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First Session, Twenty-Seventh Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-2.

An Act to incorporate the Ottawa Terminal Railway Company.

Read a first time, Wednesday, 19th January, 1966.

Honourable Senator BOUFFARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23305

1st Session, 27th Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-2.

An Act to incorporate the Ottawa Terminal Railway Company.

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

Short title.

1. This Act may be cited as the *Ottawa Terminal Railway Company Act.*

Incorporation.

2. (1) Donald Gordon, Norman John MacMillan, Robert H. Tarr, Norris R. Crump, Robert A. Emerson and Howard C. Reid, all railway company executives, of the City of Montreal, together with such persons as become shareholders in the Company are incorporated under the name of

(*a*) "Ottawa Terminal Railway Company", in English; and

(*b*) "Compagnie de chemin de fer du terminus d'Ottawa", in French;

hereinafter called the "Company".

English and French form of Company's name.

(2) The Company may from time to time use, and it may be legally designated by, either the English form or the French form of its name or both forms.

Provisional directors.

3. The persons named in section 2 are the provisional directors of the Company.

Capital stock.

4. The capital stock of the Company shall be thirty million dollars.

Head office.

5. The head office of the Company shall be in the City of Ottawa, in the Province of Ontario.

Explanatory Note.

The purpose of this Bill is to implement, with regard to the incorporation of a terminal railway company, the agreement for the relocation of railways in the Ottawa area dated October 17, 1963, between the National Capital Commission, the Canadian Pacific Railway Company and the Canadian National Railway Company.

General meetings.

6. (1) General meetings of the shareholders, whether annual or special, may be held at such place within Canada, including the head office of the Company, as may be determined by by-law.

Annual meeting.

(2) The annual meeting of the shareholders shall be held on the first Tuesday in the month of April in each year, or on such other day as may be determined by resolution of the Board of Directors.

Numbers of directors.

7. The number of directors shall be not less than six nor more than ten, any one or more of whom may be officers in the employ of the Company.

Executive committee of directors.

8. (1) An executive committee with such powers and duties as may be fixed by by-law may be established by resolution of the directors.

Number of members.

(2) The executive committee shall be composed of either two or four members as prescribed by by-law.

Composition.

(3) The President of the Company is *ex officio* a member of the executive committee, and the other member or members of the executive committee shall be appointed by the directors from among themselves.

Undertaking.

9. (1) The Company may acquire, construct and operate a railway and related facilities in and about the City of Ottawa for the purpose of providing a transportation terminal.

Company may carry out proposals of Memorandum in Schedule.

(2) Without limiting the generality of any other provision of this Act, the Company may do all such things as it is contemplated by the Memorandum of Understanding set out in the Schedule that the proposed company therein referred to as the "Terminal Railway" shall do.

Powers of Company.

10. For the purposes of its undertaking, the Company may, in accordance with and subject to the provisions of the *Railway Act*,

Acquire property.

(*a*) acquire such lands or any interest therein, and rights and easements, as are considered requisite or desirable for the construction, maintenance and operation of the railway and related facilities;

Provide terminal facilities.

(*b*) acquire, construct, provide, modify, improve, renew, maintain and operate such buildings, structures, tracks, sidings, connections, yards, roads, parking areas, equipment, facilities for the supply, generation and distribution of heat, water and power and such other property and facilities of like or different kind as are suitable or advantageous for the receiving,

loading, carrying, delivery, storage, handling or interchange of goods and passengers of such companies as desire to use the Company's railway and related facilities, and generally for the provision of railway service in the vicinity of the City of Ottawa;

Receive grants and bonuses.

(*c*) receive, take and hold all voluntary grants and donations of lands or other property or any bonus of money or debentures, or other benefit of any sort, made to it for the purpose of aiding in the construction, maintenance and operation of the railway and related facilities; but the same shall be held and used for the purpose of such grants or donations only;

Dispose of property and services not required.

(*d*) alienate, sell, lease or otherwise dispose of, as may be deemed expedient, any lands or other property, and any heat, water, power or other facilities or services that are surplus to or unnecessary for the requirements of its undertaking;

Restaurants, warehouses, etc.

(*e*) acquire, erect, manage, operate or control restaurants, offices, shops, warehouses, storage and other rooms and conveniences and in connection therewith or any portion thereof, grant leases or concessions;

Telegraphs, etc.

(*f*) enter into agreements with any telecommunications, telegraph or telephone companies respecting the installation of their apparatus on property of the Company, the provision of services to such companies, and the carrying on of the business of any such companies on such property; and

Transfer service.

(*g*) furnish for hire in and about the Cities of Ottawa and Hull such adequate and suitable service as is customary or usual for the pick-up, delivery and transfer of goods by means of trucks or other highway vehicles, or other means of conveyance, and acquire, hold, guarantee, pledge and dispose of shares in any company having for one of its objects the establishment or operation of such a service.

National Railways may convey to the Company lands, buildings, etc. in the City of Ottawa.

11. A company comprised in the National Railways as defined in the *Canadian National Railways Act* (in this section called a "comprised company") may sell, assign, transfer and convey to the Company, upon such terms and conditions and for such considerations as are agreed upon between the comprised company and the Company, so much of any lands, interest in lands, buildings, structures,

tracks, sidings, connections, yards, equipment and other facilities in and about the City of Ottawa owned by the comprised company, or such right, title or interest therein or thereto held or enjoyed by the comprised company, as the Company deems expedient and advisable to acquire for the purposes of the undertaking of the Company.

Canadian Pacific Railway Company may convey to the Company lands, buildings, etc. in the City of Ottawa.

12. The Canadian Pacific Railway Company may sell, assign, transfer and convey to the Company, upon such terms and conditions and for such considerations as are agreed upon between the Canadian Pacific Railway Company and the Company, so much of any lands, interest in lands, buildings, structures, tracks, sidings, connections, yards, equipment and other facilities in and about the City of Ottawa owned by Canadian Pacific Railway Company, or such right, title or interest therein or thereto held or enjoyed by the Canadian Pacific Railway Company as the Company deems expedient and advisable to acquire for the purposes of the undertaking of the Company.

Agreement for use of Company's undertaking.

13. Without limiting the generality of any other provision of this Act, the Company may enter into agreements with

(*a*) the Canadian National Railway Company and the Canadian Pacific Railway Company, or either of them, and

(*b*) any other corporation incorporated under any law of Canada or of any province,

for the operation, use and maintenance of the whole or any part of the undertaking and property of the Company, upon and subject to such terms and conditions as may be determined and agreed upon between the parties to any such agreement; and the Canadian National Railway Company and the Canadian Pacific Railway Company are hereby respectively empowered to enter into such agreements with the Company.

Issue of securities.

14. The Company may issue bonds, debentures or other securites to an amount not exceeding in the aggregate twenty million dollars and may secure the same by a mortgage upon the whole or any part of the property, assets and revenues of the Company.

C.N.R. and C.P.R. may acquire stock of the Company and guarantee principal and interest of securities.

15. The Canadian National Railway Company and the Canadian Pacific Railway Company may from time to time

(*a*) subscribe for, take and hold shares of the capital stock of the Company to the extent of one-half each of the total of such capital stock from time to time issued; and

(*b*) jointly or severally, on such terms and conditions as the directors of the said companies and the Company respectively agree upon, guarantee the payment of the principal and interest of any bonds, debentures or other securities that are from time to time issued by the Company for the purposes of its undertaking.

By-laws and regulations and management of terminal.

16. The Company may, subject to the *Railway Act*, make all such by-laws, rules and regulations as the directors of the Company deem necessary and proper for the control, management, operation and use of its railway and related facilities and of any other premises and property of the Company, including the use thereof by the public, and for the regulation and control of all vehicular traffic to, from and at the said railway and related facilities.

Time for construction.

17. The construction of the railway and related facilities shall be completed on or before the first day of January, 1967, or such later date as may from time to time be determined or sanctioned by the Board of Transport Commissioners for Canada.

Application of *Railway Act*.

18. The *Railway Act* applies to the Company and its undertaking.

Declaratory.

19. The works and undertaking of the Company are hereby declared to be works for the general advantage of Canada.

SCHEDULE

THIS MEMORANDUM OF UNDERSTANDING made in triplicate this 17th day of October, 1963.

BETWEEN:

THE NATIONAL CAPITAL COMMISSION, hereinafter called the "Commission",

of the First Part,

AND: CANADIAN PACIFIC RAILWAY COMPANY, hereinafter called the "Pacific Railway",

of the Second Part,

AND: CANADIAN NATIONAL RAILWAY COMPANY, hereinafter called the "National Railways",

of the Third Part.

WHEREAS for many years the Government of Canada has advocated a complete and comprehensive relocation of railway lines in the Ottawa area;

AND WHEREAS the Commission has prepared a National Capital Commission Railway Relocation Plan (hereinafter referred to as the Relocation Plan) involving the relocation of railways in the Ottawa area;

AND WHEREAS according to the Relocation Plan certain railway tracks and structures of the Pacific Railway and National Railways are to be abandoned or relocated;

AND WHEREAS also according to the Relocation Plan a new railway station and other railway yards, tracks and structures are to be constructed by the Commission;

THEREFORE, it is mutually understood by the parties hereto as follows:

PART I.

1. The National Railways and the Pacific Railway will jointly use their best efforts to effect the incorporation of a Company (hereinafter referred to as the Terminal Railway) with share capital with such power and objects as the aforesaid Railways deem necessary but including among such objects that of acquiring from the National Railways, the Pacific Railway and the Commission those railway lands and facilities as hereinafter referred to.

2. (1) The National Railways and the Pacific Railway will participate equally in the incorporation of the said Terminal Railway and it is intended that each should be the owner of one-half of all shares of the capital stock of the Terminal Railway as may be issued from time to time.

(2) The shares of the Terminal Railway are being issued to the railway companies in consideration of properties transferred by the railway companies to the Terminal Railway and for properties which the Commission is under agreement with the railway companies transferring to the Terminal Railway.

(3) Subject to the provisions of the separate agreement mentioned in clause 11 of this Memorandum, the consideration for the property which, under this Memorandum, is to be vested in the National Railways (i.e., the property referred to in clauses 13 and 18 and the shares in the Terminal Railway) is the property which is to be conveyed by the National Railways to the Commission and the Terminal Railway.

(4) The consideration for the property which, under this Memorandum, is to be vested in the Pacific Railway (i.e., the property referred to in clause 9 and the shares in the Terminal Railway) is the property which, under this Memorandum, is to be conveyed by the Pacific Railway to the Commission and to the Terminal Railway.

3. The name of the Terminal Railway is to be "The Ottawa Terminal Railway Company" if that name is lawfully available or such other name as may be agreed upon by the parties hereto.

4. After the incorporation of the Terminal Railway, the National Railways and the Pacific Railway, as the intended or actual owners of all the shares of capital stock of the Terminal Railway, will procure that the Terminal Railway shall enter into such agreement or agreements as they may deem necessary to carry out the intent of this Memorandum.

5. The Terminal Railway area shall generally comprise the land bounded on the north by the south bank of the Ottawa River; on the west by a line due north of mileage 12.4 of the Beachburg Subdivision of the National Railways to the south bank of the Ottawa River; on the south by the most southerly boundary of the Beachburg Subdivision of the National Railways from approximately mileage 12.4 to Wass, the southerly boundary of the Walkley Line of the Commission from Wass to Hawthorne (including connections to the Alexandria Subdivision of the National Railways to approximately mileage 72.4) and a line from Hawthorne to approximately mileage 82.5 of the Montreal and Ottawa Subdivision of the Pacific Railway; and on the east by the most easterly boundary of the Montreal and Ottawa Subdivision of the Pacific Railway from approximately mileage 82.5 to the Rideau River, thence along the Rideau River to the Ottawa River; which are shown on the Commission Railway Relocation Plan, Schedule A, dated November 15, 1962, attached hereto and forming part of this Memorandum.

6. All industrial tracks, yard tracks and sidings, together with facilities used therewith (including land used or required in conjunction therewith) owned by the parties hereto or in which they have any interest (excepting that which is to be transferred to the Commission by the terms of this Memorandum and excepting further therefrom

lands where only tracks and facilities are to be transferred to the Commission), which are on the date of the execution of this Memorandum, or subsequently, located in or adjacent to the Terminal Railway area and that lead from trackage that is to be transferred to the Terminal Railway as set out in this Memorandum shall be transferred to the Terminal Railway and form part thereof except that the land and facilities forming the Merchandising Terminal, at Hurdman, of the Pacific Railway, and the Merchandising Terminal, at Hurdman, of the National Railways shall not be included in or form part of the facilities of the Terminal Railway.

PART II.

For the purpose of implementing the understanding set out in Part I of this Memorandum, the parties hereto have mutually agreed as follows:

7. The Pacific Railway will transfer to the Commission all its estate, title and interest in the following properties and facilities, which the Commission agrees to accept, subject to the rights of third parties under lease, licence, agreement, easement or otherwise:

(*a*) the land forming all that part of the Carleton Place Subdivision from mileage 0.0 of this Subdivision to the proposed connection of that Subdivision with the Beachburg Subdivision of the National Railways near Bells Corners, at approximately mileage 8.1 of the said Carleton Place Subdivision;

(*b*) the land forming all that part of the Sussex Street Subdivision from the most westerly boundary of Bank Street to the end of that Subdivision at the most southerly boundary of Sussex Street;

(*c*) the land forming all that part of the Montreal and Ottawa Subdivision

(i) from Hurdman at approximately mileage 84.8 to Deep Cut at mileage 86.8,

(ii) from Union Station at mileage 87.7 to Hull at mileage 89.3 including the Interprovincial Bridge and the rail and highway approaches thereto, and

(iii) from mileage 91.25 to mileage 91.54; and

(d) the land forming the Ottawa West Yard including the Broad Street freight office and sheds.

8. The Pacific Railway will transfer to Terminal Railway all its estate, title and interest in the following properties and facilities, which the National Railways and the Pacific Railway will procure, as owners of all shares of the capital stock of the Terminal Railway, that the Terminal Railway will accept, subject to the rights of third parties under lease, licence, agreement, easement or otherwise:

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(*a*) the land forming all that part of the Prescott Subdivision from Ottawa West at mileage 0.0 to approximately mileage 5.25;

(*b*) the land forming all that part of the Sussex Street Subdivision from Ellwood at mileage 0.0 to the most westerly boundary of Bank Street; and

(*c*) the land forming all that part of the Montreal and Ottawa Subdivision from approximately mileage 82.5 to approximately mileage 84.8.

9. The Commission, at its own expense, will provide to the reasonable requirements of the Pacific Railway and thereupon transfer to the Pacific Railway good and clear title (subject only to the easements, licences and rights-of-way expressed in the document of transfer which do not impair the use of the land for railway purposes) in and to:

(*a*) a new merchandising terminal at Hurdman, including necessary land, trackage, roadways, piggyback yard, trucking area and other facilities (located as shown on Schedule D, dated December 3, 1962, attached hereto);

(*b*) new communication facilities to replace those which are altered or removed as a result of the Railway Relocation Plan, including new repeater stations and a new telegraph line between the Sparks Street offices of the Pacific Railway and the proposed union station at Hurdman, it being understood that the Commission will assure to the Pacific Railway the necessary rights-of-way and easements in perpetuity for these facilities, together with access thereto for maintenance and renewals of, and additions to the said facilities, but the lines and facilities provided under this paragraph shall be only those that are required due to the implementation of the said Relocation Plan;

(*c*) rights-of-way and easements, and necessary access for additions, maintenance and renewal work, in connection with communication lines and facilities on all former Pacific Railway and National Railways property including those lines on the Interprovincial Bridge and its approaches;

(*d*) other suitable rights-of-way and easements, and necessary access for additions, maintenance and renewal work for any of the lines referred to in paragraph (*c*) of this clause if the Commission or others require their removal or relocation (the cost of such removal or relocation to be paid by the Commission);

(*e*) all necessary railway tracks and related facilities together with necessary land to connect the Maniwaki Subdivision to the Lachute Subdivision, at approximately

mileage 116.3 of the Lachute Subdivision, if such a connection is required due to the implementation of the Relocation Plan; and

(*f*) such additions and alterations to station facilities, track layout and signal system of the Pacific Railway located on the Quebec side of the Ottawa River as may be made necessary by the abandonment of the railway line to Hull over the Interprovincial Bridge.

10. The Commission will pay to the Pacific Railway and the National Railways the cost to these railways of constructing any grade separation or crossing protection ordered or approved by the Board of Transport Commissioners for Canada at the crossings of tracks of either railway that are to be transferred to the Terminal Railway under this Memorandum where such grade separation or crossing protection is required due, in part, to the increase in train traffic resulting from the joint operation of such trackage by the Pacific Railway and the National Railways.

11. The National Railways is transferring to the Commission pursuant to the terms of a separate agreement to be entered into between the National Railways and the Commission, the Union Station, bridges, land and other facilities as more particularly set forth in the said separate agreement.

12. The National Railways will transfer to the Terminal Railway all its estate, title and interest in the following properties and facilities, which the National Railways and the Pacific Railway will procure, as owners of all shares of the capital stock of the Terminal Railway, that the Terminal Railway will accept, subject to the rights of third parties under lease, licence, agreement, easement or otherwise:

(*a*) the land forming all that part of the Beachburg Subdivision between approximately mileage 12.4 near Bells Corners and the intersection of that Subdivision with the most southerly boundary of the right-of-way of the proposed station line at approximately mileage 0.6 of that Subdivision; and

(*b*) the land forming all that part of the Alexandria Subdivision between mileage 72.4 near Hawthorne and the most easterly boundary of Alta Vista Drive at approximately mileage 76.3.

13. The Commission, at its own expense, will provide to the reasonable requirements of the National Railways and thereupon transfer to the National Railways good and clear title (subject only to easements, licences and rights-of-way expressed in the document of transfer which do not impair the use of the land for railway purposes) in and to:

(*a*) an addition to the existing Terminal Avenue freight shed building sufficient to accommodate the National Railways express and other Departments now located in Union

Station, modification of trackage serving the building, team tracks to replace those abandoned in Bank Street and Hurdman yards, together with necessary lands (located as shown on Schedule D, dated December 3, 1962, attached hereto);

(*b*) new communication facilities to replace those which are altered or removed as a result of the Railway Relocation Plan, including a new repeater station on Terminal Avenue, also new communication lines to replace the existing pole lines on those portions of the Alexandria Subdivision and the Beachburg Subdivision that are to be transferred to the Commission, together with a connecting communication line to the new union station;

(*c*) a new cable line between the new communications building on Terminal Avenue and the Communications office of the National Railways located at the corner of Sparks and Metcalfe Streets, where such new cable is required due to the implementation of the Relocation Plan;

(*d*) a cable line between the communications building of the National Railways on Terminal Avenue and the communications repeater office of the Pacific Railway on Terminal Avenue; and

(*e*) it is understood that the Commission will assure to the National Railways the necessary rights-of-way and easements in perpetuity required for the said new communication facilities, together with access thereto for maintenance and renewals of, and additions to the said facilities as outlined in paragraphs (*b*), (*c*) and (*d*) of this clause.

14. (1) The Commission will pay all the charges assessed by the Pacific Railway against the National Railways, for the use, by trains of the National Railways, of the Prescott Subdivision of the Pacific Railway between the Walkley Diamond and Ottawa West during the period between the date on which the Bank Street Line was abandoned, August 3, 1961, and the date when all track connections, Walkley Yard additions, new union station, merchandise terminals, signals, and other trackage have been completed and are ready for use, or the effective date of the transfer of this portion of the Prescott Subdivision to the Terminal Company, whichever is the first.

(2) The Commission shall pay all the charges assessed by one railway against the other for the use by the latter of the railway of the former in the event any other diversion or detour is made necessary in the carrying out of the provisions of this Memorandum, but such diversions or detours shall not be placed in operation without prior agreement of the parties hereto.

15. The Commission, at its own expense, will provide to the reasonable requirements of the National Railways and the Pacific Railway and transfer to the Terminal Railway, and the National Railways and the Pacific Railway will procure, as owners of all shares of the capital stock of the Terminal Railway, that the Terminal Railway will accept, good and clear title (subject only to easements, licences and rights-of-way expressed in the document of transfer which do not impair the use of the land for railway purposes) in and to:

(*a*) a new union station, trackage and associated facilities all completely equipped and furnished as an operating railway station, including offices and other accommodation for railway personnel together with necessary land at Hurdman;

(*b*) all necessary railway tracks and related facilities together with necessary land to make two connections between the Prescott Subdivision of the Pacific Railway and the Walkley Line at the Walkley Diamond;

(*c*) all necessary railway tracks and related facilities together with necessary land to make two connections between the Prescott Subdivision of the Pacific Railway and the Beachburg Subdivision of the National Railways at Ellwood Diamond;

(*d*) all necessary railway tracks and related facilities together with necessary land to make various railway trackage connections between the Montreal and Ottawa Subdivision of the Pacific Railway, the Alexandria Subdivision of the National Railways and the Walkley Line of the Commission at Hawthorne;

(*e*) all necessary railway tracks and related facilities together with necessary land to connect the Carleton Place Subdivision of the Pacific Railway and Beachburg Subdivision of the National Railways near Bells Corners, as well as such team tracks as may be required due to this connection;

(*f*) grade separations and all related track changes between Ottawa West and the Rideau River on the Prescott Subdivision of the Pacific Railway together with a new railway track and structure over or under the Rideau Canal, and if the railway grade is located under the Rideau Canal by means of a tunnel, the Commission will pay monthly to the Terminal Railway, Pacific Railway and the National Railways from the date on which the railway grade is first open for use, compensation in an amount based on the depreciation, operating and maintenance costs incurred by the Pacific Railway, the National Railways and the Terminal Railway in respect of the locating of the railway grade under the Rideau Canal less the depreciation, operating and

maintenance costs that would have been incurred had the railway grade remained as it is at the day of signing of this Memorandum, and at any time after the expiry of ten (10) years next following the completion date of any such track and structure, the Commission may capitalize on the basis of the average annual compensation paid during that ten (10) years at a rate of five per cent, the then future compensation payable and pay the said compensation in a lump sum to the Terminal Railway or other appropriate railway or railways;

(*g*) such alterations to the track and sidings in the area of the Broad Street Yard of the Pacific Railway and the Chaudiere Yard of the National Railways as may be required due to the implementation of the Relocation Plan;

(*h*) such additions and alterations as may be necessary to the existing centralized traffic control signal system for controlling train movements into, out of and within the Terminal Railway area occasioned by the implementation of the Relocation Plan;

(*i*) all necessary railway tracks and related facilities together with necessary land to make a direct railway trackage connection at Ottawa West between the Montreal and Ottawa Subdivision and the Prescott Subdivision both of the Pacific Railway including such new and adequate station buildings as may be necessary due to the relocation of trackage in the area of Ottawa West; and

(*j*) freight yards, including interchange trackage, diesel servicing and repair shop, car repair shop, addition to present yard office, and other associated facilities, all completely equipped and furnished ready to operate, together with necessary lands all at Walkley.

16. The Commission will pay to the Terminal Railway the cost to the Terminal Railway of constructing any grade separation or crossing protection ordered or approved by the Board of Transport Commissioners for Canada, prior to December 31, 1969, at crossings of tracks of the Terminal Railway where such grade separation or crossing protection is required due, in part, to the increase in train traffic resulting from the Relocation Plan.

17. The Commission will transfer to the Terminal Railway good and clear title (subject only to easements, licences and rights-of-way expressed in the document of transfer which do not impair the use of the land for railway purposes) in and to the following properties and facilities, which the National Railways and the Pacific Railway will procure, as owners of all shares of the capital stock of the Terminal Railway, that the Terminal Railway will accept:

(*a*) the land forming the Walkley Line from Wass to Hawthorne except the land owned by the Ontario Hydro Electric Power Commission at mileage 1.08 in respect of which excepted land, the Commission will transfer adequate operating or other rights, as may be required, in the form of a perpetual easement;

(*b*) the land required for any trackage built or to be built by the Commission on or adjacent to any portion of the Beachburg Subdivision of the National Railways that is to form part of the Terminal Railway; and

(*c*) the facilities forming the centralized traffic control signal system on that portion of the Beachburg Subdivision to be transferred to the Terminal Railway.

18. The Commission will make such alterations as may be required in the centralized traffic control signal system on that part of the Beachburg Subdivision of the National Railways between approximately mileage 12.4 and Nepean, occasioned by the implementation of the Relocation Plan, and thereafter transfer to the National Railways such altered signal system.

19. When the Commission obtains ownership of any or all of the lands of the Pacific Railway's Carleton Place Subdivision from mileage 0.0 to 3.0, the Pacific Railway's Ottawa West yards, and the National Railways' Chaudiere Spur and Yards, it will permit, with the consent of the Pacific Railway, the National Railways or the Terminal Railway, each of the Pacific Railway, the National Railways or the Terminal Railway to retain the use of all or parts of the land transferred by it to the Commission, for so long as industry remains and desires rail service and to operate thereon without any charge being made against any such Railway, subject to the conditions that:

(*a*) the Commission will assume all taxes levied during its ownership and will receive all rents from leases, agreements, licences and term easements pertaining to said lands;

(*b*) the Pacific Railway, the National Railways or the Terminal Railway, as the case may be, will pay for all maintenance of railway facilities which it is permitted to use.

