.33.