20. Effective on the signing of this Memorandum, the National Railways and the Pacific Railway agree to the following conditions respecting the Pacific Railway's Carleton Place Subdivision, mileage 0.0 to 3.0, the Pacific Railway's Ottawa West Yard, and the National Railway's Chaudiere Spur and Yard

(*a*) there will be no extension of trackage serving industries on these lines without prior approval of the Commission;

(*b*) no additional industries will be permitted to locate on these lines without prior approval of the Commission; and

(*c*) no leases will be granted or renewed on these lines without prior approval of the Commission.

21. (1) The Commission will, in the case of any industry that is now served by a private siding trackage that is to be removed or relocated as a result of the Relocation Plan, afford that industry the opportunity to purchase for relocation purposes only land owned by the Commission at a price which is twenty per cent less than the market value of the land as set by the Commission (said market value to reflect the Commission's cost of acquisition and development of the land); or to lease that land at a rental based on that price and for a term of years compatible with the life expectancy of any facilities erected or installed at the new site.

(2) The Commission will provide to the National Railways, the Pacific Railway or the Terminal Railway, for the use of an industry that is now served by private siding trackage that is removed as a result of the Relocation Plan, trackage of equal servicable capacity at the new location at no installation cost to the industry, but subject to the usual railway private siding agreement between the railway and such industry.

(3) Subject to provincial and municipal law, the Commission has developed or will carry out the development, at no cost to the Terminal Railway, on land owned by the Commission in the area contiguous to the Belfast Road, to the Walkley Line between Bank Street and the National Railways main line at Hawthorne which is not required for direct railway operating purposes, and to the new line connecting the Alexandria Subdivision of the National Railways and the Montreal and Ottawa Subdivision of the Pacific Railway, sites on which industry can locate.

(4) The Commission will, except as may be otherwise agreed to between the parties hereto,

(*a*) offer to the industries described in subclause (1) first opportunity to choose and acquire sites on which to relocate in the areas developed as industrial sites; and

(*b*) in the event new industries or industries other than as described in subclause (1) hereof desire to locate in the industrial sites outlined in subclause (3) hereof, the Commission will give priority to acquire land to those desiring rail service over those not desiring such service (this priority to apply only should two industries be interested in the same site at the same time).

(5) The Commission will, subject to provincial and municipal law, provide team track and related facilities at the following locations:

(*a*) in the Pacific Railway Merchandise Terminal Area, for a capacity of 25 cars;

(*b*) in the National Railways Merchandise Terminal Area, in a capacity of 56 cars;

(*c*) in Walkley, for a capacity of 10 cars in addition to the existing capacity of 18;

(*d*) in Bells Corners, for a capacity of 4 cars in addition to the existing capacity of 12;

(*e*) in Merivale Road, for a capacity of 15 cars in addition to the existing capacity of 10; and

(*f*) in Ottawa West by leaving sufficient track for a capacity of 16 cars.

(6) The Commission will use its best efforts to encourage industries now being served by private siding trackage to continue to do so within the Terminal Area.

22. The Commission will pay all costs and expenses incurred by the National Railways, Pacific Railway and Terminal Railway

(*a*) in development and preparation of plans, specifications, deeds, surveys, descriptions, applications and agreements;

(*b*) in effecting the transfers of land referred to in this Memorandum including registration fees and land transfer taxes and municipal taxes that have been paid for any period after the land has been vacated or operations thereon abandoned by the railway whichever is the earlier; and

(*c*) in carrying out any other work that the said Railway Companies may be required to do as a result of this Memorandum or that the Commission may lawfully require the said Railway Companies to perform in order to implement the Relocation Plan, where such work has been requested or approved by the Commission.

23. Where any new track or facility is constructed pursuant to this Memorandum, the Commission will, for the three-year period commencing on the date on which that track or facility is first opened to regular train operations or use, pay the National Railways, Pacific Railway or the Terminal Railway the maintenance costs incurred by those Companies by reason of any subsidence or settlement of that track or facility during that three-year period.

24. It is understood that this Memorandum has been prepared before final plans, specifications, estimates and mileages have been established and that minor variations or changes in the exact particulars of this Memorandum may be necessary.

25. (1) The parties hereto agree that they will, as soon as possible after the execution of this Memorandum, collaborate in the preparation and finalization of

(*a*) a submission to the Parliament of Canada requesting the passing of an Act to incorporate the Terminal Railway;

(*b*) applications to the Board of Transport Commissioners for Canada and to any other appropriate authority for permission to construct, maintain and operate the new

railway lines and facilities referred to in this Memorandum, and for permission to abandon the other railway lines and facilities referred to in this Memorandum and for permission to carry out any other matter or thing pertaining to this Memorandum;

(*c*) operating agreements between the National Railways, Pacific Railway and Terminal Railway; and

(*d*) adequate property descriptions and documents for the transfer of the land and facilities referred to in this Memorandum.

(2) No clause of this Memorandum is to be performed unless the permissions referred to in paragraph (*b*) of subclause (1) have been obtained in respect of that clause.

26. Except as otherwise expressly agreed to by the parties hereto, all transfers of land and facilities referred to in this Memorandum shall take place simultaneously on the second day of January, 1965. Where the transfer is one of those referred to in clause 7 all railway operations over the railway line and facilities included in such transfer shall be abandoned on or before the date of such transfer except as otherwise herein provided or except as the parties hereto may otherwise expressly agree.

27. Where the expression "land" is used in this Memorandum unless the context otherwise requires, that term shall include the right-of-way, bridges, stations and other buildings, erections, structures and other railway facilities and appurtenances of whatsoever nature thereunto belonging or appertaining, as well as all main, passing, yard or other tracks, located upon, under or over the said right-of-way of the Subdivision or line of railway in question.

28. The Commission covenants and agrees that it will at all times hereafter indemnify and save harmless the National Railways and the Pacific Railway and each of them from and against any and all claims, demands and damages including the costs and reasonable expenses incurred in defending any legal proceedings made against them or either of them and arising under the terms of any express or implied lease, licence, agreement, easement or understanding by reason of the transfer by the National Railways and the Pacific Railway or either of them of any lands to the Commission or by the Commission to the National Railways, the Pacific Railway or the Terminal Railway pursuant to the terms of this Memorandum.

29. The Commission covenants and agrees that it will at all times hereafter indemnify and save harmless the National Railways and the Pacific Railway and each of them from and against any and all claims, demands and damages including the costs and reasonable expenses incurred in defending any legal proceedings made against them or either of them which arise from the abandonment of any railway or inability to provide service now provided by them or either of them and which have resulted from the implementation of the Relocation Plan.

Clause 26: By an agreement of the parties to the memorandum set out in the Schedule the date mentioned in clause 26 has been extended.

30. The Commission covenants and agrees that it will indemnify and save harmless the National Railways and Pacific Railway from and against any and all claims, demands and damages, including the cost and reasonable expenses incurred in any legal proceedings made against them or either of them that result from injuries or damages to any person or property including injuries resulting in death, and that arise from any work performed by the Commission, its servants or agents, pursuant to this Memorandum, provided that the liability of the Commission hereunder with respect to the construction of any railway facility shall not extend beyond the date of acceptance of such facility by either the National Railways, the Pacific Railway or the Terminal Railway, as the case may be, and provided further, that the Commission shall in no instance be liable hereunder where such injury or damage results from negligence on the part of one or more of the railway companies, their employees, servants or agents.

31. (1) Where any claim or demand is made in writing against either or both the National Railways and Pacific Railway, which is a claim or demand as described in clause 28, 29 or 30 hereof, such railway or railways shall, as soon as reasonably possible, notify the Commission in writing thereof and shall supply the Commission with all available details of the claim and any further information that the Commission may reasonably require.

(2) Upon receipt of notice and information mentioned in subclause (1) of this clause, the Commission may at any time and upon notice in writing to the railway or railways, in the name and on behalf of the railway or railways, negotiate a settlement thereof or defend any action or suit brought against the said railway or railways arising therefrom; and where the Commission pursuant to this subclause settles or defends a claim or demand it shall pay the amount of such settlement or any judgment against such railway or railways including the legal cost pertaining to the settlement or judgment.

(3) The railway or railways shall, at the expense of the Commission, co-operate fully with the Commission in any investigation, settlement or defence by the Commission pursuant to subclause (2).

(4) The failure of the National Railways or the Pacific Railway to comply with subclause (1) of this clause will not relieve the Commission of liability to indemnify or save harmless such Railway from and against any such claim or demand unless the Commission is prejudiced by such failure.

32. The Commission will supply to the National Railways, Pacific Railway and the Terminal Railway details of the cost of acquiring the land and constructing the various facilities being provided to the said railways pursuant to this Memorandum.

33. The benefit and burden of the provisions of this Memorandum shall enure to and be binding upon the successors and assigns of all parties hereto.

34. In the event of any differences arising between the parties hereto in respect of any question of law or fact concerning any provision of this Memorandum, it is hereby agreed that such questions of law or fact shall be submitted to the Exchequer Court of Canada for determination pursuant to paragraph (*g*) of subsection (1) of section 18 of the Exchequer Court Act.

35. In order that the proposed Terminal Railway may receive every benefit from all agreements and covenants made for its benefit by the Commission, as it would were it a party to this Memorandum it is hereby understood, agreed and declared that the Pacific Railway and the National Railways execute this Memorandum to that purpose on behalf of the proposed Terminal Railway as well as on behalf of each of them and as trustees of the covenants and agreements of the Commission for and on behalf of the Terminal Railway and the benefits of such agreements and covenants contained herein shall be claimed and enforced by the Pacific Railway and the National Railways on behalf of the said Terminal Railway.

IN WITNESS WHEREOF the National Capital Commission has hereunto affixed its seal this third day of October, 1963.

(Sgd) "S. F. Clark"

Chairman

(Sgd) "Douglas L. McDonald"

Director of Planning
and Property

AND IN WITNESS WHEREOF the Canadian National Railway Company has hereunto affixed its seal this 16th day of October, 1963.

(Sgd) "R. H. Tarr"

Vice-President &
Executive Assistant

(Sgd) "J. M. Young"

Assistant Secretary

AND IN WITNESS WHEREOF the Canadian Pacific Railway Company has hereunto affixed its seal this 17th day of October, 1963.

(Sgd) "R. A. Emerson"

Vice-President

(Sgd) "P. N. Grant"

Assistant Secretary

First Session, Twenty-Seventh Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-3.

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

Read a first time, Tuesday, 25th January, 1966.

Honourable Senator CROLL.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23133

1st Session, 27th Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-3.

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

Preamble.

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

Short title.

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

Definitions.

2. In this Act,

"credit financier".

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

"finance charges".

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

"person".

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

Explanatory Notes.

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

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

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

Statement in writing.

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

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

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

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

Recovery of finance charges.

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

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

Regulations.

5. The Governor in Council may make regulations prescribing

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

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

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

First Session, Twenty-Seventh Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-4.

An Act to incorporate Aetna Casualty Company of Canada.

Read a first time, Tuesday, 25th January, 1966.

Honourable Senator COOK.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23141

1st Session, 27th Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-4.

An Act to incorporate Aetna Casualty Company of Canada.

Preamble.

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

Incorporation.

1. Albert Bruce Matthews, executive, Melvin Kirkland Kenny, insurance executive, John Hamilton Cameron Clarry, one of Her Majesty's Counsel, Granville Patrick Harcourt Vernon, one of Her Majesty's Counsel, Peter Greer Beattie, solicitor, and Stephen Clifford Smith, solicitor, all of the city of Toronto, in the province of Ontario, Olcott Damon Smith, insurance executive, and John Alexander Hill, insurance executive, both of the town of Farmington, in the state of Connecticut, one of the United States of America, and Guy Edward Mann, insurance executive, of the city of Hartford, in the state of Connecticut, one of the United States of America, together with such other persons as become shareholders of the Company, are incorporated under the name of Aetna Casualty Company of Canada, and, in French, La Compagnie Aetna Casualty du Canada, hereinafter called "the Company".

Corporate name.

Provisional directors.

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

Capital stock.

3. The capital stock of the Company shall be five million dollars divided into shares of fifty dollars each.

Subscription before general meeting.

4. The amount to be subscribed before the general meeting for the election of directors is called shall be five hundred thousand dollars.

Head office.

5. The head office of the Company shall be in the city of Toronto, in the province of Ontario.

Classes of insurance authorized.

6. The Company may undertake, transact and make contracts of insurance in any one or more of the following classes of insurance:

(*a*) fire insurance;
(*b*) accident insurance;
(*c*) aircraft insurance;
(*d*) automobile insurance;
(*e*) boiler insurance;
(*f*) credit insurance;
(*g*) earthquake insurance;
(*h*) explosion insurance;
(*i*) falling aircraft insurance;
(*j*) forgery insurance;
(*k*) guarantee insurance;
(*l*) hail insurance;
(*m*) impact by vehicles insurance;
(*n*) inland transportation insurance;
(*o*) livestock insurance;
(*p*) machinery insurance;
(*q*) marine insurance;
(*r*) personal property insurance;
(*s*) plate glass insurance;
(*t*) real property insurance;
(*u*) sickness insurance;
(*v*) sprinkler leakage insurance;
(*w*) theft insurance;
(*x*) water damage insurance;
(*y*) weather insurance; and
(*z*) windstorm insurance.

Subscription and payment of capital before commencing business.

7. The Company shall not commence any business of insurance until at least five hundred thousand dollars of its capital stock has been bona fide subscribed and at least that amount paid thereon, together with a contribution to surplus of at least five hundred thousand dollars. The Company may then transact business in any one or more of the classes of insurance authorized by section 6 of this Act.

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40.

8. *The Canadian and British Insurance Companies Act* shall apply to the Company.

First Session, Twenty-Seventh Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-5.

An Act respecting United Grain Growers Limited.

Read a first time, Wednesday, 26th January, 1966.

Honourable Senator THORVALDSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23321

1st Session, 27th Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-5.

An Act respecting United Grain Growers Limited.

Preamble. 1911, c. 80; 1915, c. 73; 1917, c. 79; 1918, c. 74; 1940-41, c. 40; 1950, c. 67.

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

1. Section 4 of chapter 80 of the statutes of 1911, as re-enacted by section 1 of chapter 67 of the statutes of 1950, is repealed and the following substituted therefor:

Increase of capital stock.

"**4.** (1) The capital stock of the Company shall be twelve million dollars divided into five hundred and fifty thousand Class "A" shares of the par value of twenty dollars each, and two hundred thousand Class "B" (Membership) shares of the par value of five dollars each.

Rights and limitations.

(2) The Class "A" shares shall have attached thereto, subject to paragraph (*b*) of section 3 of chapter 40 of the statutes of 1940-41, as amended by section 7 of chapter 67 of the statutes of 1950, the rights, preferences, restrictions and limitations set forth in sections 3 and 4 of Company By-law No. 30, as reproduced in the Schedule, and the Class "B" (Membership) shares shall have attached thereto the rights, preferences, restrictions and limitations set forth in sections 5 and 6 of the said By-law, as reproduced in the Schedule.

Authorization for additional dividend.

(3) Notwithstanding subsection (2), the directors of the Company may, for any fiscal year, declare an additional dividend of one-half of one per centum, or any multiple thereof to a maximum of one and one-half per centum, of the par value of the Class "A" shares, out of the profits earned in that year and available for

Explanatory Notes.

Section 4 of chapter 80 of the statutes of 1911, as re-enacted by section 1 of chapter 67 of the statutes of 1950, now reads as follows:

"4. The capital stock of the Company shall be seven million five hundred thousand dollars."

The purpose of the proposed new subsection (1) of section 4 is to increase the capital stock of the Company from $7,500,000.00, which is now divided into 325,000 Class "A" shares of the par value of $20.00 each and 200,000 Class "B" (Membership) shares of the par value of $5.00 each, to $12,000,000.00, divided into 550,000 Class "A" shares of the par value of $20.00 each and 200,000 Class "B" (Membership) shares of the par value of $5.00 each. At present, 226,041 Class "A" shares and 57,881 Class "B" (Membership) shares are outstanding.

The purpose of the proposed new subsection (2) of section 4 is to ensure that the rights and restrictions now attaching to the present Class "A" and Class "B" (Membership) shares will continue to attach to the new shares. These are contained in sections 3, 4, 5 and 6 of Company By-law No. 30, reproduced in the Schedule to the bill. Paragraph (b) of section 3 of chapter 40 of the statutes of 1940–41, as amended by section 7 of chapter 67 of the statutes of 1950, now reads:

"3. The directors of the Company may by by-law .....

(*b*) limit the number of shares of any class or of all classes together which may be held by any shareholder."

dividends, as the directors may deem proper: Provided that, in the event of such declaration, provision shall be made for dividends for Class "B" (Membership) shares for such year at a rate not less than the total rate declared on the Class "A" shares for such year.

The purpose of the proposed subsection (3) of section 4 is to provide for an additional dividend not exceeding one and one-half per centum of the par value of the Class "A" shares. At present, the limit is five per centum on the amount paid up on the par value of such shares, as set forth in paragraph (a) of section 3 of Company By-law No. 30. Five per cent now is not considered a dividend rate which would prove attractive to prospective purchasers of Class "A" shares, and the payment of an additional dividend within the range indicated is warranted by earnings in recent years. The sale of further Class "A" shares would provide capital for the enlargement, acquisition or construction of additional grain-handling facilities. By the Proviso, if such an additional dividend is declared on the Class "A" shares, provision must be made for dividends on Class "B" (Membership) shares at a rate not less than the total dividend rate payable for such year on the Class "A" shares.

Since the par value of the Class "B" (Membership) shares is $5.00, and since a limit has been placed on the number of such shares that any person may hold (see paragraph (b) of section 6 of Company By-law No. 30, reproduced in the Schedule to the bill) it has been Company policy to provide each year for a dividend on the Class "B" (Membership) shares, but to declare such dividend every fourth year.

SCHEDULE.

Sections 3, 4, 5 and 6 of By-law No. 30 of United Grain Growers Limited, as amended.

Rights attached to "A" shares.

3. That to Class "A" shares shall be attached the following rights:

(*a*) The right to receive as and when declared by the directors a preferential dividend of five per cent on the amount paid up on the par value thereof payable as regards each year out of the profit earned in that year and available for dividends after setting aside such reserve for depreciation as the directors may deem proper, but such shares shall not carry any other rights in the profits of the Company.

(*b*) The right of transfer and transmission, when fully paid up, without any restriction except as hereinafter set out, and

(*c*) The right to rank in a winding up of the Company pari passu with the Class "B" shares.

Restrictions attached to "A" shares.

4. That to the said Class "A" shares there shall be attached the following restrictions:

(*a*) That ownership of the said shares shall not entitle or qualify the holder thereof to take part in any meeting of shareholders of the Company, to vote for or act as delegate to any general meeting, or to act as a director of the Company.

(*b*) That the directors of the Company shall have the right at any time on notice to the holder to redeem the shares at a price not exceeding Twenty-four Dollars a share and in case less than all the shares are being redeemed the respective shares to be redeemed shall be selected in such manner as the Board of Directors shall by resolution determine.

(*c*) In all cases of calling Class "A" shares for redemption, notice shall be given by registered letter directed to the respective holders of the shares chosen for redemption, at their addresses respectively appearing on the books of the Company, mailed postage prepaid at least thirty (30) days prior to the date fixed for redemption. On or before the said date the holders of Class "A" shares so called for redemption shall surrender to the secretary of the Company at the Head Office thereof, for cancellation, the certificates of the said shares duly endorsed, and thereupon the Company

shall pay the redemption price in respect thereof. From and after the date fixed for redemption of the said shares, such shares shall cease to bear further dividends, and the respective holders thereof shall have no other right or interest in respect thereof, except to receive the redemption price thereof, upon presentation and surrender of their respective share certificates; and from and after the date fixed for redemption all the shares called for redemption (whether or not the certificates therefor shall have been surrendered) shall be deemed to be redeemed and cancelled.

Should the holders of any Class "A" shares so called for redemption fail to surrender the certificates representing such shares within fifteen days after the date fixed for redemption, the Company shall have the right to deposit the redemption price of such shares to the credit of a special account in any chartered bank or trust company in Canada, to provide for the payment of such redemption price, without interest, to the respective holders of such shares upon surrender to such bank or trust company of the certificates representing the same, duly endorsed.

(*d*) That no person shall be entitled to hold or own more than two thousand five hundred of such shares.

Rights attached to "B" shares.

5. That to Class "B" shares there shall be attached the following rights:

(*a*) The right to take part in local meetings of shareholders of the Company, to vote for and (subject as hereinafter provided) to act as a delegate at general meetings of the Company, and (subject again as hereinafter provided) to act as a director of the Company.

(*b*) The right to share in the distribution of any profits distributed by way of dividend after the payment of any other dividends which are required to be or may be declared, and

(*c*) The right to rank in a winding up of the Company pari passu with Class "A" shares:

Restrictions attached to "B" shares.

6. That to the said Class "B" shares there shall be attached the following restrictions:

(*a*) That such shares may be held only by farmers or lessees of farms who have prior to applying to become registered as holders thereof been customers of the Company to such extent as the directors may from time

to time determine, unless allotted to other persons by resolution adopted by a vote of two-thirds of the delegates present at any general meeting of the Company, provided however, that any shareholder registered as such prior to the date of the Directors' By-law hereby authorized, shall be entitled to be registered as the holder of such shares.

(*b*) That no person shall be entitled to hold or own more than twenty-five of such shares, and

(*c*) That no holder of less than five of such shares shall be entitled to act as a delegate at a general meeting of the Company or as a director thereof unless he is also the holder of at least one Class "A" share.

First Session, Twenty-Seventh Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-6.

An Act respecting The Pacific Coast Fire Insurance Company.

Read a first time, Wednesday, 26th January, 1966.

Honourable Senator THORVALDSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23313

1st Session, 27th Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-6.

An Act respecting The Pacific Coast Fire Insurance Company.

Preamble. 1908, c. 143; 1920, c. 92; 1926, c. 21.

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

Change of name.

Name in French.

1. The name of the new Company is hereby changed to The Century Insurance Company of Canada and the new Company may use, in the transaction of its business, either the name The Century Insurance Company of Canada or the name La Compagnie d'Assurance Century du Canada, or both of such names, as and when it so elects. It may sue or be sued in either or both of such names, and any transaction, contract or obligation heretofore entered into or incurred by the new Company in the name The Pacific Coast Fire Insurance Company, and any transaction, contract or obligation hereafter entered into or incurred by the new Company in either the name The Century Insurance Company of Canada or the name La Compagnie d'Assurance Century du Canada, or both of such names, shall be valid and binding on the new Company.

Existing rights saved.

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

Explanatory Notes.

Clauses 1 and 2 change the name of "the new Company" (so referred to in its Act of Incorporation) to The Century Insurance Company of Canada and, in French, La Compagnie d'Assurance Century du Canada.

any suit or proceeding that might have been commenced or continued by or against the new Company under its former name may be commenced or continued by or against it under either or both of its new names.

3. Section 2 of chapter 143 of the statutes of 1908, as amended by section 1 of chapter 92 of the statutes of 1920, is repealed and the following substituted therefor:

Capital increased.

"**3.** The capital stock of the new Company shall be two million dollars divided into shares of five dollars each."

Coming into force.

4. This Act shall come into force on the thirtieth day following the day on which this Act is assented to.

Clause 3 provides for an increase in the capitalization of the new Company. The capital stock of the new Company was originally one million dollars divided into shares of $100.00 each. By amendment of chapter 92 of the statutes of 1920, the new Company was authorized to subdivide its shares into shares of $5.00 each and the Company did in fact so subdivide its capital stock. The effect of clause 3 is therefore to increase the capital stock to two million dollars divided into shares of $5.00 each.

The purpose of clause 4 is to provide for a delay to permit the necessary administrative changes before the Act comes into force.

First Session, Twenty-Seventh Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-7.

An Act to incorporate Evangelistic Tabernacle Incorporated.

Read a first time, Wednesday, 26th January, 1966.

Honourable Senator THORVALDSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23325

1st Session, 27th Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-7.

An Act to incorporate Evangelistic Tabernacle Incorporated.

Preamble.

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

Incorporation.

Corporate name.

1. Raymond Lee Bradley, clergyman, Edwin Wiebe, optician, Olga Bradley, housewife, Harvey Schmidt, clergyman, and Henry Thiessen Bergen, machinist, all of the city of Winnipeg, in the province of Manitoba, together with such other persons and congregations as become members of the religious body hereby incorporated, are incorporated under the name of Evangelistic Tabernacle Incorporated, hereinafter called "the Corporation", for the purposes set out in this Act and, in particular, for the purpose of administering the property, business and other temporal affairs of the Corporation.

Directors.

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

Head office.

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

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

Objects.

4. The objects of the Corporation shall be

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

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

(*c*) to promote, organize, establish, maintain, carry on, conduct and assist the Corporation in all its branches and activities, including missions, seminaries, schools, colleges, hospitals, dispensaries, parsonages, orphanages and homes for the aged, and any other institutions for religious, educational, congregational, social or recreational purposes;

(*d*) to promote the erection and purchase of houses of worship and parsonages;

(*e*) to administer the property, business and other temporal affairs of the Corporation and its congregation;

(*f*) to establish, support and maintain a publishing house for the purpose of printing and disseminating Gospel literature for the support of the doctrine and faith of the Corporation; and

(*g*) to promote generally the spiritual welfare of all the members, congregations and mission fields of the Corporation as a religious denomination.

Power to make by-laws.

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

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

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

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

(*d*) the calling of regular or special meetings of the Corporation or of the executive and other committees or boards thereof;

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

(*f*) determining the qualifications of members of the Corporation;

(*g*) determining the qualifications of candidates to be ordained into the Ministry of the Corporation, and the rites and ceremonies required to be performed at such ordination;

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

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

Management.

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

Incidental powers.

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

Committees.

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

Power to acquire and hold property.

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

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

Investment in and disposal of property.

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

Application of mortmain laws.

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

Transfer of property held in trust.

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

Execution of documents.

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

Disposition of property by gift or loan.

14. The Corporation may make a gift of or lend any of its property, whether real or personal, for or to assist any other religious, charitable, educational, congregational, social or recreational institutions, having the same or similar objects and powers as the Corporation, upon such terms and conditions as it may deem expedient, including assistance in the erection or maintenance of any building or buildings of such institution.

Borrowing powers.

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

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

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

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

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

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

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

(*g*) acquire by gift or purchase, have, hold, receive, possess, retain, and enjoy lands, tenements, hereditaments, rents, annuities, and other property, movable and immovable, real and personal, corporeal and incorporeal, and any land and every estate and interest whatsoever given, granted, devised or bequeathed to it or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of the Corporation; and

(*h*) do any and all other things as are incidental or conducive to the attainment of the objects for which the Corporation is established.

Limitation.

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

Powers of guarantee.

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

Investment of funds.

17. The Corporation may invest and re-invest its funds

(*a*) in any bonds or debentures of any municipality or public school corporation or district in Canada, or in securities of or guaranteed by the Government of Canada, or of any province thereof;

(*b*) in first mortgages or freehold property in Canada, and for such purposes may take mortgages or assignments thereof, whether such mortgages or assignments be made directly to the Corporation in its own corporate name, or to some company or person in trust for it, and may sell or assign the same; and

(*c*) in any securities in which life insurance companies are authorized from time to time by the Parliament of Canada to invest funds, subject to the limitations on investments in stocks, bonds and debentures set out in the *Canadian and British Insurance Companies Act*.

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40.

Territorial powers.

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

First Session, Twenty-Seventh Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-8.

An Act respecting General Mortgage Service Corporation of Canada.

Read a first time, Wednesday, 26th January, 1966.

Honourable Senator LEONARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

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1st Session, 27th Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-8.

An Act respecting General Mortgage Service Corporation of Canada.

Preamble. 1960-61, c. 78; 1963, c. 72.

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

Change of name, in English.

1. The name of the Corporation, in English, is hereby changed to General Mortgage Corporation of Canada.

2. The Corporation may use, in the transaction of its business, either the name General Mortgage Corporation of Canada or the name Société Générale d'Hypothèque du Canada, as and when it so elects, and may sue or be sued in either or both of such names.

Existing rights saved.

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

Explanatory Notes.

The purpose of clauses 1, 2 and 3 of the Bill is to change the name of the Corporation, in English. The French version of the name, in its present form, is satisfactory.

Change in description of bonds.

4. Chapter 78 of the statutes of 1960–61, as amended by chapter 72 of the statutes of 1963, is further amended by substituting the words "Series A Bonds" for the words "Series A Mortgage Bonds" wherever the words "Series A Mortgage Bonds" appear therein and by substituting the words "Series B Bonds" for the words "Series B Mortgage Bonds" wherever the words "Series B Mortgage Bonds" appear therein.

Coming into force.

5. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

The purpose of clause 4 is to give the bonds a descriptive title so that the bonds of this Corporation will not be confused with mortgage bonds issued by other companies on real estate security.

Clause 5 merely defers the day on which the Act is to come into force, in order that any necessary administrative adjustments may be made prior thereto.

First Session, Twenty-Seventh Parliament, 14 Elizabeth II, 1966.

2.

THE SENATE OF CANADA

BILL S-9.

An Act to revise and consolidate the Interpretation Act and Amendments thereto, and to effect certain consequential amendments to the Canada Evidence Act and the Bills of Exchange Act.

Read a first time, Tuesday, 1st February 1966.

Honourable Senator BOUFFARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

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1st Session, 27th Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-9.

An Act to revise and consolidate the Interpretation Act and Amendments thereto, and to effect certain consequential amendments to the Canada Evidence Act and the Bills of Exchange Act.

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 *Interpretation Act*.

INTERPRETATION.

Definitions.

2. (1) In this Act,

"Act."

(*a*) "Act" means an Act of the Parliament of Canada;

"Enact"

(*b*) "enact" includes to issue, make or establish;

"Enactment."

(*c*) "enactment" means an Act or a regulation or any portion of an Act or regulation;

"Public officer."

(*d*) "public officer" includes any person in the public service of Canada

(i) who is authorized by or under an enactment to do or enforce the doing of an act or thing or to exercise a power, or

(ii) upon whom a duty is imposed by or under an enactment;

"Regulation."

(*e*) "regulation" includes an order, regulation, order in council, order prescribing regulations, rule, rule of court, form, tariff of costs or fees, letters patent, commission, warrant, instrument, proclamation, by-law, resolution or other instrument issued, made or established

(i) in the execution of a power conferred by or under the authority of an Act, or

(ii) by or under the authority of the Governor in Council; and

Explanatory Notes.

The purposes of an *Interpretation Act* are to establish uniform definitions and modes of expression, to eliminate repetition in the statutes and to facilitate the drafting and construction of statutes.

Although the *Interpretation Act* has been amended from time to time and consolidated by successive Statute Revision Commissions, there has not been, since Confederation, a general revision by Parliament.

In the present revision some new provisions have been added and others have been improved. There is a general re-arrangement, and the language has been revised throughout in accordance with modern drafting standards.

In the notes below, the references to sections are to sections of the present *Interpretation Act*. In many cases there has been some change in wording and minor alteration in scope. Substantial changes, and new provisions, are specially mentioned.

Clause 2. (1) The definitions of "Act", "enactment" and "regulation" are new. Their purpose is to apply the whole of the Act to all orders in council and to the various instruments made under the authority of statutes.

"Repeal."

(*f*) "repeal" includes revoke or cancel.

Expired enactment deemed repealed.

(2) For the purposes of this Act, an enactment that has expired or lapsed or otherwise ceased to have effect shall be deemed to have been repealed.

Application.

Application.

3. (1) Every provision of this Act extends and applies, unless a contrary intention appears, to every enactment, whether enacted before or after the commencement of this Act.

Application to this Act.

(2) The provisions of this Act apply to the interpretation of this Act.

Rules of construction not excluded.

(3) Nothing in this Act excludes the application to an enactment of a rule of construction applicable thereto and not inconsistent with this Act.

Enacting Clause of Acts.

Enacting clause.

4. (1) The enacting clause of an Act may be in the following form:—"Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:".

Order of clauses.

(2) The enacting clause of an Act shall follow the preamble, if any, and the various provisions within the purview or body of the Act shall follow in a concise and enunciative form.

Operation.

Royal Assent.

Royal assent and date of commencement.

5. (1) The Clerk of the Parliaments shall endorse on every Act, immediately after the title thereof, the day, month and year when the Act was assented to in Her Majesty's name; such endorsement shall be taken to be a part of the Act, and the date of such assent shall be the date of the commencement of the Act, if no other date of commencement is therein provided.

Commencement of coming into force provision.

(2) Where an Act contains a provision that the Act or any portion thereof is to come into force on a day later than the date of assent to the Act, such provision shall be deemed to have come into force on the date of assent to the Act.

Commencement when no date fixed.

(3) Where an Act provides that certain provisions thereof are to come or shall be deemed to have come into force on a day other than the date of assent to the Act, the remaining provisions of the Act shall be deemed to have come into force on the date of assent to the Act.

(2) Section 19(3).

Clause 3. (1) Section 2(1). The phrase "unless a contrary intention appears" occurs throughout the present Act; the proposed new provision will apply the context rule to all the provisions of the Act, thus making repetition of this phrase unnecessary.

(2) Section 4.

(3) Section 3.

Clause 4. Sections 5 and 6.

Clause 5. (1) Section 7.

(2) New. It is frequently provided in an Act of Parliament that the Act is to come into force on a day to be fixed by proclamation. Hitherto there has been no express statement that such a provision is itself in force although it has always been regarded as immediately operative.

(3) New. From time to time it is provided in an Act of Parliament that certain sections are to come into force on a day to be fixed by proclamation and no date is prescribed for the coming into force of the remaining sections. This clause expresses the understood rule that in such cases the provisions for which no date of commencement is prescribed shall be deemed to come into force on the date of assent to the Act.

Day Fixed for Commencement or Repeal.

Operation when date fixed for commencement or repeal.

6. (1) Where an enactment is expressed to come into force on a particular day, it shall be construed as coming into force upon the expiration of the previous day; and where an enactment is expressed to expire, lapse or otherwise cease to have effect on a particular day, it shall be construed as ceasing to have effect upon the commencement of the following day.

When no date fixed.

(2) Every enactment that is not expressed to come into force on a particular day shall be construed as coming into force upon the expiration of the day immediately before the day the enactment was enacted.

Regulation Prior to Commencement.

Preliminary proceedings.

7. Where an enactment is not in force and it contains provisions conferring power to make regulations or do any other thing, that power may, for the purpose of making the enactment effective upon its commencement, be exercised at any time before its commencement, but a regulation so made or a thing so done has no effect until the commencement of the enactment except in so far as may be necessary to make the enactment effective upon its commencement.

Territorial Operation.

Enactments apply to all Canada.

8. (1) Every enactment applies to the whole of Canada, unless it is otherwise expressed therein.

Amending enactment.

(2) Where an enactment that does not apply to the whole of Canada is amended, no provision in the amending enactment applies to any part of Canada to which the amended enactment does not apply, unless it is therein provided that the amending enactment applies to such part of Canada or to the whole of Canada.

RULES OF CONSTRUCTION.

Private Acts.

Provisions in private Acts.

9. No provision in a private Act affects the rights of any person, except only as therein mentioned or referred to.

Law Always Speaking.

Law always speaking.

10. The law shall be considered as always speaking, and whenever a matter or thing is expressed in the present tense, it shall be applied to the circumstances as they arise, so that effect may be given to the enactment and every part thereof according to its true spirit, intent and meaning.

Clause 6. (1) Section 11, re-worded.

(2) New. Subclause (1) provides for the time of commencement of an enactment that is expressed to come into force on a particular day. This subclause provides for the time of commencement when no date is expressly stated.

Clause 7. Section 12, re-worded.

Clause 8. Section 9.

Clause 9. Section 17.

Clause 10. Section 10.

Enactments Remedial.

Enactments deemed remedial.

11. Every enactment shall be deemed remedial, and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.

Preambles and Marginal Notes.

Preamble part of enactment.

12. The preamble of an enactment shall be read as a part thereof intended to assist in explaining its purport and object.

Marginal notes.

13. Marginal notes and references to former enactments in an enactment after the end of a section or other division thereof form no part of the enactment, but shall be deemed to have been inserted for convenience of reference only.

Application of Definitions.

Application of interpretation provisions.

14. (1) Definitions or rules of interpretation contained in an enactment apply to the construction of the provisions of the enactment that contain those definitions or rules of interpretation, as well as to the other provisions of the enactment.

Interpretation sections subject to exceptions.

(2) Where an enactment contains an interpretation section or provision, it shall be read and construed

(*a*) as being applicable only if the contrary intention does not appear, and

(*b*) as being applicable to all other enactments relating to the same subject matter unless the contrary intention appears.

Words in regulations have same meaning as in enactment.

15. Where an enactment confers power to make regulations, expressions used in the regulations have the same respective meanings as in the enactment conferring the power.

Her Majesty.

Her Majesty not bound or affected unless stated.

16. No enactment is binding on Her Majesty or affects Her Majesty or Her Majesty's rights or prerogatives in any manner, except only as therein mentioned or referred to.

Proclamations.

Proclamation means proclamation of Governor in Council.

17. (1) Where an enactment authorizes the issue of a proclamation, the proclamation shall be understood to be a proclamation of the Governor in Council.

Proclamation of Governor General to be issued on advice.

(2) Where the Governor General is authorized to issue a proclamation, the proclamation shall be understood to be a proclamation issued under an order of the Governor in Council, but it is not necessary to mention in the proclamation that it is issued under such order.

Clause 11. Section 15, simplified.

Clause 12. Section 14(1).

Clause 13. Section 14(2).

Clause 14. (1) Section 34.

(2) Section 2(3) re-worded.

Clause 15. Section 38.

Clause 16. Section 16, re-worded.

Clause 17. (1) New. This provision will make it unnecessary to state that a proclamation is a proclamation of the Governor in Council.

(2) Section 23.

Date of proclamation.

(3) Where the Governor in Council has authorized the issue of a proclamation, the proclamation may purport to have been issued on the day its issue was so authorized, and the day on which it so purports to have been issued shall be deemed to be the day on which the proclamation takes effect.

Judicial notice of proclamation.

(4) Where an enactment is expressed to come into force on a day to be fixed by proclamation, judicial notice shall be taken of the issue of the proclamation and the day fixed thereby without being specially pleaded.

Oaths.

Administration of oaths.

18. (1) Where by an enactment or by a rule of the Senate or House of Commons, evidence under oath is authorized or required to be taken, or an oath is authorized or directed to be made, taken or administered, the oath may be administered, and a certificate of its having been made, taken or administered may be given by any one authorized by the enactment or rule to take the evidence, or by a judge of any court, a notary public, a justice of the peace, or a commissioner for taking affidavits, having authority or jurisdiction within the place where the oath is administered.

Where justice of peace empowered.

(2) Where power is conferred upon a justice of the peace to administer an oath or affirmation, or to take an affidavit or declaration, the power may be exercised by a notary public or a commissioner for taking oaths.

Reports to Parliament.

Reports to Parliament.

19. Where an Act requires a report or other document to be laid before Parliament and, in compliance with the Act, a particular report or document has been laid before Parliament at a session thereof, nothing in the Act shall be construed as requiring the same report or document to be laid before Parliament at any subsequent session thereof.

Corporations.

Powers vested in corporations.

20. (1) Words establishing a corporation shall be construed

(*a*) to vest in the corporation power to sue and be sued, to contract and be contracted with by its corporate name, to have a common seal and to alter or change it at pleasure, to have perpetual succession, to acquire and hold personal property or movables for the purposes for which the corporation is established and to alienate the same at pleasure;

(*b*) in the case of a corporation having a name consisting of an English and a French form or a combined English and French form, to vest

(3) New. The practice is to date proclamations the day they are authorized, but it is not always possible to have the proclamation engrossed, signed and sealed on the same day.

(4) New. Under this amendment it will not be necessary to set out the commencement date in pleadings.

Clause 18. (1) Section 25.

(2) Section 31(2).

Clause 19. Section 31A (R.S.C. 1952, c. 327).

Clause 20. (1) Section 30(1), altered to include all cases where a corporation is established, and not only those where "a number of persons" are established as a corporation. Paragraph (*b*) is new.

in the corporation power to use either the English or the French form of its name or both forms and to show on its seal both the English and French forms of its name or have two seals, one showing the English and the other showing the French form of its name;

(*c*) to vest in a majority of the members of the corporation the power to bind the others by their acts; and

(*d*) to exempt from personal liability for its debts, obligations or acts such individual members of the corporation as do not contravene the provisions of the enactment establishing the corporation.

Corporate name.

(2) Where an enactment establishes a corporation and in each of the English and French versions of the enactment the name of the corporation is in the form only of the language of that version, the name of the corporation shall consist of the form of its name in each of the versions of the enactment.

Banking business.

(3) No corporation shall be deemed to be authorized to carry on the business of banking unless such power is expressly conferred upon it by the enactment establishing the corporation.

Majority and Quorum.

Majorities.

21. (1) Where an act or thing is required or authorized to be done by more than two persons, a majority of them may do it.

Quorum of board, court, commission, etc.

(2) Where an enactment establishes a board, court, commission or other body consisting of three or more members (in this section called an "association"),

(*a*) at a meeting of the association, a number of members of the association equal to

(i) at least one-half of the number of members provided for by the enactment, if that number is a fixed number, and

(ii) if the number of members provided for by the enactment is not a fixed number but is within a range having a maximum or minimum, at least one-half of the number of members in office if that number is within the range,

constitutes a quorum;

(*b*) an act or thing done by a majority of the members of the association present at a meeting, if the members present constitute a quorum, shall be deemed to have been done by the association; and

(2) New.

(3) Section 30(2).

Clause 21. (1) Section 31(1)(*c*).

(2) New. This provision is intended to supplement subclause (1), and to state more precisely the quorum rules applicable to meetings.

(*c*) a vacancy in the membership of the association does not invalidate the constitution of the association or impair the right of the members in office to act, if the number of members in office is not less than a quorum.

Appointment, Retirement and Powers of Officers.

Public officers hold office during pleasure.

22. (1) Every public officer appointed before or after the commencement of this Act, by or under the authority of an enactment or otherwise, shall be deemed to have been appointed to hold office during pleasure only, unless it is otherwise expressed in the enactment or in his commission or appointment.

Effective day of appointments.

(2) Where an appointment is made by instrument under the Great Seal, the instrument may purport to have been issued on or after the day its issue was authorized, and the day on which it so purports to have been issued shall be deemed to be the day on which the appointment takes effect.

Appointment or engagement otherwise than by instrument under Great Seal.

(3) Where in any enactment there is authority to appoint a person to a position or to engage the services of a person, otherwise than by instrument under the Great Seal, the instrument of appointment or engagement may be expressed to be effective on or after the day on which such person commenced the performance of the duties of the position or commenced the performance of the services, and the day on which it is so expressed to be effective, unless that day is more than sixty days before the day on which the instrument is issued, shall be deemed to be the day on which the appointment or engagement takes effect.

Remuneration.

(4) Where a person is appointed to an office, the appointing authority may fix, vary or terminate his remuneration.

Commencement of appointments or retirements.

(5) Where a person is appointed to an office effective on a specified day, or where the appointment of a person is terminated effective on a specified day, the appointment or termination, as the case may be, shall be deemed to have been effected immediately upon the expiration of the previous day.

Implied powers respecting public officers.

23. (1) Words authorizing the appointment of a public officer to hold office during pleasure include the power of

(*a*) terminating his appointment or removing or suspending him,

(*b*) reappointing or reinstating him, and

(*c*) appointing another in his stead or to act in his stead,

in the discretion of the authority in whom the power of appointment is vested.

Clause 22. (1) Section 24, extended to all public officers.

(2) New. The purpose of this provision is to authorize a commission of appointment to bear the same date as the appointing order in council.

(3) New. The purpose of this provision is to authorize an instrument of appointment or engagement to be effective as of the commencement of the performance of the duties of the position or of the engagement, rather than the day on which the instrument is issued, unless the day on which it is expressed to be effective is more than sixty days before the day on which the instrument is issued.

(4) Section 31(1)(*h*) in part.

(5) New.

Clause 23. (1) Section 31(1)(*k*), re-worded.

Powers of acting Minister, successor or deputy.

(2) Words directing or empowering a Minister of the Crown to do an act or thing, or otherwise applying to him by his name of office, include a Minister acting for him, or, if the office is vacant, a Minister designated to act in the office by or under the authority of an order in council, and also his successors in the office, and his or their deputy, but nothing in this subsection shall be construed to authorize a deputy to exercise any authority conferred upon a Minister to make a regulation as defined in the *Regulations Act*.

Successors to and deputy of public officer.

(3) Words directing or empowering any other public officer to do any act or thing, or otherwise applying to him by his name of office, include his successors in the office and his or their deputy.

Powers of holder of public office.

(4) Where a power is conferred or a duty imposed on the holder of an office as such, the power may be exercised and the duty shall be performed by the person for the time being charged with the execution of the powers and duties of the office.

Evidence.

Documentary evidence.

24. (1) Where an enactment provides that a document is evidence of a fact without anything in the context to indicate that the document is conclusive evidence, then, in any judicial proceedings, the document is admissible in evidence and the fact shall be deemed to be established in the absence of any evidence to the contrary.

Queen's Printer.

(2) Every copy of an enactment having printed thereon what purports to be the name or title of the Queen's Printer and Controller of Stationery shall be deemed to be a copy purporting to be printed by the Queen's Printer for Canada.

Computation of Time.

Time limits and holidays.

25. (1) Where the time limited for the doing of a thing expires or falls upon a holiday, the thing may be done on the day next following that is not a holiday.

Clear days.

(2) Where there is a reference to a number of clear days or "at least" a number of days between two events, in calculating the number of days there shall be excluded the days on which the events happen.

Not clear days.

(3) Where there is a reference to a number of days, not expressed to be clear days, between two events, in calculating the number of days there shall be excluded the day on which the first event happens and there shall be included the day on which the second event happens.

Beginning and ending of prescribed periods.

(4) Where a time is expressed to begin or end at, on or with a specified day, or to continue to or until a specified day, the time includes that day.

(2) Section 31(1)(*l*). The concluding words are new and are intended to make it clear that a deputy has not the power to exercise a Minister's power to make delegated legislation.

(3) Section 31(1)(*m*).

(4) Section 31(1)(*f*).

Clause 24. (1) New. The purpose of this provision is to eliminate the latin phrase *prima facie* in establishing rebuttable presumptions of fact.

(2) New. Other statutes refer to the "Queen's Printer for Canada", but his full title is "Queen's Printer and Controller of Stationery".

Clause 25. (1) Section 31(1)(*h*).

(2) and (3) Section 31(1)(*o*) revised.

(4), (5), (6), (7) and (8) New. These provisions are designed to resolve the doubts frequently arising out of references to time.

After specified day.

(5) Where a time is expressed to begin after or to be from a specified day, the time does not include that day.

Within a time.

(6) Where anything is to be done within a time after, from, of or before a specified day, the time does not include that day.

Calculation of a period of months after or before a specified day.

(7) Where there is a reference to a period of time consisting of a number of months after or before a specified day, the number of months shall be counted from, but not so as to include, the month in which the specified day falls, and the period shall be reckoned as being limited by and including

(*a*) the day immediately after or before the specified day, according as the period follows or precedes the specified day; and

(*b*) the day in the last month so counted having the same calendar number as the specified day, but if such last month has no day with the same calendar number, then the last day of that month.

Time of the day.

(8) Where there is a reference to time expressed as a specified time of the day, the time shall be taken to mean standard time.

Time when specified age attained.

(9) A person shall be deemed not to have attained a specified number of years of age until the commencement of the anniversary, of the same number, of the day of his birth.

Miscellaneous Rules.

Reference to magistrate, etc.

26. (1) Where anything is required or authorized to be done by or before a judge, magistrate, justice of the peace, or any functionary or officer, it shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done.

Ancillary powers.

(2) Where power is given to a person, officer or functionary, to do or enforce the doing of any act or thing, all such powers shall be deemed to be also given as are necessary to enable the person, officer or functionary to do or enforce the doing of the act or thing.

Powers to be exercised as required.

(3) Where a power is conferred or a duty imposed the power may be exercised and the duty shall be performed from time to time as occasion requires.

Power to repeal..

(4) Where a power is conferred to make regulations, the power shall be construed as including a power, exercisable in the like manner, and subject to the like consent and conditions, if any, to repeal, amend or vary the regulations and make others.

Forms.

(5) Where a form is prescribed, deviations therefrom, not affecting the substance or calculated to mislead, do not invalidate the form used.

(9) New. This provision is designed to make it clear that a person does not attain a specified age, for example eighteen years, on the day immediately preceding the eighteenth anniversary of his birthday, but rather on the anniversary itself.

Clause 26. (1) Section 31(1) (*a*), expanded to include a judge.

(2) Section 31(1) (*b*).

(3) Section 31(1) (*e*).

(4) Section 31(1) (*g*).

(5) Section 31(1) (*d*).

Gender. (6) Words importing one gender include all other genders.

Number. (7) Words in the singular include the plural, and words in the plural include the singular.

Parts of speech and grammatical forms. (8) Where a word is defined, other parts of speech and grammatical forms of the same word have corresponding meanings.

Offences.

Indictable and summary conviction offences. **27.** (1) Where an enactment creates an offence,

(*a*) the offence shall be deemed to be an indictable offence if the enactment provides that the offender may be prosecuted for the offence by indictment;

(*b*) the offence shall be deemed to be one for which the offender is punishable on summary conviction if there is nothing in the context to indicate that the offence is an indictable offence; and

(*c*) if the offence is one for which the offender may be prosecuted by indictment or for which he is punishable on summary conviction, no person shall be considered to have been convicted of an indictable offence by reason only of having been convicted of the offence on summary conviction.

Criminal Code to apply. (2) All the provisions of the *Criminal Code* relating to indictable offences apply to indictable offences created by an enactment, and all the provisions of the *Criminal Code* relating to summary conviction offences apply to all other offences created by an enactment, except to the extent that the enactment otherwise provides.

Documents similarly construed. (3) In a commission, proclamation, warrant or other document relating to criminal law or procedure in criminal matters

(*a*) a reference to an offence for which the offender may be prosecuted by indictment shall be construed as a reference to an indictable offence; and

(*b*) a reference to any other offence shall be construed as a reference to an offence for which the offender is punishable on summary conviction.

DEFINITIONS.

Definitions. **28.** In every enactment,

"Act." (1) "Act", as meaning an Act of a legislature, includes an ordinance of the Yukon Territory or of the Northwest Territories;

(6) Section 31(1) (*i*).

(7) Section 31(1) (*j*).

(8) Section 31(1) (*n*).

Clause 27. Section 28, revised to accord with the new *Criminal Code.*

Clause 28. (1) Section 35(1).

"Active service forces."

(2) "active service forces" means the components of the Canadian Forces that are referred to in the *National Defence Act* as the active service forces;

"Bank."

(3) "bank" or "chartered bank" means a bank to which the *Bank Act* applies;

"Broadcasting."

(4) "broadcasting" means the dissemination of any form of radioelectric communication, including radiotelegraph, radiotelephone, the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves, intended to be received by the public either directly or through the medium of relay stations;

"Commencement."

(5) "commencement", when used with reference to an enactment, means the time at which the enactment comes into force;

"Commonwealth."

(6) "Commonwealth", "British Commonwealth", "Commonwealth of Nations" or "British Commonwealth of Nations" means the association of countries named in the Schedule, which Schedule may be amended from time to time by proclamation of the Governor in Council

(*a*) by adding thereto the name of any country recognized by such proclamation to be a member of the Commonwealth, or

(*b*) by deleting therefrom the name of any country recognized by such proclamation to be no longer a member of the Commonwealth;

and "Commonwealth country" means a country that is a member of the association of such countries;

"Commonwealth and Dependent Territories."

(7) "Commonwealth and Dependent Territories" means the several Commonwealth countries and their colonies, possessions, dependencies, protectorates, protected states, condominiums and trust territories;

"County."

(8) "county" includes two or more counties united for purposes to which the enactment relates;

"County court."

(9) "county court" in its application to the Province of Ontario includes, and in its application to the Provinces of Saskatchewan, Alberta and Newfoundland means, "district court";

"Diplomatic or consular officer."

(10) "diplomatic or consular officer" includes an ambassador, envoy, minister, charge d'affaires, counsellor, secretary, attache, consul-general, consul, vice-consul, pro-consul, consular agent, acting consul-general, acting consul, acting vice-consul, acting consular agent, high commissioner, permanent delegate, adviser, acting high commissioner, and acting permanent delegate;

"Fiscal year."

(11) "fiscal year" or "financial year" means, in relation to money provided by Parliament, or the Consolidated Revenue Fund of Canada, or the accounts, taxes or finances of Canada, the period beginning on

(2) Section 35(2).

(3) New.

(4) New. This definition is taken from the *Radio Act*.

(5) Section 35(3).

(6) New. This definition will make it unnecessary to list the Commonwealth countries in each statute where the expression is used. See, for example, the *Diplomatic Immunities (Commonwealth Countries) Act*, 1953-54, c. 54.

(7) New. This definition follows from the proposed definition of "Commonwealth".

(8) Section 35(4).

(9) Section 35(5).

(10) New.

(11) Section 35(6), revised to accord with the *Financial Administration Act*.

and including the 1st day of April in one year and ending on and including the 31st day of March in the next year;

"Governor." (12) "Governor", "Governor of Canada", or "Governor General" means the Governor General for the time being of Canada, or other chief executive officer or administrator for the time being carrying on the Government of Canada on behalf and in the name of the Sovereign, by whatever title he is designated;

"Governor in Council." (13) "Governor in Council", or "Governor General in Council" means the Governor General of Canada, or person administering the Government of Canada for the time being, acting by and with the advice of, or by and with the advice and consent of, or in conjunction with the Queen's Privy Council for Canada;

"Great Seal." (14) "Great Seal" means the Great Seal of Canada;

"Herein." (15) "herein" used in any section shall be understood to relate to the whole enactment, and not to that section only;

"Her Majesty." (16) "Her Majesty", "His Majesty", "the Queen", "the King" or "the Crown" means the Sovereign of the United Kingdom, Canada and Her other Realms and Territories, and Head of the Commonwealth;

"Her Majesty's Realms and Territories." (17) "Her Majesty's Realms and Territories" means all realms and territories under the sovereignty of Her Majesty;

"Holiday." (18) "holiday" means any of the following days, namely, Sunday; New Year's Day; Good Friday; Easter Monday; Christmas Day; the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning Sovereign; Victoria Day; Dominion Day; the first Monday in September, designated Labour Day; Remembrance Day; any day appointed by proclamation to be observed as a day of general prayer or mourning or as a day of public rejoicing or thanksgiving; and any of the following additional days, namely:

(*a*) in the Province of Quebec, the Epiphany: the Ascension; All Saint's Day and Conception Day;

(*b*) in any province, any day appointed by proclamation of the Lieutenant Governor of the province to be observed as a public holiday or as a day of general prayer or mourning or day of public rejoicing or thanksgiving within the province; and any day that is a non-juridical day by virtue of an Act of the legislature of the province; and

(12) Section 35(7).

(13) Section 35(8).

(14) Section 35(9).
(15) Section 35(10).

(16) Section 35(11).

(17) New. This follows from the definition of Her Majesty in subclause (16).

(18) Section 35(12), revised.

(*c*) in any city, town, municipality or other organized district, any day appointed as a civic holiday by resolution of the council or other authority charged with the administration of the civic or municipal affairs of the city, town, municipality or district;

"Legislature."

(19) "legislature", "legislative council" or "legislative assembly" includes the Lieutenant Governor in Council and the Legislative Assembly of the Northwest Territories, as constituted before the 1st day of September, 1905, the Commissioner in Council of the Yukon Territory, and the Commissioner in Council of the Northwest Territories;

"Lieutenant governor."

(20) "lieutenant governor" means the lieutenant governor for the time being, or other chief executive officer or administrator for the time being, carrying on the government of the province indicated by the enactment, by whatever title he is designated, and, in relation to the Yukon Territory or the Northwest Territories, means the Commissioner thereof;

"Lieutenant governor in council."

(21) "lieutenant governor in council" means the lieutenant governor, or person administering the government of the province indicated by the enactment, for the time being, acting by and with the advice of, or by and with the advice and consent of, or in conjunction with the executive council of such province and, in relation to the Yukon Territory or the Northwest Territories, means the Commissioner thereof;

"Local time."

(22) "local time", in relation to any place, means the time observed in that place for the regulation of business hours;

"May."

(23) "may" is to be construed as permissive;

"Military."

(24) "military" shall be construed as relating to all or any of the Services of the Canadian Forces;

"Month."

(25) "month" means a calendar month;

"Now."

(26) "now" or "next" shall be construed as having reference to the time when the enactment was enacted;

"Oath."

(27) "oath" includes a solemn affirmation or declaration, whenever the context applies to any person by whom and case in which a solemn affirmation or declaration may be made instead of an oath; and in like cases the expression "sworn" includes the expression "affirmed" or "declared";

"Person."

(28) "person" or any word or expression descriptive of a person, includes a corporation;

"Proclamation."

(29) "proclamation" means a proclamation under the Great Seal;

"Province."

(30) "province" means a province of Canada, and includes the Yukon Territory and the Northwest Territories;

(19) Section 35(13).

(20) Section 35(14), expanded to include the executive authority of the Yukon and the Northwest Territories.

(21) Section 35(15), expanded to include the executive authority of the Yukon and the Northwest Territories.

(22) New.

(23) Section 35(28) in part.
(24) Section 35(17).

(25) Section 35(18).
(26) Section 35(20).

(27) Section 35(21).

(28) Section 35(22) revised.

(29) Section 35(23).

(30) Section 35(24).

"Radio."

(31) "radio" means any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by means of Hertzian waves;

"Regular forces."

(32) "regular forces" means the components of the Canadian Forces that are referred to in the *National Defence Act* as the regular forces;

"Reserve forces."

(33) "reserve forces" means the components of the Canadian Forces that are referred to in the *National Defence Act* as the reserve forces;

"Shall."

(34) "shall" is to be construed as imperative;

"Standard time."

(35) "standard time", except as otherwise provided by any proclamation of the Governor in Council which may be issued for the purposes of this paragraph in relation to any province or territory or any part thereof, means

(*a*) in relation to the Province of Newfoundland, Newfoundland standard time, being three hours and thirty minutes behind Greenwich time,

(*b*) in relation to the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, those parts of the Province of Quebec and the Northwest Territories lying east of the sixty-eighth meridian of west longitude, and the County of Temiscouata including the Town of Cabano in the Province of Quebec, Atlantic standard time, being four hours behind Greenwich time,

(*c*) in relation to those parts of the Provinces of Ontario and Quebec lying between the ninetieth and the sixty-eighth meridians of west longitude (except the County of Temiscouata and the Town of Cabano in the Province of Quebec), Southampton Island and the islands adjacent to Southampton Island, and that part of the Northwest Territories lying between the sixty-eighth and the eighty-fifth meridians of west longitude, eastern standard time, being five hours behind Greenwich time,

(*d*) in relation to that part of the Province of Ontario lying west of the ninetieth meridian of west longitude, the Province of Manitoba, and that part of the Northwest Territories, except Southampton Island and the islands adjacent to Southampton Island, lying between the eighty-fifth and the one hundred and second meridians of west longitude, central standard time, being six hours behind Greenwich time,

(31) New.

(32) Section 35(26).

(33) Section 35(27).

(34) Section 35(28).
(35) New.

(*e*) in relation to the Province of Saskatchewan, the Province of Alberta, and that part of the Northwest Territories lying between the one hundred and second and the one hundred and twentieth meridians of west longitude, mountain standard time, being seven hours behind Greenwich time,

(*f*) in relation to the Province of British Columbia and that part of the Northwest Territories lying west of the one hundred and twentieth meridian of west longitude, Pacific standard time, being eight hours behind Greenwich time, and

(*g*) in relation to the Yukon Territory, Yukon standard time, being nine hours behind Greenwich time;

"Statutory declaration."

(36) "statutory declaration" means a solemn declaration made by virtue of the *Canada Evidence Act;*

"Superior court."

(37) "superior court" means

(*a*) in the Province of Ontario, Nova Scotia, New Brunswick, Alberta or Newfoundland, the Supreme Court of the Province;

(*b*) in the Province of Quebec, the Court of Queen's Bench, and the Superior Court in and for the Province;

(*c*) in the Province of British Columbia, the Court of Appeal and the Supreme Court of the Province;

(*d*) in the Province of Manitoba or Saskatchewan, the Court of Appeal for the Province and the Court of Queen's Bench for the Province;

(*e*) in the Province of Prince Edward Island, the Supreme Court of Judicature of the Province;

(*f*) in the Yukon Territory or the Northwest Territories, the Territorial Court;

and includes the Supreme Court of Canada and the Exchequer Court of Canada;

"Sureties."

(38) "sureties" means sufficient sureties, and the expression "security" means sufficient security; and, whenever these words are used, one person is sufficient therefor, unless otherwise expressly required;

"Telecommunication."

(39) "telecommunication" means any transmission, emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire, radio, visual or other electromagnetic system;

"Two justices."

(40) "two justices" means two or more justices of the peace, assembled or acting together;

"United Kingdom."

(41) "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland;

"United States."

(42) "United States" means the United States of America;

(36) Section 35(29).

(37) Section 35(30), expanded to include the Supreme Court of Canada and the Exchequer Court of Canada.

(38) Section 35(31).

(39) New. This definition is taken from the *Radio Act*.

(40) Section 35(32).

(41) Section 35(33).

(42) Section 35(34).

"Writing."

(43) "writing", or any term of like import, includes words printed, typewritten, painted, engraved, lithographed, photographed, or represented or reproduced by any mode of representing or reproducing words in visible form; and

"Year."

(44) "year" means any period of twelve consecutive months, except that a reference to a "calendar year" means a period of twelve consecutive months commencing on the first day of January and a reference by number to a Dominical year means the period of twelve consecutive months commencing on the first day of January of that year.

"Minister of Finance."

29. The expression "Minister of Finance" or "Receiver General" in an enactment or document means the Minister of Finance and Receiver General, and the expression "Deputy Minister of Finance" or "Deputy Receiver General" in an enactment or document means the Deputy Minister of Finance and Receiver General.

"Telegraph."

30. The expression "telegraph" and its derivatives in an enactment or in an Act of the legislature of any province enacted before that province became part of Canada on any subject that is within the legislative powers of the Parliament of Canada, shall be deemed not to include the word "telephone" or its derivatives.

Common names.

31. The name commonly applied to any country, place, body, corporation, society, officer, functionary, person, party or thing, means the country, place, body, corporation, society, officer, functionary, person, party or thing to which the name is commonly applied, although the name is not the formal or extended designation thereof.

Power to define year.

32. Where in an enactment relating to the affairs of Parliament or the Government of Canada there is a reference to a period of a year without anything in the context to indicate beyond doubt whether a fiscal year, or any period of twelve consecutive months or a period of twelve consecutive months commencing on the first day of January is intended, the Governor in Council may prescribe which of such periods of twelve consecutive months shall constitute a year for the purposes of the enactment.

REFERENCES AND CITATIONS.

Citation of enactment.

33. (1) In an enactment or document

(*a*) an Act may be cited by reference to its chapter number in the Revised Statutes, by reference

(43) Section 35(35).

(44) Section 35(36) revised.

Clause 29. Section 36.

Clause 30. Section 37.

Clause 31. Section 35(19).

Clause 32. In some statutes, particularly those respecting government departments and those requiring the making of annual reports, it is not clear what is meant by the word "year". The purpose of the provision is to authorize the Governor in Council to resolve the doubt.

Clause 33. (1) Section 40(1).

to its chapter number in the volume of Acts for the year or regnal year in which it was enacted, or by reference to its long title or short title, with or without reference to its chapter number; and

(*b*) a regulation may be cited by reference to its long title or short title, by reference to the Act under which it was made or by reference to the number or designation under which it was registered by the Clerk of the Privy Council.

Citation includes amendment.

(2) A citation of or reference to an enactment shall be deemed to be a citation of or reference to the enactment as amended.

Reference to two or more parts, etc.

34. (1) A reference in an enactment by number or letter to two or more parts, divisions, sections, subsections, paragraphs, subparagraphs, clauses, subclauses, schedules, appendices or forms shall be read as including the number or letter first mentioned and the number or letter last mentioned.

Reference in enactment to parts, etc.

(2) A reference in an enactment to a part, division, section, schedule, appendix or form shall be read as a reference to a part, division, section, schedule, appendix or form of the enactment in which the reference occurs.

Reference in enactment to subsections, etc.

(3) A reference in an enactment to a subsection, paragraph, subparagraph, clause or subclause shall be read as a reference to a subsection, paragraph, subparagraph, clause or subclause of the section, subsection, paragraph, subparagraph or clause, as the case may be, in which the reference occurs.

Reference to regulations.

(4) A reference in an enactment to regulations shall be read as a reference to regulations made under the enactment in which the reference occurs.

Reference to another enactment.

(5) A reference in an enactment by number or letter to any section, subsection, paragraph, subparagraph, clause, subclause or other division or line of another enactment shall be read as a reference to the section, subsection, paragraph, subparagraph, clause, subclause or other division or line of such other enactment as printed by authority of law.

Repeal and Amendment.

Power of repeal or amendment reserved.

35. (1) Every Act shall be so construed as to reserve to Parliament the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person.

(2) Section 40(2).

Clause 34. (1) Section 41(2).

(2) Section 41(3).

(3) Section 41(4).

(4) Section 41(5).

(5) Section 41(1).

Clause 35. (1) Section 18(1).

Amendment or repeal at same session.

(2) An Act may be amended or repealed by an Act passed in the same session of Parliament.

Amendment part of enactment.

(3) An amending enactment, as far as consistent with the tenor thereof, shall be construed as part of the enactment that it amends.

Effect of repeal.

36. Where an enactment is repealed in whole or in part, the repeal does not

(*a*) revive any enactment or anything not in force or existing at the time when the repeal takes effect;

(*b*) affect the previous operation of the enactment so repealed or anything duly done or suffered thereunder;

(*c*) affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred under the enactment so repealed;

(*d*) affect any offence committed against or a violation of the provisions of the enactment so repealed, or any penalty, forfeiture or punishment incurred under the enactment so repealed; or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment;

and an investigation, legal proceeding or remedy as described in paragraph (*e*) may be instituted, continued or enforced, and the penalty, forfeiture or punishment may be imposed as if the enactment had not been so repealed.

Repeal and substitution.

37. Where an enactment (in this section called the "former enactment") is repealed and another enactment (in this section called the "new enactment") is substituted therefor,

(*a*) every person acting under the former enactment shall continue to act, as if appointed under the new enactment, until another is appointed in his stead;

(*b*) every bond and security given by a person appointed under the former enactment remains in force, and all books, papers, forms and things made or used under the former enactment shall continue to be used as before the repeal so far as they are consistent with the new enactment;

(*c*) every proceeding taken under the former enactment shall be taken up and continued under and in conformity with the new enactment so far as it may be done consistently with the new enactment;

(2) Section 8.

3) Section 22.

Clause 36. (1) Section 19(1).

Clause 37. Sections 19(2) and 20. Paragraphs (*b*) and (*f*) are new.

(*d*) the procedure established by the new enactment shall be followed as far as it can be adapted thereto in the recovery or enforcement of penalties and forfeitures incurred, and in the enforcement of rights, existing or accruing under the former enactment or in a proceeding in relation to matters that have happened before the repeal;

(*e*) when any penalty, forfeiture or punishment is reduced or mitigated by the new enactment, the penalty, forfeiture or punishment if imposed or adjudged after the repeal shall be reduced or mitigated accordingly;

(*f*) except to the extent that the provisions of the new enactment are not in substance the same as those of the former enactment, the new enactment 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 former enactment;

(*g*) all regulations made under the repealed enactment remain in force and shall be deemed to have been made under the new enactment, in so far as they are not inconsistent with the new enactment, until they are repealed or others made in their stead; and

(*h*) any reference in an unrepealed enactment to the former enactment, shall, as regards a subsequent transaction, matter or thing, be read and construed as a reference to the provisions of the new enactment relating to the same subject matter as the former enactment, but where there are no provisions in the new enactment relating to the same subject matter, the former enactment shall be read as unrepealed in so far as is necessary to maintain or give effect to the unrepealed enactment.

Repeal does not imply enactment was in force.

38. (1) The repeal of an enactment in whole or in part shall not be deemed to be or to involve a declaration that such enactment was or was considered by Parliament or other body or person by whom the enactment was enacted to have been previously in force.

Amendment does not imply change in law.

(2) The amendment of an enactment shall not be deemed to be or to involve a declaration that the law under such enactment was or was considered by Parliament or other body or person by whom the enactment was enacted to have been different from the law as it is under the enactment as amended.

Clause 38. Section 21.

Repeal does not declare previous law.

(3) The repeal or amendment of an enactment in whole or in part shall not be deemed to be or to involve any declaration as to the previous state of the law.

Judicial construction not adopted.

(4) A re-enactment, revision, consolidation or amendment of an enactment shall not be deemed to be or to involve an adoption of the construction that has by judicial decision or otherwise been placed upon the language used in the enactment or upon similar language.

DEMISE OF CROWN.

Effect of demise.

39. (1) Where there is a demise of the Crown,

(*a*) the demise does not affect the holding of any office under the Crown in right of Canada; and

(*b*) it is not necessary by reason of such demise that the holder of any such office again be appointed thereto or that, having taken an oath of office or allegiance before such demise, he again take such oath.

Continuation of proceedings.

(2) No writ, action or other process or proceeding, civil or criminal, in or issuing out of any court established by an Act of the Parliament of Canada is, by reason of a demise of the Crown, determined, abated, discontinued or affected, but every such writ, action, process or proceeding remains in full force and may be enforced, carried on or otherwise proceeded with or completed as though there had been no such demise.

CONSEQUENTIAL AMENDMENTS.

40. Section 18 of the *Canada Evidence Act* is repealed and the following substituted therefor:

Acts of Canada.

"**18.** Judicial notice shall be taken of all Acts of the Parliament of Canada, public or private, without being specially pleaded."

41. Subsection (3) of section 121 of the *Bills of Exchange Act* is repealed and the following substituted therefor:

Time of protest.

"(3) Every protest for dishonour, either for non-acceptance or non-payment, may be made on the day of such dishonour, and in case of non-acceptance at any time after non-acceptance, and in case of non-payment at any time after three o'clock in the afternoon, local time."

Clause 39. New. This section is intended to remedy certain defects and omissions presently found in the *Demise of the Crown Act*. The provisions of the latter Act deal with matters similar to those dealt with in the present revision of the *Interpretation Act*, and it is considered desirable that, with the changes therein proposed by this section, they be incorporated in the present revision. This would permit the repeal of the present *Demise of the Crown Act*, which is provided for in clause 42(2).

Clause 40. The present section reads as follows:

"18. Judicial notice shall be taken of all public Acts of the Parliament of Canada without such Acts being specially pleaded."

This amendment is consequential to the dropping of section 13 of the *Interpretation Act*, which reads as follows:

"13. Every Act shall, unless by express provision it is declared to be a private Act, be deemed to be a public Act."

The foregoing provision was taken from the United Kingdom Interpretation Act of 1850. At that time judicial notice had to be taken of public Acts, but not private Acts. The sole purpose of the provision was to require private Acts to be judicially noticed. This was accomplished by the indirect device of deeming them public Acts. It is considered preferable to state the rule directly, and to deal with public and private Acts in one provision; the *Evidence Act* is the logical place for such a provision.

Clause 41. The present section reads as follows:

"(3) Every protest for dishonour, either for non-acceptance or non-payment may be made on the day of such dishonour, and in case of non-acceptance at any time after non-acceptance, and in case of non-payment at any time after three o'clock in the afternoon."

The time for protesting bills of exchange is governed by banking hours, which are not necessarily according to standard time.

REPEAL.

Repeal.
R.S., c. 158; 1952-53, c. 9.
R.S., c. 65.

42. (1) The *Interpretation Act*, chapter 158 of the Revised Statutes of Canada, 1952 is repealed.

(2) The *Demise of the Crown Act* is repealed.

COMMENCEMENT.

Proclamation.

43. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

SCHEDULE.

Australia
Canada
Ceylon
Cyprus
Gambia
Ghana
India
Jamaica
Kenya
Malawi
Malaysia
Malta
New Zealand
Nigeria
Pakistan
Sierra Leone
Singapore
Tanzania
Trinidad and Tobago
Uganda
United Kingdom
Western Samoa
Zambia

First Session, Twenty-Seventh Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-10.

An Act respecting
Interprovincial Pipe Line Company.

Read a first time, Tuesday, 1st February 1966.

Honourable Senator MOLSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23392

1st Session, 27th Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-10.

An Act respecting
Interprovincial Pipe Line Company.

Preamble. 1949, c. 34; 1952-53, c. 66.

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

Subdivision of capital stock.

1. Notwithstanding anything contained in section 3 of chapter 34 of the statutes of 1949 (1st session), as amended by chapter 66 of the statutes of 1952-53, each of the issued and unissued shares of the capital stock of the Company of the par value of five dollars is hereby subdivided into five shares of the par value of one dollar each, so that the capital stock of the Company shall be two hundred million dollars divided into two hundred million shares of the par value of one dollar each.

Rights of holders of present shares.

2. Every person holding a share or shares in the Company of the par value of five dollars each shall hereafter be deemed to be the holder of the same aggregate amount of stock divided into shares of one dollar each.

Explanatory Notes.

The purpose of this bill is to divide each of the 40,000,000 authorized shares of the par value of $5.00 each of the capital stock of the Company into five shares of the par value of $1.00 each. This will not increase or alter the authorized capital of the Company of two hundred million dollars.

The reason for the proposed subdivision is that the Company considers it desirable that the average Canadian investor be encouraged and be given the maximum opportunity and incentive to invest in the equity of a successful and growing Canadian company.

On November 12, 1965, the market value of the Company's shares was $88.00 to $89.00. This relatively high market value discourages investment by the individual investor.

In Canada it is generally considered good and normal corporate practice to subdivide shares into smaller units when they reach market values in the range of $70.00 to $100.00 per share. The smaller units are more convenient not only for existing shareholders, but for those who wish to invest in the Company. The best range is considered to be $15.00 to $25.00 per share for sound industrial stocks.

Experience indicates that the subdivision now proposed will increase the number of Canadian shareholders of the Company and help spread its share ownership widely across Canada.

The Company's own experience provides an example. Recognizing that it is in the best interest of the Company and investors in its stock that employees have a sense of ownership in the Company and active participation in its growth and profits, the Company in 1950 established a voluntary Employees' Savings Plan to which the Company contributes. To date the Company's contribution has more than matched that of the employees. Under the terms of the Plan one of three choices open to the employees is to invest their Plan savings arising from their own savings and the Company's contributions in the stock of the Company at current market prices. It is felt that with a lower unit market price this choice will be more attractive to them.

First Session, Twenty-Seventh Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-11.

An Act to incorporate Income Life Insurance Company of Canada.

Read a first time, Thursday 3rd February, 1966.

Honourable Senator McDONALD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23413

1st Session, 27th Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-11.

An Act to incorporate Income Life Insurance Company of Canada.

Preamble.

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

Incorporation.

1. William Ewen Brunning, insurance executive, Norman Graham James, insurance executive, and Halliwell Soule, trust executive, all of the town of Burlington, Thomas Henry Baker, investment executive, and William Richard Latimer, solicitor, both of the city of Toronto, in the province of Ontario, Charles Alfred Read, chartered accountant, and Thomas Alexander Harriott, insurance consultant, both of the city of Winnipeg, in the province of Manitoba, together with such other persons as become shareholders in the company, are incorporated under the name of Income Life Insurance Company of Canada, and, in French, Income Life du Canada, Compagnie d'Assurance-Vie, hereinafter called "the Company".

Corporate name.

Provisional directors.

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

Capital stock.

3. The capital stock of the Company shall be five million dollars divided into shares of five dollars each.

Subscription and payment before general meeting.

4. The amount to be subscribed and fully paid before the general meeting for the election of directors is called shall be seventeen hundred and fifty dollars.

Subscription and payment before commencing business.

5. The Company shall not commence any business of insurance until at least one million, seven hundred and thirty-six thousand, eight hundred dollars of its capital stock has been bona fide subscribed and at least one million, seven hundred and thirty-six thousand, eight hundred dollars paid thereon.

Head office.

6. The head office of the Company shall be at the city of Hamilton, in the province of Ontario.

Classes of insurance authorized.

7. The Company may undertake, transact and make contracts of insurance in any one or more of the following classes of insurance:

(*a*) life insurance;
(*b*) personal accident insurance; and
(*c*) sickness insurance.

Power to acquire rights, etc., of a certain insurance company.

8. (1) The Company may acquire by agreement the whole or any part of the rights and property and may assume the obligations and liabilities of Income Life Insurance Company of Canada, incorporated December 9, 1963, under and pursuant to *The Corporations Act*, chapter 71 of the Revised Statutes of Ontario, 1960, hereinafter called "the Provincial Company"; and, in the event of such acquisition and assumption, the Company shall perform and discharge all such obligations and liabilities of the Provincial Company with respect to the rights and property acquired as are not performed and discharged by the Provincial Company.

Submission to Treasury Board.

(2) No agreement between the Company and the Provincial Company providing for such acquisition and assumption shall become effective until it has been submitted to and approved by the Treasury Board of Canada.

Coming into force.

9. This Act shall come into force on a date to be specified by the Superintendent of Insurance in a notice in the *Canada Gazette*. Such notice shall not be given until this Act has been approved by a resolution adopted by at least two-thirds of the votes of the shareholders of the Provincial Company present or represented by proxy at a meeting duly called for that purpose, nor until the Superintendent of Insurance has been satisfied by such evidence as he may require that such approval has been given and that the Provincial Company has ceased to transact the business of insurance or will cease to transact such business forthwith upon a certificate of registry being issued to the Company.

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40.

10. The *Canadian and British Insurance Companies Act* shall apply to the Company.

First Session, Twenty-Seventh Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-12.

An Act to incorporate Income Disability and Reinsurance Company of Canada.

Read a first time, Thursday, 3rd February, 1966.

Honourable Senator McDONALD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23417

1st Session, 27th Parliament, 14 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-12.

An Act to incorporate Income Disability and Reinsurance Company of Canada.

Preamble.

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

Incorporation.

1. William Ewen Brunning, insurance executive, Norman Graham James, insurance executive, and Halliwell Soule, trust executive, all of the town of Burlington, Joseph Ross Fischer, executive, and Barney Rosenblatt, executive, both of the city of Hamilton, Thomas Henry Baker, investment executive, of the city of Toronto, and John Sanderson Forsyth, tax and pension consultant, of the city of Ottawa, in the province of Ontario, John Rawcliffe Ibberson, physician, of the city of Calgary, Edward O'Connor, administrator, of the town of DeWinton, in the province of Alberta, and Charles Alfred Read, chartered accountant, of the city of Winnipeg, in the province of Manitoba, together with such other persons as become shareholders in the company,

Corporate name.

are incorporated under the name of Income Disability and Reinsurance Company of Canada, and, in French, Income du Canada, Compagnie d'Assurance-Invalidité et de Réassurance, hereinafter called "the Company".

Provisional directors.

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

Capital stock.

3. The capital stock of the Company shall be five million dollars divided into shares of five dollars each.

Subscription and payment before general meeting.

4. The amount to be subscribed and fully paid before the general meeting for the election of directors is called shall be twenty-five hundred dollars.

Subscription and payment before commencing business.

5. The Company shall not commence any business of insurance until at least one million, two hundred and twenty-seven thousand, one hundred dollars of its capital stock has been bona fide subscribed and at least one million, two hundred and twenty-seven thousand, one hundred dollars paid thereon.

Head office.

6. The head office of the Company shall be at the city of Hamilton, in the province of Ontario.

Classes of insurance authorized.

7. The Company may undertake, transact and make contracts of insurance in any one or more of the following classes of insurance:

(*a*) life insurance;
(*b*) personal accident insurance; and
(*c*) sickness insurance.

Power to acquire rights, etc., of a certain insurance company.

8. (1) The Company may acquire by agreement the whole or any part of the rights and property and may assume the obligations and liabilities of Income Disability and Reinsurance Company of Canada, incorporated as Income Insurance Company of Canada Limited, September 19, 1960, under and pursuant to *The Corporations Act*, chapter 71 of the Revised Statutes of Ontario, 1960, hereinafter called "the Provincial Company"; and, in the event of such acquisition and assumption, the Company shall perform and discharge all such obligations and liabilities of the Provincial Company with respect to the rights and property acquired as are not performed and discharged by the Provincial Company.

Submission to Treasury Board.

(2) No agreement between the Company and the Provincial Company providing for such acquisition and assumption shall become effective until it has been submitted to and approved by the Treasury Board of Canada.

Coming into force.

9. This Act shall come into force on a date to be specified by the Superintendent of Insurance in a notice in the *Canada Gazette*. Such notice shall not be given until this Act has been approved by a resolution adopted by at least two-thirds of the votes of the shareholders of the Provincial Company present or represented by proxy at a meeting duly called for that purpose, nor until the Superintendent of Insurance has been satisfied by such evidence

as he may require that such approval has been given and that the Provincial Company has ceased to transact the business of insurance or will cease to transact such business forthwith upon a certificate of registry being issued to the Company.

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40.

10. The *Canadian and British Insurance Companies Act* shall apply to the Company.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-13.

An Act respecting Canada Health and Accident Assurance Corporation.

Read a first time, Monday, 7th February, 1966.

Honourable Senator LANG.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23137

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-13.

An Act respecting Canada Health and Accident Assurance Corporation.

Preamble. 1945, c. 43.

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

Name in French.

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

Existing rights saved.

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

3. Section 3 of chapter 43 of the statutes of 1945 is repealed and the following substituted therefor:

Capital stock.

"**3.** The capital stock of the Corporation shall be two million dollars divided into shares of ten dollars each."

Explanatory Notes.

The purpose of clauses 1 and 2 is to add a French version to the name of the Corporation.

The purpose of clause 3 is to increase the capital stock of the Corporation from $500,000.00 to $2,000,000.00.

The purpose of clause 4 is to establish the conditions to be satisfied before the Corporation may commence the business of life insurance.

The Corporation is now authorized by section 7 of chapter 43 of the statutes of 1945 to transact the business of sickness and personal accident insurance. The purpose of clause 5 is to enable the Corporation to transact also the business of life insurance.

4. Section 5 of chapter 43 of the statutes of 1945 is repealed and the following substituted therefor:

Commencement of business.

"**5.** (1) When the amount paid upon the capital stock of the Corporation is at least one hundred thousand dollars the Corporation may transact the business of sickness and personal accident insurance.

(2) The Corporation shall not commence the business of life insurance until its paid capital, or its paid capital together with its surplus, exceeds its paid capital and its surplus as at December 31, 1965, by not less than one million dollars."

5. Section 7 of chapter 43 of the statutes of 1945 is repealed and the following substituted therefor:

Classes of insurance.

"**7.** The Corporation may undertake, transact and make contracts of insurance in any one or more of the following classes of insurance:

(*a*) sickness insurance;

(*b*) personal accident insurance;

(*c*) life insurance."

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-14.

An Act to amend the Bills of Exchange Act.

Read a first time, Wednesday, 9th February, 1966.

Acting Leader of the Senate

Honourable Senator BOUFFARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23476

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-14.

An Act to amend the Bills of Exchange Act.

R.S., c. 15.

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

1. Subsection (3) of section 6 of the *Bills of Exchange Act* is repealed and the following substituted therefor:

Cheques.

"(3) Notwithstanding any other provision of this Act, a cheque may be presented and paid on a Saturday or a non-juridical day, if the drawee is open for business at the time of the presentment and the presentment in all other respects is in accordance with this Act; and the non-acceptance or non-payment of a cheque so presented gives rise to the same rights as though it had been presented on a business day other than a Saturday.

Where bank not open for business.

(4) In all matters relating to bills or notes, notwithstanding any other provision of this Act, if a branch of a bank carrying on business is not open for business on a business day

(*a*) the time for doing any act or thing at the branch, if the time expires or falls on that day, is deemed to expire or fall, as the case may be, on the next following business day on which the branch is open for business;

(*b*) a bill or note payable on demand cannot be duly presented for acceptance or payment at the branch on that day; and

(*c*) failure to do any act or thing by reason of the branch not being open for business on that day does not give rise to any rights."

Explanatory Notes.

Clause 1: (3) This amendment would enable a drawee to pay cheques on a Saturday or non-juridical day on which the drawee is open for business.

Subsection (3) at present reads as follows:

"(3) Notwithstanding *subsection (2)*, a cheque may be presented and paid on a Saturday if the drawee is open for business at the time of the presentment and the presentment in all other respects is in accordance with *the provisions of* this Act, *but* the non-acceptance or non-payment *on* a Saturday of a cheque so presented *does not entitle the person presenting it to treat the cheque as dishonoured by non-acceptance or non-payment.*"

(4) New. This provision would enable banks to close on what would ordinarily be a business day, thus permitting them to comply with the provisions of the *Canada Labour (Standards) Code* in respect of holidays for employees.

2. Paragraph (*a*) of section 43 of the said Act is repealed and the following substituted therefor:

General.

"(*a*) in all the provinces of Canada,
Sundays,
New Year's Day,
Good Friday,
Victoria Day,
Dominion Day,
Labour Day,
Remembrance Day,
Christmas Day,
the birthday (or the day fixed by proclamation for the celebration of the birthday) of the reigning sovereign,
any day appointed by proclamation to be observed as a public holiday, or as a day of general prayer or mourning or day of public rejoicing or thanksgiving,
the day next following New Year's Day, Christmas Day and the birthday of the reigning sovereign (if no other day is fixed by proclamation for the celebration of the birthday) when such days respectively fall on a Sunday."

Clause 2: The purposes of this amendment are

(1) to remove Easter Monday (which is not a general holiday under the *Canada Labour (Standards) Code* or in the business community generally) from the list of non-juridical days; and

(2) to remove Victoria Day and Dominion Day from the list of non-juridical days that are to occur the next Monday when the named days fall on a Sunday (under the statutes establishing these two holidays they cannot fall on a Sunday); and

(3) to add the birthday of the sovereign to the list of non-juridical days that are to occur on the next following Monday when the birthday falls on a Sunday and no other day is substituted by proclamation.

The relevant portion of section 43 at present reads as follows:

"**43.** In all matters relating to bills of exchange, the following and no other days shall be observed as legal holidays or non-juridical days:

(*a*) in all the provinces of Canada,
Sundays,
New Year's Day,
Good Friday,
Easter Monday,
Victoria Day,
Dominion Day,
Labour Day,
Remembrance Day,
Christmas Day,

the birthday (or the day fixed by proclamation for the celebration of the birthday) of the reigning sovereign,

any day appointed by proclamation for a public holiday, *or for a general fast, or a general thanksgiving throughout Canada*,

the day next following New Year's Day, Christmas Day, *Victoria Day*, *Dominion Day*, and the birthday of the reigning sovereign when such days respectively fall on Sunday;"

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-15.

An Act to authorize the construction of a bridge across the St. Croix River between the Province of New Brunswick and the State of Maine.

Read a first time, Wednesday, 9th February, 1966.

Acting Leader of Senate

Honourable Senator BOUFFARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23484

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-15.

An Act to authorize the construction of a bridge across the St. Croix River between the Province of New Brunswick and the State of Maine.

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 *Milltown Bridge Act.*

Approval of bridge.

2. Subject to this Act, the construction, operation and maintenance of the bridge described in section 3 is approved.

Authority.

3. The Province of New Brunswick (hereinafter referred to as the "Province") may, either alone or in conjunction with the appropriate public authority in the United States, construct or cause to be constructed and operate and maintain a bridge across the St. Croix River for the free use and passage of persons, vehicles, and goods, with all necessary approaches, roads and other works, from a point at or near Milltown, New Brunswick, to a point at or near Calais, Maine.

Plans and drawings.

4. (1) The bridge described in section 3 shall be constructed in accordance with and subject to such regulations for the safeguarding of navigation of the St. Croix River as the Governor in Council prescribes; and for such purpose, the Province shall, prior to the commencement of construction of the bridge, submit to the Governor in Council for examination and approval plans and drawings of the

bridge and a map of its proposed location, indicating accurately all relevant soundings and showing the bed of the stream and the location of all other bridges in the area, and furnish to the Governor in Council such other information as is required for a full and satisfactory understanding of the project.

No construction prior to approval.

(2) Construction of the bridge shall not be commenced until such time as the plans and drawings referred to in subsection (1) and the location of the bridge have been approved by the Governor in Council, and no material change in such plans or drawings, or in the location of the bridge, shall be made except with the prior approval of the Governor in Council.

Labour and materials.

5. Where available in Canada, Canadian labour and materials, to the extent of fifty per cent, as nearly as may be, of the cost of such labour and materials respectively, shall be employed in the construction of the bridge; and construction of the bridge shall not be commenced until such time as evidence satisfactory to the Minister of Labour has been submitted to him by the Province that the arrangements for the construction of the bridge are such as to ensure effective compliance with the requirements of this subsection.

Approval required for assignment.

6. The power to operate and maintain the bridge described in section 3 may not be assigned or delegated by the Province without the approval of the Governor in Council.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-16.

An Act to incorporate Bank of British Columbia.

Read a first time, Wednesday, 9th February, 1966.

Honourable Senator FARRIS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23468

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-16.

An Act to incorporate Bank of British Columbia.

Preamble.

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

Incorporation.

1. Harold Barrington Elworthy, executive, William Clark Mearns, executive, and John Alfred Griffith Wallace, executive, all of the city of Victoria, in the province of British Columbia, and Frederick Hawthorne Dietrich, executive, and Einar Maynard Gunderson, executive, both of the city of Vancouver, in the province of British Columbia, together with such persons as become shareholders in the corporation by this Act created, are incorporated under the name Bank of British Columbia, hereinafter called "the Bank".

Corporate name.

Provisional directors.

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

Capital stock.

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

Chief office.

4. The chief office of the Bank shall be at the city of Vancouver, in the province of British Columbia, and shall remain at all times in the province of British Columbia.

Directors and executive officers.

5. (1) A majority of the directors of the Bank shall be resident in the province of British Columbia.

(2) A majority of the executive officers of the Bank shall be resident in or shall have their ordinary residence in the province of British Columbia.

(3) This section shall have effect notwithstanding anything in or authorized by the Bank Act, unless and until otherwise provided by Parliament.

Amendment to Schedule A of *Bank Act*.

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

Name of Bank	Additional name under which Bank is authorized to carry on business	Authorized capital stock	Chief office of the Bank
Bank of British Columbia	Banque de la Colombie Britannique	$100,000,000	Vancouver

Powers and liabilities.

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

R.S.C., c. 12.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-17.

An Act to amend the Bankruptcy Act.

Read a first time, Tuesday, 22nd February, 1966.

Acting Leader of the Sena

Honourable Senator HUGESSEN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23587

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-17.

An Act to amend the Bankruptcy Act.

R.S., c. 14.

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

1. The *Bankruptcy Act* is amended by adding thereto, immediately after section 2 thereof, the following sections:

Reviewable transaction.

"**2A.** (1) For the purposes of this Act, a person who has entered into a transaction with another person otherwise than at arm's length shall be deemed to have entered into a reviewable transaction.

Question of fact.

(2) It is a question of fact whether persons not related to one another within the meaning of section 2B were at a particular time dealing with each other at arm's length.

Presumption.

(3) Persons related to each other within the meaning of section 2B shall be deemed not to deal with each other at arm's length while so related.

Definitions. "Related group."

2B. (1) In this section,

(*a*) "related group" means a group of persons each member of which is related to every other member of the group; and

"Unrelated group."

(*b*) "unrelated group" means a group of persons that is not a related group.

"Related persons."

(2) For the purposes of this Act, persons are related to each other and are "related persons" if they are

(*a*) individuals connected by blood relationship, marriage or adoption;

(*b*) a corporation and

(i) a person who controls the corporation, if it is controlled by one person,

(ii) a person who is a member of a related group that controls the corporation, or

Explanatory Notes.

The purposes of these amendments to the *Bankruptcy Act* are threefold:

(*a*) the amendments contained in clauses 1 to 14, and 16 to 20 are intended to provide remedies in situations where it has been shown by experience that abuses of the bankruptcy process are most likely to occur;

(*b*) the amendment contained in clause 15 is intended to correct abuses that have occurred in the administration of small estates under the Act; and

(*c*) the new Part contained in clause 21 makes special provisions relating to the orderly payment of debts.

Clause 1: (2A) A "reviewable transaction" is defined as one that has been entered into otherwise than at arm's length.

(2B) The expression "related persons" is defined. (The consequences flowing from a "reviewable transaction" are set out in clause 12 and elsewhere in the Bill).

(iii) any person connected in the manner set out in paragraph (a) to a person described in subparagraph (i) or (ii); or

(c) two corporations

(i) controlled by the same person or group of persons,

(ii) each of which is controlled by one person and the person who controls one of the corporations is related to the person who controls the other corporation,

(iii) one of which is controlled by one person and that person is related to any member of a related group that controls the other corporation,

(iv) one of which is controlled by one person and that person is related to each member of an unrelated group that controls the other corporation,

(v) one of which is controlled by a member of a related group who is related to each member of an unrelated group that controls the other corporation, or

(vi) one of which is controlled by an unrelated group each member of which is related to at least one member of an unrelated group that controls the other corporation.

Relationships.

(3) For the purposes of this section,

Related corporations.

(a) where two corporations are related to the same corporation within the meaning of subsection (2), they shall be deemed to be related to each other;

Presumption as to control.

(b) where a related group is in a position to control a corporation, it shall be deemed to be a related group that controls the corporation whether or not it is part of a larger group by whom the corporation is in fact controlled;

Right to share or to vote shares.

(c) a person who has a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall, except where the contract provides that the right is not exercisable until the death of an individual designated therein, be deemed to have the same position in relation to the control of the corporation as if he owned the shares;

Shareholder in more than two corporations.

(d) where a person owns shares in two or more corporations, he shall, as shareholder of one of the corporations, be deemed to be related to himself as shareholder of each of the other corporations;

Blood relationship.

Marriage relationship.

Adoption relationship.

(*e*) persons are connected by blood relationship if one is the child or other descendant of the other or one is the brother or sister of the other;

(*f*) persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other; and

(*g*) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is connected by blood relationship (otherwise than as a brother or sister) to the other."

2. Subsection (9) of section 3 of the said Act is repealed and the following substituted therefor:

Powers of Superintendent to protect estate.

"(9) Where an estate is left without a trustee by death, removal or incapacity of the trustee or by non-renewal of the trustee's licence, or where, after an investigation pursuant to subsection (8), a hearing is to be afforded to a trustee, the Superintendent may, for the protection of the estate,

(*a*) order that the funds to the credit of the estate and on deposit in a bank or elsewhere

(i) be remitted to the Superintendent for deposit with the Receiver General to the credit of the estate pending the appointment of a trustee or the outcome of the hearing, or

(ii) be paid out or disbursed only on and in accordance with an order of the Superintendent; and

(*b*) seize or cause to be seized all of the property, books, records and documents pertaining to the estate, which property, books, records or documents shall be kept by the Superintendent, or a person duly authorized by him in that behalf, pending the appointment of a trustee or the outcome of the hearing.

Contents and effect of order.

(9a) An order made by the Superintendent under subsection (9) shall recite the facts on which the order is made and shall be obeyed by the bank or other depository of the funds of the estate in respect of which the order is made and, in favour of the bank or other depository, the order is conclusive evidence of the facts therein set out.

Liability of depository.

(9b) Where funds are remitted to the Receiver General in compliance with an order under subsection (9), the liability of the bank or other depository in respect of the debt represented by the funds so remitted ceases and determines."

Clause 2: The purpose of this amendment is to give to the Superintendent of Bankruptcy increased powers to protect estates in the circumstances described in the provision.

Subsection (9) at present reads as follows:

"(9) Where an estate is left without a trustee by death, removal or incapacity or by non-renewal of the trustee's licence, the Superintendent for the protection of the estate may *require* the funds to the credit of the estate on deposit in a bank or elsewhere to be remitted *to the Superintendent* for deposit with the Receiver General to the credit of the estate pending the appointment of a trustee; the requisition of the Superintendent shall state the fact as to death, removal, incapacity or non-renewal of licence and shall be conclusive evidence thereof in favour of the bank or other depository acting thereon and upon remission to the Receiver General of such funds the liability of the bank or other depository in respect of the debt represented by the funds so remitted shall cease and determine."

3. The said Act is further amended by adding thereto, immediately after section 3 thereof, the following sections:

Investigations or inquiries by Superintendent.

"**3A.** (1) Where, on information supplied by an official receiver, trustee or other person, it appears to the Superintendent that there are reasonable grounds for suspecting that a person has, in connection with a bankruptcy, committed an offence under this Act or any other Act of the Parliament of Canada, whether before or after the bankruptcy, the Superintendent may, if it appears to him that the matter might not otherwise be investigated, make or cause to be made such inquiries or investigations as he deems expedient with respect to the conduct, dealings and transactions of the bankrupt concerned, the causes of his bankruptcy and the disposition of his property.

Powers.

(2) For the purposes of an investigation under subsection (1), the Superintendent or any person duly authorized by him in writing, with the approval of the court, which may be given upon an *ex parte* application, may, either alone or together with such peace officers as he calls on to assist him, enter and search, if necessary by force, any building, receptacle or place for books, records, papers or documents that may afford evidence as to an offence in connection with a bankruptcy and seize and take away any such books, records, papers or documents and retain them until they are produced in any court proceedings.

Examination.

(3) For the purpose of an investigation under subsection (1), the Superintendent may, without an order, examine or cause to be examined under oath before the registrar of the court or other authorized person, the bankrupt, any person reasonably thought to have knowledge of the affairs of the bankrupt or any person who is or has been an agent, clerk, servant, officer, director or employee of the bankrupt with respect to the conduct, dealings and transactions of the bankrupt concerned, the causes of his bankruptcy and the disposition of his property, and may order any person liable to be so examined to produce any books, records, papers or documents in his possession or under his control relating to the bankrupt, his conduct, dealings and transactions, the causes of his bankruptcy or the disposition of his property.

Questions.

(4) A person being examined pursuant to this section is bound to answer all questions relating to the conduct, dealings and transactions of the bankrupt, the causes of his bankruptcy and the disposition of his property.

Clause 3: The proposed new sections will give the Superintendent powers to conduct investigations where there are indications of an offence having been committed in connection with a bankruptcy.

Privilege of witness.

(5) Where a person being examined pursuant to this section objects to answering any question upon the ground that his answer may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person and if, but for this section or section 5 of the *Canada Evidence Act*, he would have been excused from answering such question, the answer so given shall not be used or received in evidence against him in any proceeding, civil or criminal, thereafter taking place other than a prosecution for perjury in the giving of such evidence.

Compliance.

(6) No person shall hinder, molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do, or prevent or attempt to prevent any person doing any such thing, and, notwithstanding any other Act or law, every person shall, unless he is unable to do so, do everything he is required by or pursuant to this section to do.

Copies.

(7) Where any book, record, paper or other document is seized, examined or produced in accordance with this section, the person by whom it is seized or examined or to whom it is produced or the Superintendent may make or cause to be made one or more copies thereof and shall, upon request by the person from whom the original document was seized or by whom it was produced, in any case where a copy thereof has been made pursuant to this section, send a copy thereof to such person or, if no copy thereof has been made pursuant to this section, allow such person at any reasonable time to have access to the document so seized or produced, and a document purporting to be certified by the Superintendent or a person thereunto authorized by him to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it were proven in the ordinary way.

Reporting offence to provincial authority.

3B. (1) Where after an investigation pursuant to section 3A or otherwise the Superintendent has obtained evidence of an offence having been committed in connection with a bankruptcy, the Superintendent shall report the matter to the Deputy Attorney General or other appropriate legal officer of the province concerned or to such person as is duly designated by such legal officer for that purpose.

Costs and expenses.

(2) Notwithstanding section 95, a recovery made by an estate as the result of any inquiries or investigation made or caused to be made by the Superintendent pursuant to section 3A shall be applied to the reimbursement of any costs and expenses incurred by the Superintendent thereon, not being ordinary

costs or expenses of the office of the Superintendent, and the balance thereafter remaining in respect of the recovery shall be made available to the trustee for the benefit of the creditors of the bankrupt."

4. Subsection (14) of section 9 of the said Act is repealed and the following substituted therefor:

Report to be filed before discharge.

"(14) Every trustee before proceeding to his discharge shall, unless he has already done so, prepare and file the reports referred to in sections 128 and 128A and forward a copy of each to the Superintendent."

5. The said Act is further amended by adding thereto, immediately after section 24 thereof, the following section:

Appointment of interim receiver following proposal.

"**24A.** (1) The court may, at any time after the filing of a proposal under section 35, appoint the trustee under the proposal or another trustee, or the trustee under the proposal and another trustee jointly, as interim receiver of all or any part of the property of the debtor and direct the interim receiver so appointed to take immediate possession of such property.

Director on appointment.

(2) Where the court appoints an interim receiver under subsection (1), it may direct the interim receiver to exercise such control over the property mentioned in the appointment or over the business of the debtor, and to take such other action, as the court deems advisable.

When appointment may be made.

(3) An appointment of an interim receiver may be made under subsection (1)

(*a*) when it is shown to the court to be necessary for the protection of the estate of the debtor, or

(*b*) when at least five per cent of the unsecured creditors representing not less than twenty-five per cent of the unsecured creditors in value, request it."

6. Section 31 of the said Act is repealed and the following substituted therefor:

Acceptance of proposal by creditors.

"**31.** (1) Subject to the rights of secured creditors, the creditors may by special resolution resolve to accept the proposal as made or as altered or modified at the meeting or any adjournment thereof.

Voting by class.

(2) Each class of creditors shall vote independently of the others and the vote of one class is not binding upon the others.

Clause 4: This clause is consequential upon the amendment contained in clause 18.

Clause 5: This amendment will permit the appointment of an interim receiver following a proposal made by an insolvent person.

Clause 6: Section 31 at present reads as follows:

"**31.** The creditors or *any class of creditors* may by special resolution resolve to accept the proposal as made or as altered or modified at the meeting or any adjournment thereof *in so far as the proposal affects such creditors or class of creditors.*"

Related creditor.

(3) A creditor who is related to the debtor may vote against but not for the acceptance of the proposal.

Voting by trustee.

(4) The trustee, as a creditor or as a proxy for a creditor, may not vote on the proposal."

7. The said Act is further amended by adding thereto, immediately after section 32 thereof, the following sections:

Appointment of inspectors.

"**32A.** The creditors may appoint one or more, but not exceeding five, inspectors of the estate of the debtor, who shall have the powers of an inspector under this Act but subject to any extension or restriction of those powers by the terms of the proposal.

Result of non-approval of proposal.

32B. (1) Where the creditors refuse to approve a proposal by an insolvent person a copy of which has been filed with the official receiver as required by section 35, the debtor shall be deemed to have made an authorized assignment on the day that the proposal was so filed; and the trustee shall forthwith call a meeting of the creditors under section 68.

Report of non-approval.

(2) Where the creditors refuse to approve a proposal described in subsection (1), the trustee shall forthwith file a report thereof in the prescribed form with the official receiver and the Superintendent."

8. Subsections (4) to (7) of section 34 of the said Act are repealed and the following substituted therefor:

Priority of claims.

"(4) No proposal shall be approved by the court that does not provide for the payment in priority to other claims of all claims directed to be so paid in the distribution of the property of a debtor, and for the payment of all proper fees and expenses of the trustee on and incidental to the proceedings arising out of the proposal or in the bankruptcy.

Payment to trustee.

(5) All moneys payable under the proposal shall be paid to the trustee and, after payment of all proper fees and expenses mentioned in subsection (4), shall be distributed by him to the creditors.

Distribution of promissory notes, stock, etc. of debtor.

(6) Where the proposal provides for the distribution of property in the nature of promissory notes or other evidence of obligations by or on behalf of the debtor or, when the debtor is a corporation, shares in the capital stock of the corporation, such property shall be dealt with in the manner prescribed in subsection (5) as nearly as may be.

Section 106 applies.

(7) Section 106 applies to all distributions made to the creditors by the trustee pursuant to subsection (5) or (6).

Clause 7: (32A) This amendment will permit the appointment of inspectors in the case of proposals.

(32B) The non-approval by the creditors of a proposal by an insolvent person will have the same effect as if the debtor had made an assignment in bankruptcy on the date the proposal was filed.

Clause 8: This amendment will provide that the non-approval by the court of a proposal by an insolvent person will have the same effect as if the debtor had made an assignment in bankruptcy on the date the proposal was filed.

Subsections (4) to (7) at present read as follows:

"(4) No proposal shall be approved by the court that does not provide for the payment in priority to other claims of all claims directed to be so paid in the distribution of the property of a debtor, and for the payment of all proper fees and expenses of the trustee on and incidental to the proceedings arising out of the proposal or in the bankruptcy, nor shall any proposal be approved in which any other person is substituted for the trustee to collect and distribute to the creditors any moneys payable under the proposal.

(5) In any other case the court may either approve or refuse to approve the proposal.

(6) The approval by the court of a proposal made after bankruptcy operates to annul the bankruptcy and to revest in the debtor, or in such other person as the court may approve, all the right, title and interest of the trustee in the property of the debtor, unless the terms of the proposal otherwise provide.

(7) No costs incurred by a debtor on or incidental to an application to approve a proposal other than the costs incurred by the trustee shall be allowed out of the estate if the court refuses to approve the proposal."

Power of court.

(8) Subject to subsection (4), the court may either approve or refuse to approve the proposal.

Annulment of bankruptcy.

(9) The approval by the court of a proposal made after bankruptcy operates to annul the bankruptcy and to revest in the debtor, or in such other person as the court may approve, all the right, title and interest of the trustee in the property of the debtor, unless the terms of the proposal otherwise provide.

Non-approval of proposal by insolvent person.

(10) Where the court refuses to approve a proposal by an insolvent person a copy of which has been filed under section 35, the debtor shall be deemed to have made an authorized assignment on the day that the proposal was so filed and the trustee shall forthwith call a meeting of the creditors under section 68 and report in the prescribed form to the official receiver and to the Superintendent that the proposal has been refused approval by the court.

Costs when proposal refused.

(11) No costs incurred by a debtor on or incidental to an application to approve a proposal, other than the costs incurred by the trustee, shall be allowed out of the estate of the debtor if the court refuses to approve the proposal."

9. Section 36 of the said Act is repealed and the following substituted therefor:

Receiving order upon default, etc.

"**36.** (1) Where default is made in the performance of any provision in a proposal, or where it appears to the court that the proposal cannot continue without injustice or undue delay or that the approval of the court was obtained by fraud, the court may, on application thereto, with such notice to the debtor and the creditors as the court may direct, annul the proposal.

Validity of things done.

(2) An order made under subsection (1) shall be made without prejudice to the validity of any sale, disposition of property or payment duly made, or anything duly done under or in pursuance of the proposal and notwithstanding the annulment of the proposal, a guarantee given pursuant to the proposal remains in full force and effect in accordance with its terms.

Annulment for offence.

(3) A proposal, although accepted or approved, may be annulled by order of the court at the request of the trustee or of any creditor whenever the debtor is afterwards convicted of any offence under this Act.

Clause 9: Section 36 at present reads as follows:

"**36.** (1) Where default is made *in payment of any instalment due in pursuance of* the proposal *or* where it appears to the court that the proposal cannot proceed without injustice or undue delay, or that the approval of the court was obtained by fraud, the court may, *on application by the trustee or by any creditor, set aside* the proposal *and make such order as it deems proper in the circumstances.*

(2) An order under subsection (1) shall be made without prejudice to the validity of any sale, disposition of property or payment duly made, or thing duly done, under or in pursuance of the proposal.

(3) A proposal, although accepted or approved, may be annulled by the court at the request of the trustee or of any creditor whenever the debtor is afterwards convicted of any offence under this Act."

The amendment to section 36 will provide that the annulment of a proposal by the court will operate as an assignment in bankruptcy.

Effect of annulling order.

(4) Upon the proposal being annulled, the debtor shall be deemed to have thereupon made an authorized assignment and the order annulling the proposal shall so state.

Meeting of creditors to be called.

(5) Where an order annulling a proposal has been made, the trustee shall forthwith call a meeting of the creditors under section 68 and file a copy of the order with the official receiver and the Superintendent.

Assignment pending approval of proposal.

36A. Where an insolvent person in respect of whom a copy of a proposal has been filed under section 35 makes an assignment at any time before the court has approved the proposal so filed, the date of the assignment shall be deemed to be the date on which a copy of the proposal was so filed."

10. The said Act is further amended by adding thereto, immediately after section 39 thereof, the following section:

Salary, wages, etc. to bankrupt.

"**39A.** (1) Where a bankrupt is in receipt of, or is entitled to receive, any salary, wages or other remuneration from any person employing, or using the services of, the bankrupt, hereinafter in this section referred to as the "employer", the trustee shall apply to the court for an order directing the payment to the trustee of such part of the salary, wages or other remuneration as the court may determine having regard to the family responsibilities and personal situation of the bankrupt.

Order for payment.

(2) An order under subsection (1) shall be directed to the bankrupt and his employer and shall be expressed to continue for such time as the court may fix or until payment of a sum specified in the order and, unless otherwise stated in the order, it ceases to have effect on the discharge of the bankrupt.

Manner of payment.

(3) An order under subsection (1) may direct payment to the trustee in such manner as the court thinks fit and without limiting the generality of the foregoing may direct payment of

(*a*) a sum certain within any specified period or periods,

(*b*) a percentage of any remuneration to the bankrupt that will or may become payable while the order is in force, or

(*c*) the excess over any sum certain within any specified period or periods,

and the order may, on the application of any interested party, be varied from time to time by the court having regard to any changes in the family responsibilities or personal situation of the bankrupt.

(36A) An assignment made pending the approval of a proposal of an insolvent person will have retroactive effect to the date of the proposal.

Clause 10: The proposed new section 39A will expand the provisions of the Act respecting after-acquired property of a bankrupt and introduce a procedure whereby the bankrupt can be required to deposit with the trustee, for the benefit of creditors, a certain portion of his salary, wages or other remuneration.

Service of order.

(4) An order under subsection (1) shall be served on the bankrupt and is binding on him, and when the order is served on his employer it is binding on the employer named therein and any subsequent employer of the bankrupt if a copy of the order is served on such subsequent employer; but nothing in this section shall be construed to require the trustee to serve such an order on any employer of a bankrupt if it appears to the trustee inexpedient to do so.

Offence by bankrupt.

(5) A bankrupt served with an order or a copy thereof under subsection (1) who, without reasonable justification, fails or neglects to comply with the terms thereof is guilty of an offence and liable to the punishment prescribed by section 156.

Default by employer.

(6) Where an order under subsection (1) that has or a copy of which has been served on an employer is not complied with in accordance with its terms, the court may, on the application of the trustee, order the employer in default to pay to the trustee the amount of money that the estate would have received had the employer complied with the terms of the order made under subsection (1).

Fixing fair and reasonable remuneration in case of related persons.

(7) For the purposes of this section, the court may fix what is a fair and reasonable amount as salary, wages or other remuneration for the services being given by a bankrupt to his employer when the employer is related to the bankrupt, and may determine the part of such salary, wages or other remuneration to be paid to the trustee on the basis of the amount so fixed by the court, unless it appears to the court that the employment has been provided for the benefit of the employee and is not of any substantial benefit to the employer."

11. The said Act is further amended by adding thereto, immediately after section 64 thereof, the following section:

Extended period.

"**64A.** (1) Where the conveyance, transfer, charge, payment, obligation or judicial proceeding mentioned in section 64 is in favour of a person related to the insolvent person, the period limited in subsection (1) of section 64 shall be twelve months instead of three months."

12. The said Act is further amended by adding thereto, immediately after section 67 thereof, the following sections:

Examination of consideration in a reviewable transaction.

"**67A.** (1) Where a person who has sold, purchased, leased, hired, supplied or received property or services in a reviewable transaction becomes bankrupt within

Clause 11: Section 64 at present reads as follows:

"**64.** (1) Every conveyance or transfer of property or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any insolvent person in favour of any creditor or of any person in trust for any creditor with a view to giving such creditor a preference over the other creditors shall, if the person making, incurring, taking, paying or suffering the same becomes bankrupt within three months after the date of making, incurring, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

(2) Where any such conveyance, transfer, payment, obligation or judicial proceeding has the effect of giving any creditor a preference over other creditors, or over any one or more of them, it shall be presumed *prima facie* to have been made, incurred, taken, paid or suffered with a view to giving such creditor a preference over other creditors, whether or not it was made voluntarily or under pressure and evidence of pressure shall not be receivable or avail to support such transaction.

(3) For the purposes of this section, the expression "creditor" includes a surety or guarantor for the debt due to such creditor."

Clause 12: (67A) This proposed amendment will empower the court upon application of the trustee to review transactions made within the year preceding the bankruptcy, between the bankrupt and a related person or transactions otherwise not at arm's length, for the purpose of determining whether the consideration was adequate and, where the consideration is found to be conspicuously ina-

twelve months of the transaction, the court may, upon the application of the trustee, inquire into whether the bankrupt gave or received, as the case may be, fair market value in consideration for the property or services concerned in the transaction.

Judgment for difference.

(2) Where the court in proceedings under this section finds that the consideration given or received by the bankrupt in the reviewable transaction was conspicuously greater or less than the fair market value of the property or services concerned in the transaction, the court may give judgment to the trustee against the other party to the transaction, or against any other person being privy to the transaction with the bankrupt, or against all such persons, for the difference between the actual consideration given or received by the bankrupt and the fair market value, as determined by the court, of the property or services concerned in the transaction.

Establishing values.

(3) In making an application under this section the trustee shall state what in his opinion was the fair market value of the property or services concerned in the transaction and what in his opinion was the value of the actual consideration given or received by the bankrupt in the transaction, and the values on which the court makes any finding pursuant to this section shall be the values so stated by the trustee unless other values are proven.

Inquiry into dividends and redemptions of shares.

67B. (1) Where a corporation that is bankrupt has within twelve months preceding its bankruptcy paid a dividend, other than a stock dividend, or redeemed or purchased for cancellation any of the shares of the capital stock of the corporation, the court may on the application of the trustee, inquire into whether the dividend was paid or the shares redeemed or purchased for cancellation at a time when the corporation was insolvent, or whether the payment of the dividend or the redemption or purchase for cancellation of its shares rendered the corporation insolvent.

Judgment against directors and shareholders.

(2) Where the court in proceedings under this section finds that the payment of the dividend, or the redemption or purchase of shares, described in subsection (1) was made at a time when the corporation was insolvent or rendered the corporation insolvent, the court may give judgment to the trustee,

(*a*) against the directors of the corporation, jointly and severally, in the amount of such dividend or redemption or purchase price, with interest thereon, as has not been repaid to the corporation, and

(*b*) as against a shareholder who is related to any one or more directors or to the corporation, or

dequate, to give judgment to the trustee for the difference between the consideration and the fair market value of the goods or services provided. (For the meaning of a "reviewable transaction" and a definition of "related persons" see clause 1).

(67B) The proposed new section will permit the trustee to make recovery against the directors or certain of the shareholders of a bankrupt corporation, where the bankrupt corporation had within twelve months preceding its bankruptcy redeemed shares or granted a dividend when the corporation was insolvent or that rendered the corporation insolvent.

who is a director described in subsection (3), in the amount of such dividend or redemption or purchase price, and the interest thereon, as was received by the shareholder and not repaid to the corporation.

Directors exonerated by law.

(3) A judgment pursuant to paragraph (*a*) of subsection (2) shall not be entered against or be binding on a director who had, in accordance with any applicable law governing the operation of the corporation, protested against the payment of the dividend or the redemption or purchase for cancellation of the shares of the capital stock of the corporation and had thereby exonerated himself under such law from any liability therefor.

Directors, right to recover.

(4) Nothing in this section shall be construed to affect any right, under any applicable law governing the operation of the corporation, of the directors to recover from a shareholder the whole or any part of any dividend, or any redemption or purchase price, made or paid to the shareholder when the corporation was insolvent or that rendered the corporation insolvent.

Onus.

(5) For the purposes of an inquiry under this section, the onus of proving that the corporation was not insolvent when a dividend was paid or shares were redeemed or purchased for cancellation or that the payment of a dividend or a redemption of shares did not render the corporation insolvent lies upon the directors and the shareholders of the corporation."

13. Section 75 of the said Act is amended by adding thereto the following subsections:

Creditor not dealing at arm's length.

"(6) Except as otherwise provided by this Act, a creditor is not entitled to vote at any meeting of creditors

(*a*) if the creditor did not, at all times within the twelve months preceding the bankruptcy of the debtor, deal with the debtor at arm's length; or

(*b*) if the creditor is not, under section 96, entitled to claim a dividend in respect of a claim arising out of any transaction with the debtor.

Exception.

(7) A creditor who is not entitled to vote at a meeting of creditors by virtue of subsection (6) may with leave of the court vote at the meeting of creditors when all the creditors who have dealt with the debtor

Clause 13: (6) This provision would prevent creditors whose claims derive from transactions that are not at arm's length from voting as creditors in the event of a bankruptcy, but a creditor not dealing at arm's length may vote against a proposal. (See the proposed subsection (3) of section 31 in clause 6).

(7) This provision will provide an exception to the rule set out in the proposed subsection (6) of section 75.

at arm's length do not together represent at least twenty per cent in value of the claims against the debtor."

14. Section 96 of the said Act is repealed and the following substituted therefor:

Postponement of claims from reviewable transactions.

"**96.** (1) A creditor who entered into a reviewable transaction with a debtor at any time prior to the bankruptcy of the debtor is not entitled to claim a dividend in respect of a claim arising out of that transaction until all claims of the other creditors have been satisfied unless the transaction was in the opinion of the court a proper transaction; but this subsection does not apply with respect to a loan of money made to the debtor by the creditor within the two years immediately preceding the bankruptcy.

Claim of spouse.

(2) A spouse or former spouse of a bankrupt is not entitled to claim a dividend in respect of wages, salary, commission or compensation for work done or services rendered in connection with the trade or business of the bankrupt until all claims of the other creditors have been satisfied."

15. Sections 114 and 115 of the said Act are repealed and the following substituted therefor:

Summary administration.

"**114.** The following provisions apply to the summary administration of estates under this Act, namely,

(*a*) all proceedings under this section shall be entitled "Summary Administration";

(*b*) the security to be deposited by a trustee under section 8 shall not be required unless directed by the official receiver;

(*c*) notice of the bankruptcy shall be published in the *Canada Gazette* in the prescribed form but shall not be published in a local newspaper unless deemed expedient by the trustee or ordered by the court;

(*d*) all notices, statements and other documents shall be sent by ordinary mail; and

(*e*) there shall be no inspectors unless the creditors decide to appoint them, and if no inspectors are appointed, the trustee, in the absence of directions from the creditors, may do all things that may ordinarily be done by the trustee with the permission of the inspectors.

Fees and disbursements of trustee.

115. The trustee shall receive such fees and disbursements as may be prescribed."

Clause 14: The purpose of this amendment is to permit a postponement of the payment of claims resulting from a reviewable transaction until the other creditors' claims are satisfied, unless the transaction in the opinion of the court was an appropriate transaction.

Section 96 at present reads as follows:

"**96.** The *wife or husband, as the case may be,* of a bankrupt is not entitled to claim a dividend *as a creditor in respect of any property lent or entrusted by the wife to the husband or by the husband to the wife for the purposes of the trade or business of the bankrupt,* or in respect of wages, salary, commission or compensation for work done or services rendered in connection with the trade or business until all claims of the other creditors of the bankrupt have been satisfied."

Clause 15: Sections 114 and 115 at present set out special provisions for the administration of estates referred to in subsection (6) of section 26. The effect of such provisions is to relax, in respect of such estates, certain of the accounting procedures and safeguards set out in the Act. The changes made in sections 114 and 115 by this clause will eliminate or modify a number of the special provisions in order to provide for the more strict administration of such estates.

Subsection (6) of section 26 at present reads as follows:

"(6) Where the bankrupt is not a corporation and in the opinion of the official receiver the realizable assets of the bankrupt, after deducting the claims of secured creditors, will not exceed five hundred dollars, the provisions of the Act relating to summary administration of estates shall apply."

16. Section 120 of the said Act is amended by adding thereto the following subsections:

Inquiry by official receiver.

"(4) The official receiver may, and on the direction of the Superintendent shall, make or cause to be made any inquiry or investigation that may be deemed necessary in respect of the conduct of the bankrupt, the causes of his bankruptcy and the disposition of his property, and the official receiver shall report the findings on any such inquiry or investigation to the court, the trustee and the Superintendent.

Costs and expenses.

(5) Where pursuant to subsection (4) an inquiry or investigation is made by the official receiver on the direction of the Superintendent, the Superintendent shall, out of the moneys appropriated by Parliament to defray the expenses of the office of the Superintendent, reimburse the official receiver for such reasonable costs and expenses incurred by him in connection with the inquiry or investigation, not being ordinary costs or expenses of his office, as are approved by the Superintendent.

Application of section 122.

(6) Section 122 applies in respect of an inquiry or investigation under subsection (4)."

17. Subsection (3) of section 127 of the said Act is repealed and the following substituted therefor:

Application for discharge.

"(3) A bankrupt who has given a notice of waiver as provided in subsection (1) may, at any time at his own expense, apply for a discharge by obtaining from the court an appointment for a hearing, which shall be served on the trustee not less than twenty days before the date fixed for the hearing of the application; and the trustee on being served therewith shall proceed as provided in this section.

Bankrupt corporation.

(3a) A corporation may not apply for a discharge."

18. The said Act is further amended by adding thereto, immediately after section 128 thereof, the following section:

Trustee's report.

"**128A.** (1) The trustee shall, within two months after his appointment or within such longer period as the Superintendent may allow, prepare in the prescribed form and file with the Superintendent a report setting out the following information:

(*a*) the name of the debtor and, where the debtor is a corporation, the names and addresses of the directors and officers of the corporation and, when applicable, the names of the persons who

Clause 16: The new subsection contained in this clause will empower the official receiver to make an inquiry or investigation deemed necessary in respect of the conduct of a bankrupt, the causes of his bankruptcy and the disposition of his property.

Clause 17: The purpose of the amendment proposed by this clause is to compel a bankrupt corporation to make a proposal for the benefit of its creditors should the shareholders wish to use a tax loss or stock exchange listing for their advantage.

Subsection (3) at present reads as follows:

"(3) *A corporation and any* bankrupt who has given a notice of waiver as provided in subsection (1) may at any time at his own expense apply for a discharge by obtaining from the court an appointment for a hearing, which shall be served on the trustee not less than twenty days before the date fixed for the hearing of the application, and the trustee on being served therewith shall proceed as provided in this section."

Clause 18: Under the proposed amendment the trustee will file with the Superintendent of Bankruptcy, in respect of each estate, a report setting out the name of the bankrupt and the names of the persons controlling the day-to-day operations of the bankrupt, the trustee's opinion whether the deficiency between the assets and the liabilities of the bankrupt has or has not been satisfactorily accounted for, and the probable causes of the bankruptcy.

A separate report prepared by the trustee will also be required to be filed with the official receiver to permit the dissemination of information relating to previous bankruptcies so that prospective creditors may better judge the credit rating of their customers.

in the opinion of the trustee actively controlled the day-to-day operations of the corporation or the business of the debtor or who in the opinion of the trustee were responsible for the greater proportion of the debtor's liabilities or under whose directions in the opinion of the trustee the greater proportion of the debtor's liabilities were incurred;

(*b*) whether in the opinion of the trustee the deficiency between the assets and the liabilities of the debtor has been satisfactorily accounted for or if not whether there is evidence of a substantial disappearance of property that is not accounted for;

(*c*) a statement of opinion by the trustee with respect to the probable causes of the bankruptcy, arrived at after consultation with the inspectors and other persons, which shall be expressed as resulting from one or more of the following enumeration of probable causes, namely:

(i) misfortune,
(ii) inexperience,
(iii) incompetence,
(iv) carelessness,
(v) over-expansion,
(vi) unwarranted speculation,
(vii) gross negligence,
(viii) fraud, and
(ix) other probable cause (to be specified); and

(*d*) a statement of the facts and information on which the trustee relied in arriving at the opinion expressed pursuant to paragraphs (*b*) and (*c*).

Report to persons concerned.

(2) A separate report containing only the information to be given to the Superintendent pursuant to paragraph (*a*) of subsection (1) shall be immediately prepared in the prescribed form by the trustee and a copy thereof shall be sent, by prepaid registered mail in an envelope marked "private and confidential", to each of the persons named pursuant to paragraph (*a*) of subsection (1) in the report to the Superintendent.

Report to official receiver.

(3) After the expiration of sixty days from the date of filing his report with the Superintendent and not later than ninety days after such date, the trustee shall file with the official receiver the report prepared pursuant to subsection (2).

Application to court regarding report.

(4) Notwithstanding subsection (3), where before he has filed his report with the official receiver pursuant to that subsection, the trustee is served with a copy of an application to the court, by any of the persons named pursuant to paragraph (*a*) of subsection (1) in the report prepared pursuant to subsection (2), to have that report altered in any manner or to dispense with the requirements of subsection (3), the trustee shall not file the report under subsection (3) except as may be directed by the court.

Altering report to Superintendent.

(5) When the report to be filed under subsection (3) has been altered in any respect on the direction of the court, the trustee shall inform the Superintendent of any alteration so made, and the Superintendent shall alter the report made to him by the trustee accordingly.

Exoneration from liability.

(6) The trustee is not liable for any statements made or opinions expressed by him in good faith and made or purporting to be made by him pursuant to this section, nor is any person liable for publishing, or referring to any matters contained in, the report of the trustee to the official receiver if the publication or reference is made after the filing of the report with the official receiver."

19. (1) Paragraphs (*f*) and (*g*) of section 160 of the said Act are repealed and the following substituted therefor:

Soliciting assignments or petitions.

"(*f*) directly or indirectly solicits or canvasses any person to make an assignment under this Act, or to petition for a receiving order;

Soliciting proxies.

(*g*) being a trustee, directly or indirectly, solicits proxies to vote at a meeting of creditors; or

Improper gain.

(*h*) being a trustee, makes any arrangement under any circumstances with the bankrupt, or any solicitor, auctioneer or other person employed in connection with a bankruptcy, for any gift, remuneration, or pecuniary or other consideration or benefit whatever beyond the remuneration payable out of the estate, or accepts any such consideration or benefit from any such person, or makes any arrangement for giving up, or gives up, any part of his remuneration, either as a receiver or trustee, to the bankrupt or any solicitor, auctioneer or other person employed in connection with the bankruptcy;"

Clause 19: The relevant portions of section 160 at present read as follows:

"**160.** A person who,

.....

(*f*) being a trustee, solicits or canvasses a person to make an assignment under this Act; or

(*g*) being a trustee, solicits proxies to vote at a meeting of creditors;

is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment."

(2) Section 160 of the said Act is further amended by adding thereto the following subsections:

Offence and penalty.

"(2) A person who fails to comply with or contravenes any provision of section 3A is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

Exception.

(3) Nothing in paragraph (*h*) of subsection (1) shall be construed to apply to a sharing of trustee's fees among persons who together act as the trustee of the estate of a bankrupt."

20. The said Act is further amended by adding thereto, immediately after section 163 thereof, the following section:

Report of offence.

"**163A.** (1) Where the official receiver or the trustee has reason to believe that an offence under this Act or the *Criminal Code* relating to the property of the bankrupt was committed either before or after the bankruptcy by the bankrupt or any other person, the official receiver or trustee shall make a report thereon to the Deputy Attorney General or other appropriate legal officer of the province concerned or to such person as is duly designated by such legal officer for that purpose.

Copy to Superintendent.

(2) A copy of a report made under subsection (1) shall be sent by the official receiver or trustee to the Superintendent."

21. The said Act is further amended by adding thereto, immediately after section 172 thereof, the following Part:

"PART X.

ORDERLY PAYMENT OF DEBTS.

Definitions. "Clerk." "Court."

173. In this Part,

(*a*) "clerk" means a clerk of the court;

(*b*) "court" means

(i) in the Province of Alberta, the district court,

(ii) in the Province of Manitoba, the county court, and

Clause 20: (163A) This provision will provide that a report is to be made to the appropriate legal officer of the province concerned when the official receiver or trustee has reason to believe that an offence has been committed in respect of a bankruptcy.

Clause 21: The purpose of this amendment is to enact as part of the *Bankruptcy Act* provisions relating to the orderly payment of debts. Similar provisions were contained in the legislation of certain provinces but were declared by the Supreme Court of Canada to be *ultra vires* the provincial legislature.

(iii) in any other province, such court as is designated from time to time by the regulations for the purposes of this Part;

"Debtor." (c) "debtor" does not include a corporation; and

"Registered creditor." (d) "registered creditor" means a creditor who is named in a consolidation order.

Application. **174.** (1) This Part applies only to the following classes of debts:

(a) a judgment for the payment of money where the amount of the judgment does not exceed one thousand dollars;

(b) a judgment for the payment of money where the amount of the judgment is in excess of one thousand dollars if the judgment creditor consents to come under this Part;

(c) a claim or demand for or in respect of money, debt, account, covenant or otherwise, not in excess of one thousand dollars; and

(d) a claim or demand for or in respect of money, debt, account, covenant or otherwise, in excess of one thousand dollars if the creditor having such claim or demand consents to come under this Part.

Exception. (2) Notwithstanding subsection (1), this Part does not apply to the following classes of debts:

(a) a debt due, owing or payable

(i) to Her Majesty in right of Canada or a province,

(ii) to a municipality in Canada, or

(iii) to a school district in Canada;

(b) a debt relating to the public revenue or one that may be levied and collected in the form of taxes;

(c) a covenant in a mortgage or charge on land or in an agreement for sale of land; or

(d) a debt incurred by a trader or merchant in the ordinary course of his business.

Idem. (3) Notwithstanding subsection (1), this Part does not apply to any of the following classes of debts, unless the creditor consents to come under this Part:

(a) in the Province of Alberta

(i) a claim for wages that may be heard before, or a judgment therefor by, a magistrate under *The Masters and Servants Act*,

(ii) a claim for a lien or a judgment thereon under *The Mechanics' Lien Act* or *The Mechanics Lien Act, 1960*, or

(iii) a claim for a lien under *The Garagemen's Lien Act;*

(*b*) in the Province of Manitoba

(i) a claim for wages that may be heard before, or a judgment therefor by, a magistrate under *The Wages Recovery Act*, or

(ii) a claim for a mechanic's lien or a judgment thereon under *The Mechanics' Liens Act*, or

(*c*) in any other province, any debt of a class designated by the regulations to be a class of debts to which this Part does not apply.

Application for consolidation order.

175. (1) A debtor who resides in a province in which this Part is in force may apply to the clerk of the court having jurisdiction where he resides for a consolidation order.

Affidavit to be filed.

(2) Upon an application pursuant to subsection (1), the debtor shall file an affidavit setting forth the following:

(*a*) the names and addresses of his creditors and the amount he owes to each creditor and, if any of them are related to him, the relationship;

(*b*) a statement of the property he owns or in which he has any interest and of the value thereof;

(*c*) the amount of his income from all sources, naming them, and where he is married the amount of the income of his wife from all sources, naming them;

(*d*) his business or occupation and that of his wife, if any, and the name and address of his employer and of his wife's employer, if any;

(*e*) the number of persons dependent upon him, the name and relationship of each and particulars of the extent to which each is so dependent;

(*f*) the amount payable for board and lodging or for rent or as payment on home property, as the case may be; and

(*g*) whether any of his creditors' claims are secured and, if so, the nature and particulars of the security held by each such creditor.

Duties of clerk.

176. (1) The clerk shall

(*a*) file the affidavit referred to in subsection (2) of section 175, giving it a number, and enter the particulars it contains in a register;

(*b*) upon reading the affidavit and hearing the debtor, settle the amounts to be paid by the debtor into court and the times of payment thereof until all of the claims entered in the register are paid in full, and enter in the register particulars of the amounts and times of payment so settled or, where applicable, enter in the register a statement that the present circumstances of the debtor do not warrant the immediate settling of any such amounts or times; and

(*c*) fix a date for hearing any objections by creditors.

Notice to be given.

(2) The clerk shall give notice of an application for a consolidation order to each creditor named in the affidavit filed in connection with the application, setting forth in the notice

(*a*) the particulars of all entries made in the register with respect to the application; and

(*b*) the date fixed for hearing objections by the creditors to the application or to any of the entries made in the register in respect thereof;

and the notice shall contain a statement that the creditor will, prior to the date fixed for hearing objections, be notified of any objections filed with the clerk pursuant to section 177 in connection with the application.

Idem.

(3) The notice referred to in subsection (2) shall be served by registered mail and the clerk shall enter in the register the date the notice was mailed.

Register.

(4) The register referred to in this section shall be separate from all other books and records kept by the clerk and shall be available to the public for inspection, free of charge, during the hours when the office of the clerk is open to the public.

Objection by creditor.

177. (1) A creditor may, within a period of twenty days after the date of mailing of the notice of an application for a consolidation order pursuant to section 176, file with the clerk an objection with respect to any of the following matters:

(*a*) the amount entered in the register as the amount owing to him or to any other creditor;

(*b*) the amounts settled by the clerk as the amounts to be paid by the debtor into court, or the fact that no such amounts have been settled; or

(*c*) the times of payment of any such amounts, where applicable.

Idem.

(2) The clerk shall enter in the register a memorandum of the date of receipt of any objection filed with him.

Notice of objection.

(3) Where an objection has been filed by a creditor, the clerk shall forthwith, by registered mail, give notice of the objection and of the time and place appointed for the hearing thereof to the debtor and to each creditor named in the affidavit filed in connection with the application specifying, where applicable, the creditor whose claim has been objected to under subsection (1).

Adding additional creditors.

178. At the time appointed for the hearing of any objection in connection with a consolidation order, the clerk may add to the register the name of any creditor of the debtor of whom he has notice and who is not disclosed in the affidavit of the debtor.

Hearing of objections.

179. (1) The clerk shall, at the time appointed for the hearing thereof, consider any objection in connection with a consolidation order that has been filed with him in accordance with this Part, and

(*a*) if the objection is to the claim of a creditor and the parties are brought to agreement or if the creditor's claim is a judgment of a court and the only objection is to the amount paid thereon, he may dispose of the objection in a summary manner and determine the amount owing to the creditor;

(*b*) if the objection is to the proposed terms or method of payment of the claims by the debtor or that terms of payment are not but should be fixed, he may dispose of the objection in a summary manner and determine, as the circumstances require, the terms and method of payment of the claims, or that no terms be presently fixed; and

(*c*) in any case he may on notice of motion refer any objection to be disposed of by the court or as the court otherwise directs.

Issue of order.

(2) After the conclusion of the hearing referred to in subsection (1), the clerk shall enter in the register his decision or the decision of the court, as the case may be, and issue a consolidation order.

Issue of consolidation order.

180. Where no objection has been received within twenty days after the date of mailing of the notice of an application for a consolidation order pursuant to section 176, the clerk shall

(*a*) make an entry in the register to that effect, and

(*b*) issue the consolidation order.

Contents of consolidation order.

181. (1) A consolidation order shall state the following:

(*a*) the name of and the amount owing to each creditor named in the register; and

(*b*) the amounts to be paid into court by the debtor and the times of payment thereof or, where applicable, that the present circumstances of the debtor do not warrant the immediate settling of any such amounts or times.

Effect of order.

(2) A consolidation order

(*a*) is a judgment of the court in favour of each creditor named in the register for the amount stated therein to be owing to such creditor; and

(*b*) is an order of the court for the payment by the debtor of the amounts stated therein and at the stated times.

Consolidation order not to be issued.

182. (1) A consolidation order that does not provide for the payment in full of all the debts to which it refers within a period of three years shall not be issued unless

(*a*) all registered creditors consent thereto in writing, or

(*b*) the order is approved by the court.

Referral to court.

(2) Any consolidation order referred to in subsection (1) shall be referred to the court for approval or otherwise by the clerk upon notice of motion to any registered creditor who has not consented thereto in writing.

Review of consolidation order.

183. (1) The court may, on application to review a consolidation order of the clerk made by notice of motion within fourteen days of the making of the order by any of the parties affected thereby, review the

consolidation order and confirm or vary it or set it aside and make such disposition of the matter as the court sees fit.

Decision to be entered.

(2) The clerk shall enter any decision made by the court under subsection (1) in the register and the decision takes effect in place of the order of the clerk.

Terms may be imposed on debtor.

184. The court may, in deciding any matter brought before it, impose such terms on a debtor with respect to the custody of his property or any disposition thereof or of the proceeds thereof as it deems proper to protect the registered creditors and may give such directions for that purpose as the circumstances require.

Process stayed by consolidation order.

185. Upon the making of a consolidation order, no process shall be issued out of any court in the province in which the debtor resides against the debtor at the instance of a creditor in respect of any debt to which this Part applies, except as permitted by this Part.

Assignments of debtor's property to clerk.

186. (1) The clerk may, at any time after the making of a consolidation order, require of and take from the debtor an assignment to himself as clerk of the court of any moneys due, owing or payable or to become due, owing or payable to the debtor, or earned or to be earned by the debtor.

Notification.

(2) Unless otherwise agreed upon, the clerk shall forthwith notify the person owing or about to owe the moneys of the assignment referred to in subsection (1) and all moneys collected thereon shall be applied to the credit of the claims against the debtor under the consolidation order.

Writ of execution.

(3) The clerk may issue a writ of execution or certificate of judgment in respect of a consolidation order and cause it to be filed in any place where such writ or certificate may bind or be a charge upon land or chattels.

Adding creditors after order.

187. (1) Where at any time before the payment in full of the claims against a debtor under a consolidation order, the clerk is notified of a claim to which this Part applies that is not entered in the order, he shall, subject to subsection (2) and upon notice to the debtor and the creditor and to each registered creditor,

(*a*) settle the amount owing to the creditor;

(*b*) where he deems it necessary to do so, vary the amounts to be paid by the debtor into court and the times of payment thereof in order to provide for the new claim; and

(*c*) enter the matters referred to in paragraphs (*a*) and (*b*) in the register.

Court to decide.

(2) Where the debtor or any registered creditor disputes the claim of a creditor described in subsection (1), the clerk shall on notice of motion refer the matter to the court and the decision of the court shall be entered in the register.

Notice.

(3) The clerk shall make such amendments to the consolidation order as may be necessary to give effect to any entries in the register made pursuant to this section, and shall give notice thereof to the registered creditors.

Creditor to share.

(4) Upon the entry of a claim in the register pursuant to this section, the creditor shall share with the other creditors in any further distribution of moneys paid into court by or on behalf of the debtor.

Secured claims.

188. (1) A registered creditor holding security for a claim may, at any time, elect to rely upon his security notwithstanding that the claim is included in a consolidation order.

Proceeds in excess.

(2) Where the proceeds from the disposal of the security referred to in subsection (1) are in excess of the registered creditor's claim, the excess shall be paid into court and applied in payment of other judgments against the debtor.

Exemption.

(3) Subsection (2) does not apply where the security is in the form of chattels exempt from seizure under any law in force in the province in which the consolidation order was issued.

Reduced claim.

(4) Where the proceeds from the disposal of the security referred to in subsection (1) are less than the registered creditor's claim, the creditor remains entitled to the balance of his claim.

Exception.

(5) Subsection (4) does not apply in a case where, under the law in force in the province in which the consolidation order was issued, a creditor

(*a*) who enforces his security by repossession or repossession and sale, or

(*b*) who seizes and sells such security under an execution issued pursuant to a judgment obtained against the debtor in respect of the claim so secured,

is limited in his recovery of such claim to the security so repossessed or the proceeds of the sale thereof.

Enforcement of order in default of debtor.

189. (1) A registered creditor may apply by notice of motion to the court where

(*a*) a debtor defaults in complying with any order or direction of the court;

(*b*) any other proceeding for the recovery of money is brought against the debtor;

(*c*) the debtor has, after the consolidation order was made, incurred further debts totalling in excess of five hundred dollars;

(*d*) a judgment is recovered against the debtor larger in amount than a judgment to which this Part applies without the judgment creditor's consent, and the judgment creditor refuses to permit his name to be added to the register; or

(*e*) the debtor has property or funds that should be made available for the satisfaction of the consolidation order.

Ex parte application.

(2) A registered creditor may apply *ex parte* to the court where a debtor

(*a*) is about to abscond or has absconded from the province in which the consolidation order was issued leaving personal property liable to seizure under execution; or

(*b*) with intent to defraud his creditors has attempted or is attempting to remove from the province in which the consolidation order was issued personal property liable to seizure under execution.

Proceedings authorized.

(3) Upon the application referred to in subsection (1) or (2), the court may

(*a*) authorize the registered creditor making the application to take on behalf of all the registered creditors such proceedings to enforce the consolidation order as the court deems advisable; or

(*b*) where it deems it advisable and on notice to all parties, make an order permitting all the registered creditors to proceed each independently of the others for the enforcement of their claims under the consolidation order.

Moneys applied to judgment.

(4) All moneys recovered as a result of proceedings taken pursuant to paragraph (*a*) of subsection (3) after payment of costs incurred thereby shall be paid into the court and shall be applied to the credit of the judgments against the debtor appearing in the register.

Proceedings where continuing default.

(5) Where a debtor defaults in making any payment into court required to be made by him under a consolidation order and the default continues for

a period of ninety days, all the registered creditors are entitled to proceed forthwith, each independently of the others and without reference to the court, for the enforcement of their claims under the consolidation order, unless the court otherwise directs on being satisfied, upon application by the debtor, that the circumstances giving rise to the default and to its continuation were beyond the control of the debtor.

Debtor not entitled to relief.

(6) Where any order has been made under paragraph (*b*) of subsection (3) or any proceedings have been commenced under subsection (5), the debtor under the consolidation order is not, without the leave of the court, entitled to any further relief under this Part during the currency of any claim against him entered in the register.

Re-examination of debtor.

190. (1) A debtor or any registered creditor may at any time apply *ex parte* to the clerk for a further examination and hearing of the debtor in respect of his financial circumstances.

Idem.

(2) The further hearing referred to in subsection (1) may only be held

(*a*) with the leave of the clerk; or

(*b*) in the event of the refusal of the clerk, with leave of the court.

Notice of hearing.

(3) The clerk shall give all parties to the consolidation order at least twenty days' notice of the time appointed for the hearing referred to in subsection (1).

Clerk may vary order, etc.

(4) Where after considering the evidence presented at the further hearing referred to in subsection (1) the clerk is of the opinion that

(*a*) the terms of payment set out in the consolidation order, or

(*b*) the decision that the circumstances of the debtor do not warrant the immediate settling of any amounts or times of payment thereof,

should be changed because of a change in the circumstances of the debtor, he may

(*c*) vary the order as to the amounts to be paid by the debtor into court or the times of payment thereof, or

(*d*) on notice of motion refer the matter to the court for settlement.

Application of section 183.

(5) Section 183 applies *mutatis mutandis* to a decision of the clerk under subsection (4).

Disposition of moneys paid into court.

191. (1) Subject to subsection (3) the clerk shall distribute the moneys paid into court on account of the debts of the debtor at least once every three months.

Idem.

(2) The clerk shall distribute the money *pro rata*, or as nearly so as is practicable, among the registered creditors.

Payments less than five dollars.

(3) Except in the case of a final payment under a consolidation order, the clerk is not required to make a payment to any creditor if the amount thereof is less than five dollars.

Oaths.

192. (1) The clerk may for the purposes of this Part examine any person under oath and may administer oaths.

Record.

(2) The clerk shall make a written record in summary form of all evidence given at a hearing.

Where assignment or receiving order made.

193. (1) Where a debtor, in respect of whom a consolidation order has been issued under this Part, makes an assignment pursuant to section 26 or where a receiving order is made against him under section 21 or where a proposal by such debtor is approved by the court having jurisdiction in bankruptcy under section 34, any moneys that have been paid into court pursuant to such consolidation order and that have not yet been distributed to the registered creditors shall thereupon be distributed among such creditors by the clerk in the proportions to which they are entitled under the consolidation order.

Proceedings may be taken under other Parts.

(2) The fact that proceedings have been taken under this Part does not prevent the taking of proceedings by or against the debtor under the provisions of any other Part of this Act.

Idem.

(3) None of the provisions of Parts I to IX of this Act applies to proceedings under this Part.

Appeal.

194. A decision or order of the court under this Part is subject to appeal in the same manner as if it were a judgment of the court in a civil action.

Clerk to report.

195. (1) Upon the issue of any consolidation order, the clerk shall forward a copy thereof to the Superintendent.

Idem.

(2) The clerk shall report to the Superintendent upon the conclusion of each proceedings taken under this Part, within thirty days of such conclusion, in a form prescribed by the regulations or, if no form is so prescribed, in a form prescribed by the Superintendent.

Regulations.

196. The Governor in Council may make regulations

(*a*) prescribing the forms to be used under this Part;

(*b*) prescribing costs and fees to be paid under this Part;

(*c*) designating the "court" for the purpose of this Part in any province except Alberta and Manitoba;

(*d*) adapting this Part to the court organization or other circumstances of a particular province;

(*e*) varying, in respect of any province, the classes of debts and amounts thereof to which this Part applies;

(*f*) changing or prescribing, in respect of any province, the classes of debts to which this Part does not apply; and

(*g*) generally, for carrying into effect the purposes and provisions of this Part.

Audit of proceedings.

197. The accounts of every clerk that relate to proceedings under this Part are subject to audit in the same manner as if the accounts were the accounts of a provincial officer.

Coming into force.

198. This Part shall come into force in any province only upon the issue, at the request of the Lieutenant Governor in Council of that province, of a proclamation by the Governor in Council declaring it to be in force in that province."

Proceedings continued.

22. (1) Any proceedings commenced before the coming into force of this Act to which sections 114 to 116 of the *Bankruptcy Act* apply shall be continued as though this Act had not been enacted.

Application generally.

(2) This Act applies to proposals and bankruptcies pending or filed on the day this Act comes into force but not so as to affect any order, rule, proceeding, action, matter or thing had, done, made, completed or entered into under the *Bankruptcy Act* in respect of any proposal or bankruptcy filed before the day this Act comes into force.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-18.

An Act to incorporate Canadian Board of Missions of the Church of God.

Read a first time, Wednesday, 23rd February, 1966.

Honourable Senator CAMERON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23472

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-18.

An Act to incorporate Canadian Board of Missions of the Church of God.

Preamble.

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

Incorporation.

1. The Reverend Henry Charles Heffren, minister, of the city of Medicine Hat, the Reverend Adolf Donald Semrau, minister, of the city of Camrose, the Reverend Larmour Wallace Chugg, minister, of the city of Edmonton, the Reverend Donald Gordon Snell, minister, of the town of Drayton Valley, Lloyd Warkentin, bank manager, of the town of Edson, and Hermon Bernard Adams, farmer, of the village of Paradise Valley, all in the province of Alberta, the Reverend Gilbert Sommert, minister, of the town of Biggar, and the Reverend Wilhelm Paul Conrad Rabel, minister, of the town of Churchbridge, both in the province of Saskatchewan, and John Unger, retired, of the village of Plum Coulee, in the province of Manitoba, together with such other persons as may from time to time become members of the corporation, are hereby incorporated under the name of Canadian Board of Missions of the Church of God, hereinafter called "the Corporation".

Corporate name.

Directors.

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

Head office.

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

Notice of change.

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

Objects.

4. The objects of the Corporation shall be

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

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

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

Power to make by-laws.

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

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

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

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

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

(*e*) determining the qualifications of members of the Corporation; and

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

Management and committees.

6. Subject to and in accordance with the by-laws enacted by the Corporation under section 5 of this Act, the Corporation may exercise all its powers by and through an executive committee or such boards or committees as may from time to time be elected or appointed by the Corporation for the management of its affairs.

Incidental powers.

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

Power to acquire and hold property.

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

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

Investment in and disposal of property.

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

Application of mortmain laws.

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

Transfer of property held in trust.

11. In so far as authorization by the Parliament of Canada is necessary, any person or corporation, in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes of the Corporation or any such person or corporation to whom any such property

devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Corporation.

Execution of documents.

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

Disposition of property by gift or loan.

13. The Corporation may make a gift of or lend any of its property, whether real or personal, for or to assist any other religious, charitable, educational, congregational, social or recreational institutions, having the same or similar objects and powers as the Corporation, upon such terms and conditions as it may deem expedient, including assistance in the erection or maintenance of any building or buildings of such institution.

Borrowing powers.

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

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

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

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

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

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

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

(*g*) acquire by gift or purchase, have, hold, receive, possess, retain, and enjoy lands, tenements, hereditaments, rents, annuities, and other property, moveable and immoveable, real and personal, corporeal and incorporeal, and any land and every estate and interest whatsoever given, granted, devised or bequeathed to it or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of the Corporation; and

(*h*) do any and all other things as are incidental or conducive to the attainment of the objects for which the Corporation is established.

Limitation.

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

Investment of funds.

15. The Corporation may from time to time for the purposes of the Corporation invest money belonging to the Corporation in any property or security whatsoever for the use and purpose of the Corporation.

Powers of guarantee.

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

Territorial powers.

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

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-19.

An Act to extend the grounds upon which courts now having jurisdiction to grant divorces *a vinculo matrimonii* may grant such relief.

Read a first time, Thursday, 24th February, 1966.

Honourable Senator ROEBUCK.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23575

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-19.

An Act to extend the grounds upon which courts now having jurisdiction to grant divorces *a vinculo matrimonii* may grant such relief.

Short title.

1. This Act may be cited as the *Divorce (Extension of Grounds) Act, 1966.*

Additional grounds for divorce.

2. (1) In any court having jurisdiction to grant divorce *a vinculo matrimonii* any husband or wife may commence an action praying that the marriage may be dissolved, on the following grounds in addition to any ground upon which the marriage may now be dissolved, namely, that the respondent

"Desertion". (*a*) has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of the petition;

"Cruelty". (*b*) has since the celebration of the marriage treated the petitioner with cruelty; or

"Unsoundness of mind". (*c*) is intractably of unsound mind and has been continuously under care and treatment for a period of at least five years immediately preceding the presentation of the petition.

(2) For the purposes of this section a person of unsound mind shall be deemed to be under care and treatment only while he is

(*a*) detained in pursuance of an order or inquisition completely made or had under authority of a statute in force in the province concerned or as a criminal lunatic; or

(*b*) receiving treatment as a voluntary patient pursuant to any statute in force in the province concerned, being treatment which follows without any interval a period of such detention as aforesaid.

Explanatory Notes.

The purpose of the present bill is to add to the existing grounds on which a Canadian court now possessing jurisdiction to grant divorces *a vinculo matrimonii*, the further grounds upon which the High Court in England, pursuant to the *Matrimonial Causes Act, 1950,* may now grant divorces. No change is made in the jurisdiction of the courts of Quebec or Newfoundland, nor is the jurisdiction of Parliament or the application of the *Dissolution and Annulment of Marriages Act* (chapter 10 of the statutes of 1963) in any way affected. Moreover, the *existing* jurisdiction of the courts in the provinces and territories other than Quebec and Newfoundland is not affected: additional jurisdiction is however conferred in that new grounds are added to the grounds upon which such courts may now grant divorces.

Clause 2: Adds desertion for three years, cruelty and intractable insanity to the existing grounds for divorce.

Duty of court.

3. If the court is satisfied by the evidence that the case of the petitioner has been proved on any of the grounds added by section 1, and, where the ground of the petition is cruelty, the petitioner has not in any manner condoned the cruelty, and that the petition is not presented or prosecuted in collusion with the respondent, the court shall pronounce a decree of divorce, but if the court is not satisfied with respect to any of the aforesaid matters, it shall dismiss the petition: Provided that the court shall not be bound to pronounce a decree of divorce and may dismiss the petition if it finds that the petitioner has during the marriage been guilty of adultery, or if, in the opinion of the court, the petitioner has been guilty

Proviso.

(*a*) of unreasonable delay in presenting or prosecuting the petition; or

(*b*) of cruelty towards the other party to the marriage; or

(*c*) where the ground of the petition is cruelty, of having without reasonable excuse deserted, or having without reasonable excuse wilfully separated himself or herself from, the other party before the cruelty complained of; or

(*d*) where the ground of the petition is unsoundness of mind or desertion, of such wilful neglect or misconduct as has conduced to the unsoundness of mind or desertion.

Rules of court.

4. The court may make such rules of court as it may deem desirable or expedient for the exercise and application of the jurisdiction conferred by this Act.

Coming into force.

5. This Act shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

Clause 3: Deals with the responsibility of the court in considering petitions for divorce on any of the added grounds.

Clause 4: Authorizes the making of the requisite rules of court.

Clause 5: Provides for the coming into force of the Act on a day or days to be fixed by proclamation.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-20.

An Act respecting The Trustee Board of The Presbyterian Church in Canada.

Read a first time, Wednesday, 2nd March, 1966.

Honourable Senator Kinley.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23635

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-20.

An Act respecting The Trustee Board of The Presbyterian Church in Canada.

Preamble. 1939, c. 64; 1939, c. 65; 1962-63, c. 23.

WHEREAS The Trustee Board of The Presbyterian Church in Canada, hereinafter called "the Board", and the Executive of the Administrative Council of The Presbyterian Church in Canada have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Membership of the Board.

1. Chapter 64 of the statutes of 1939 is amended by inserting, immediately after section 2 thereof, the following section:

"**2A.** (1) The Board shall at all times consist of not less than seven and not more than fifteen members, and, until otherwise determined by the General Assembly of the said church, the Board shall consist of nine members.

(2) The membership of the Board shall consist of

(*a*) the chairman from time to time of the Administrative Council of the said church;

(*b*) the treasurer from time to time of the said church, but only if and so long as the person holding that office is not a paid official of the said church, but if the person holding the position of treasurer of the said church becomes a paid official of the said church, or if the office of treasurer of the said church ceases to exist, then the person holding the position of chairman of the finance committee of the

EXPLANATORY NOTES.

The purpose of subsection (1) of proposed new section 2A is to enable the General Assembly to fix the membership of the Trustee Board at from seven to fifteen members, with the membership fixed at nine until the General Assembly otherwise determines. At present the Board consists of seven members, the number established under its Act of incorporation, but it is now considered desirable, because of the increasing work of the Board, to make provision for its enlargement to a maximum of fifteen.

The purpose of subsection (2) of proposed new section 2A is to make mandatory what has hitherto been the practice: namely, to provide that the chairman of the Administrative Council and the treasurer of the church shall be appointed to the Board. However, it is possible that the position of treasurer might become at some future time a permanent paid position, or that it might cease to exist under that name: in either of these events, the chairman of the finance committee of the Administrative Council, by whatever name called, is to be appointed to the Board in place of the treasurer, but only if and so long as the position of chairman is unpaid.

Administrative Council of the said church, by whatever name that position is described, but only if and so long as the person holding such position is not a paid official of the said church;

(*c*) such other persons as the General Assembly of the said church shall appoint, so that the total number of members will conform to the number authorized by or pursuant to subsection (1)."

2. Section 15 of chapter 64 of the statutes of 1939, as amended by section 1 of chapter 23 of the statutes of 1962-63, is amended by adding thereto, immediately after paragraph (*f*) thereof, the following paragraphs:

Power to consolidate investments.

"(*g*) Power to combine and consolidate, and to establish a plan or plans combining and consolidating, all moneys and investments belonging to any trusts, institutions, organizations, schemes and funds of the said church held or administered by the Board, to receive the income therefrom and to apportion the net income therefrom pro rata, according to their respective interests therein, among such trusts, institutions, organizations, schemes and funds:

Proviso.

Provided that no such moneys or investments shall be so combined or consolidated if, by the terms of the instrument or instruments under which they are held, they are specifically directed to be administered separately for the benefit of the said church or any of the trusts in connection with the said church, or any of the institutions, organizations, schemes or funds of the said church; and

(*h*) Power to employ investment and other professional advisers and to pay out of the income of trust funds administered by the Board any expense which may be incurred in the administration of the said trust funds."

Enactment and repeal of by-laws, regulations, etc.

3. Section 21 of chapter 64 of the statutes of 1939 is repealed and the following substituted therefor:

"**21.** (1) Subject to the provisions of section 2A, the General Assembly of The Presbyterian Church in Canada may, from time to time, make, amend and repeal by-laws, rules and regulations for the government and control of the Board, and the tenure of office of the members thereof, and, until otherwise determined by the General Assembly of the said church, the

The purpose of clause 2, which adds paragraphs (*g*) and (*h*) to section 15 of the Act of incorporation, is to empower the Board to consolidate such of the investments of the church as may be consolidated under the terms of the instruments creating them so that a greater income may be derived therefrom. The Board, while retaining overriding control, is also empowered, by paragraph (*h*), to employ professional advisers to assist in the making of its investments.

The purposes of clause 3, which amends section 21 of the Act of incorporation, are two-fold. Subsection (1) brings section 21 in line with the amendments made in proposed new section 2A, and incorporates reference to the new regulations for the government and control of the Board recently approved by the General Assembly. Subsection (2) authorizes the delegation by the General Assembly of its powers and jurisdiction over the Board to the Administrative Council of the church or the Executive thereof between sessions of the General Assembly. The General Assembly meets only once each year and decisions are required to be made concerning the Board's work when the General Assembly is not in session. The General Assembly has the power to revoke any such delegation at any time.

regulations for the government and control of the Board, as approved by the 90th (1964) General Assembly of the said church, shall remain in full force and effect.

Power of General Assembly to delegate powers.

(2) The General Assembly of the said church may, from time to time, delegate to the Administrative Council of the said church or the Executive thereof all or any of its powers and jurisdiction over the Board, for any period when the General Assembly is not in session, and may at any time revoke such delegation."

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-21.

An Act to incorporate Seaboard Finance Company of Canada.

Read a first time, Thursday, 10th March, 1966.

Honourable Senator McDONALD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23665

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-21.

An Act to incorporate Seaboard Finance Company of Canada.

Preamble.

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

Incorporation.

1. William Law Paton, executive, and Thomas Richard Hixson, Jr., executive, both of the city of Toronto, Gordon Bruce McConnachie, executive, of the township of North York, in the county of York, and Dean Campbell Burns, barrister, and Hugh Roderick McDonald, barrister, both of the city of Ottawa, all in the province of Ontario, together with such other persons as become shareholders in the company, are incorporated under the name of

Corporate name.

Seaboard Finance Company of Canada, hereinafter called "the Company".

Provisional directors.

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

Capital stock.

3. The capital stock of the Company shall be five hundred thousand dollars.

Subscription and payment before general meeting.

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

Subscription and payment before commencing business.

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

Head office.

6. The head office of the Company shall be in the city of Toronto, in the province of Ontario.

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

7. The Company is incorporated pursuant to Part II of the *Small Loans Act* and to it all the provisions of that Act shall extend and apply.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-22.

An Act to repeal the Electoral Boundaries Readjustment Act.

Read a first time, Tuesday, 22nd March, 1966.

Honourable Senator POULIOT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23819

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-22.

An Act to repeal the Electoral Boundaries Readjustment Act.

Preamble.

WHEREAS, as it appears from the Votes and Proceedings of the House of Commons, 158 Members of the House of Commons, belonging to all political parties and groups represented in Parliament, have filed objection during the present Session of Parliament with the Speaker of the House of Commons, pursuant to the *Electoral Boundaries Readjustment Act*;

WHEREAS, the reports and maps published in the *Canada Gazette* in 1965 and subsequently tabled in the House of Commons by the Chairman of the Readjustment Commissions for each one of the ten provinces are unfair, unsatisfactory and not in accordance with the letter and spirit of the *Electoral Boundaries Readjustment Act*;

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

Repeal of 1964–65, c. 31.

1. The *Electoral Boundaries Readjustment Act* is repealed.

Reports and maps to be null and void.

2. The reports and maps above referred to are declared to be null and void and shall be non-existent for all the purposes of the law.

Readjustment to be referred to a special committee.

3. The readjustment of the electoral boundaries of the various constituencies within each province of Canada shall be referred to a special Committee of the House of Commons, which will draw new electoral maps and report to the Speaker of the House of Commons for the boundaries readjustment of each constituency in each province.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-23.

An Act to amend the Export and Import Permits Act.

Read a first time, Wednesday, 23rd March, 1966.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23824

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-23.

An Act to amend the Export and Import Permits Act.

R.S., cc. 104, 321; 1953-54, c. 27; 1957, c. 7; 1960, c. 12; 1963, c. 4.

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

1963, c. 4, s. 1.

1. Section 27 of the *Export and Import Permits Act* is repealed and the following substituted therefor:

Duration.

"**27.** This Act shall expire on the 31st day of July, 1969."

Explanatory Note.

The purpose of this Bill is to extend the duration of the *Export and Import Permits Act* for a further period of three years.

Section 27 at present reads as follows:

"27. This Act shall expire on the 31st day of July, *1966*."

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-24.

An Act to incorporate Guides Catholiques du Canada (secteur français).

Read a first time, Tuesday, 29th March, 1966.

Honourable Senator JODOIN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23811

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-24.

An Act to incorporate Guides Catholiques du Canada (secteur français).

Preamble. 1917, c. 77.

WHEREAS Guides Catholiques du Canada (secteur français), an unincorporated association established in 1961, hereinafter called "the Association", has been officially recognized by the Girl Guides of Canada, the Canadian Council of which was incorporated by chapter 77 of the statutes of 1917, and is affiliated with the said Girl Guides of Canada;

WHEREAS the Association now comprises more than 12,000 French-speaking Catholic girl guides in the provinces of New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia; and

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation.

1. Miss Gertrude Lemire, of the city of Ottawa, and Monsignor Gérard Charette, of the municipality of Clarence, both in the province of Ontario, Miss Blanche Houle, Miss Blandine Neault and Miss Thérèse Provencher, all of the city of Trois-Rivières, Miss Gabrielle Moreau, of the city of Montreal, and Miss Huguette Sauvageau, of the municipality of Laval-des-Rapides, all in the province of Quebec, all officers of the Association, and such other persons as become members of the Corporation hereby created, are incorporated under the name of "Guides Catholiques du Canada (secteur français)", hereinafter called "the Corporation".

Corporate name.

Object.

2. The object of the Corporation shall be to promote and carry out the religious, intellectual, moral and physical development of French-speaking Catholic girls and young women in Canada by adherence to the principles and methods established by the late Lord Baden-Powell of Gilwell and in accordance with the teaching and principles of the Roman Catholic Church, and for the furtherance of this object, the Corporation shall have power to

(*a*) promote, create and assist in the establishment of regional, provincial and local associations, committees and councils, on such terms and under such regulations as the Corporation may from time to time by by-law provide;

(*b*) print, publish, distribute and sell books and other information and establish such facilities as might be necessary for this purpose;

(*c*) design, manufacture and sell such symbols, marks, badges, decorations, equipment and wearing apparel as the Corporation deems necessary; and

(*d*) generally to do all such things as may be necessary or requisite for the proper and efficient promotion of its object.

Head office.

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

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

Provisional executive committee.

4. The persons named in section 1 shall be the provisional executive committee of the Corporation, and, until the first general meeting of the Corporation, may exercise on its behalf, all the powers conferred by this Act on the Corporation.

Continuance of by-laws of Association.

5. The by-laws and regulations of the Association shall constitute the by-laws and regulations of the Corporation until amended, repealed or adopted in accordance with this Act.

Power to make by-laws.

6. The Corporation, at its first general meeting, and thereafter at any annual or special general meeting, may make, amend or repeal by-laws and regulations for all purposes of the Corporation, and in particular for defining and regulating

(*a*) the terms and conditions of membership in the Corporation, and the rights, duties and privileges of all classes of members;

(*b*) the constitution, powers, duties, quorum, term of office, and method of election of the executive committee or of any council, board or committee, and the number, powers and duties of the members, officers, agents and servants of the Corporation and any remuneration to be paid thereto;

(*c*) the time and place for holding in Canada annual and special general meetings of the Corporation and the notice and other requirements thereof;

(*d*) the calling of regular and special meetings of the executive committee of the Corporation, the notice to be given thereof, and the quorum and procedure in all respects at or concerning such meetings; and

(*e*) the administration and management of the property, affairs and undertakings of the Corporation.

Management.

7. Subject to and in accordance with the by-laws enacted by the Corporation under section 6, an executive committee consisting of such persons as the Corporation may from time to time elect or appoint thereto shall manage the temporal affairs of the Corporation.

Power to acquire and hold property.

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

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

Investment in and disposal of property.

9. Subject always to the terms of any trust relating thereto, the Corporation may also sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Corporation, whether by way of investment for the uses and purposes of the Corporation or not; and may also, from time to time, invest all or any of its funds or monies, and all or any funds or monies vested in or acquired by it for the uses and purposes aforesaid, in and

upon any security by way of mortgage, hypothec or charge upon real property; and for the purposes of such investment may take, receive and accept mortgage, hypothecs or charges or assignments thereof, whether made and executed directly to the Corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages, hypothecs or charges or assignments either in whole or in part.

Establishment of boards, branches, etc.

10. (1) The Corporation may, by resolution, establish branches, boards, committees or other bodies of its members to hold, manage, deal with, dispose of or otherwise administer any of its property, funds, trusts, interest, institution or undertakings, and any cultural, social, charitable projects now or hereafter owned, founded or established by the Association, and may define and prescribe the constitution, powers, duties, officers and quorum of any such branches, boards, committees or other bodies and may delegate to any of them such of its powers as it may deem expedient.

Incorporation of boards, branches, etc.

(2) Whenever it is deemed expedient to establish as a body corporate any branch, board, committee or other body for any of the purposes of the Corporation, the Corporation may so declare in the resolution establishing such branch, board, committee or other body in accordance with the by-laws, rules and regulations of the Corporation in that behalf. Upon the filing of any such resolution as hereinafter prescribed the same shall be and become a body corporate with such name, head office, seal, membership, organization powers, rights and duties not contrary to law or inconsistent with this Act, as may be determined or defined from time to time by the executive committee or other body authorized by the by-laws of the Corporation, including the acquiring, holding or administering and disposing of all property, real or personal, which may be devised, bequeathed, granted or conveyed to any such branch, board, committee or governing body for the purposes of the Corporation and the borrowing of any money necessary in the opinion of such branch, board, committee or body for the purposes thereof, and the mortgaging, hypothecating or pledging of so much of the real or personal property held by any such branch, board, committee or body as may be necessary to secure any amount so borrowed.

Notification of Secretary of State.

(3) In each case, whenever such branch, board, committee or body is to be established as a body corporate or its name or head office is changed by resolution of the Corporation, the Corporation shall file a certified copy of such resolution under the hand of the president of the Corporation and seal thereof, with the Secretary of State for Canada, and a notice thereof shall be published forthwith in the *Canada Gazette*.

Evidence of incorporation.

(4) A certificate under the official seal of the Corporation signed by its secretary shall be sufficient evidence in all courts of the establishment as a body corporate of such branch, board, committee or body, of any change in its name or head office and of its constitution and powers.

Limitation.

(5) Nothing in this section shall authorize the establishment as a body corporate of any branch, board, committee or body having purely provincial objects.

Application of mortmain laws.

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

Transfer of property held in trust.

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

Execution of documents.

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

Disposition of property by gift or loan.

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

Borrowing powers.

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

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

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

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

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

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

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

Limitation.

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

Powers of guarantee.

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

Investment of funds.

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

Rights and obligations.

18. The Corporation is vested with all the rights and assumes all the obligations of the Association.

Territorial powers.

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

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-25.

An Act to incorporate The North West Life Assurance Company of Canada.

Read a first time, Wednesday, 30th March, 1966.

Honourable Senator CROLL.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23877

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-25.

An Act to incorporate The North West Life Assurance Company of Canada.

Preamble.

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

Incorporation.

1. Peter George Ropchan, executive, John Chaston, executive, Clayton Boston Delbridge, executive, Einar Maynard Gunderson, executive, and Captain Harold John Cameron Terry, executive, all of the city of Vancouver, in the province of British Columbia, Alvin Gerald Libin, executive, of the city of Calgary, and Ralph Jewell Leonard, executive, of the city of Lethbridge, both in the province of Alberta, and Harold Sheridan McNamara, executive, and Douglas Rudyard Annett, executive, both of the city of Toronto, in the province of Ontario, together with such other persons as become shareholders in the company, are incorporated under the name of The North West Life Assurance Company of Canada, and, in French, La Compagnie d'Assurance Vie North West du Canada, hereinafter called "the Company".

Corporate name.

Provisional directors.

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

Capital stock.

3. The capital stock of the Company shall be one million dollars divided into shares of ten dollars each.

Subscription and payment before general meeting.

4. The amount to be subscribed and fully paid before the provisional directors may call a general meeting of the shareholders shall be two thousand two hundred and fifty dollars.

Subscription and payment before commencing business.

5. (1) The Company shall not commence any business of insurance until six hundred thousand dollars of the capital stock have been subscribed and six hundred thousand dollars or the equivalent paid thereon.

Classes of insurance authorized.

(2) The Company may undertake, transact and make contracts of insurance in any one or more of the following classes of insurance:

(*a*) life insurance;

(*b*) personal accident insurance; and

(*c*) sickness insurance.

Head office.

6. The head office of the Company shall be in the city of Vancouver, in the province of British Columbia.

Powers to acquire rights, etc., of a certain insurance company.

7. (1) The Company may acquire by agreement the whole or any part of the rights and property and may assume the obligations and liabilities of North West Life Assurance Company, incorporated by Act of the Legislature of the province of British Columbia, assented to on the 2nd day of March, 1956, as amended by a further Act of the said Legislature assented to on the 29th day of March, 1962, hereinafter called "the Provincial Company"; and, in the event of such acquisition and assumption, the Company shall perform and discharge all such obligations and liabilities of the Provincial Company with respect to the rights and property acquired as are not performed and discharged by the Provincial Company.

(2) Notwithstanding subsection 1 of section 5, the Company may enter into such agreement providing for such acquisition and assumption after the amount of capital as described in section 4 has been fully subscribed and paid for.

Submission to Treasury Board.

(3) No such agreement between the Company and the Provincial Company providing for such acquisition and assumption shall become effective until it has been submitted to and approved by the Treasury Board of Canada.

Coming into force.

8. This Act shall come into force on a date to be specified by the Superintendent of Insurance in a notice in the *Canada Gazette*. Such notice shall not be given until this Act has been approved by a resolution adopted by at least two-thirds of the votes of the shareholders of the

Provincial Company present or represented by proxy at a meeting duly called for that purpose, nor until the Superintendent of Insurance has been satisfied by such evidence as he may require that such approval has been given and that the Provincial Company has ceased to transact the business of insurance or will cease to transact such business forthwith upon a certificate of registry being issued to the Company.

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40.

9. The *Canadian and British Insurance Companies Act* shall apply to the Company.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-26.

An Act respecting The Excelsior Life Insurance Company.

Read a first time, Thursday, 31st March, 1966.

Honourable Senator LEONARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23859

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-26.

An Act respecting The Excelsior Life Insurance Company.

Preamble.

WHEREAS The Excelsior Life Insurance Company, and, in French, L'Excelsior, Compagnie d'Assurance-Vie, a company incorporated under the laws of the province of Ontario by letters patent dated August 7, 1889, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Continuation under laws of Canada.

1. The Company is hereby continued as a body corporate under its present name in both the English and French form and shall be deemed to be a company incorporated by special Act of the Parliament of Canada.

Powers, privileges and liabilities. R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40.

2. The Company is invested with all the powers, privileges and immunities and is subject to all the liabilities and provisions set forth in the *Canadian and British Insurance Companies Act* applicable thereto.

Directors.

3. The directors of the Company holding office as at the date on which this Act comes into force shall continue in office until the first annual meeting of the Company following the said date and, if otherwise qualified, shall be eligible for re-election.

Change in number and composition of board of directors. R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40.

4. The Company may by by-law change, or authorize the board of directors to change, from time to time, the number of shareholders' directors and the number of policyholders' directors subject always to the provisions of the *Canadian and British Insurance Companies Act.*

Share capital.

5. The authorized capital of the Company shall continue to be $500,000 divided into 100,000 shares of the par value of $5.00 each.

Head office.

6. The head office of the Company shall continue to be in the city of Toronto, in the province of Ontario.

Classes of insurance.

7. The Company may undertake, transact and make contracts of insurance in any one or more of the following classes of insurance:

(*a*) life insurance;
(*b*) personal accident insurance; and
(*c*) sickness insurance.

Rights of shareholders, policyholders and creditors unimpaired.

8. All rights and interests of the shareholders, policyholders and creditors of the Company in, to or against the property, rights and assets of the Company and all liens upon the property, rights and assets of the Company are unimpaired by this Act.

Canadian and British Insurance Companies Act. R.S., c. 31; 1956, c. 28; 1957–58, c. 11; 1960–61, c. 13; 1964–65, c. 40.

9. The *Canadian and British Insurance Companies Act* shall apply to the Company as if the Company had been incorporated by special Act of the Parliament of Canada passed after the 4th day of May, 1910.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-27.

An Act to incorporate Laurier Life Insurance Company.

Read a first time, Tuesday, 3rd May, 1966.

Honourable Senator FLYNN, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24053

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-27.

An Act to incorporate Laurier Life Insurance Company.

Preamble.

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

Incorporation.

1. Ernest Elmer Brooker, insurance executive, Reginald Leonard Young, insurance executive, Robert William Macaulay, barrister-at-law, Glen Johnson Day, executive, John Raymond Grainger, industrialist, William Norman Allan, executive, David John Fry, investment dealer, Douglas Matthews, executive, and Victor Richard Edward Perry, barrister-at-law, all of the city of Toronoto, in the province of Ontario, together with such other persons as become shareholders in the company, are incorporated under the name of Laurier Life Insurance Company, and, in French, Compagnie d'Assurance-Vie Laurier, hereinafter called "the Company".

Corporate name.

Provisional directors.

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

Capital stock.

3. The capital stock of the Company shall be five million dollars divided into shares of ten dollars each.

Subscription and payment before general meeting.

4. The amount to be subscribed and fully paid before the general meeting for the election of directors is called shall be twenty-two hundred and fifty dollars.

Subscription and payment before commencing business.

5. The Company shall not commence any business of insurance until at least one million dollars of its capital stock has been bona fide subscribed and at least one million dollars paid thereon.

Head office.

6. The head office of the Company shall be in the city of Toronto, in the province of Ontario.

Classes of insurance authorized.

7. The Company may undertake, transact and make contracts of insurance in any one or more of the following classes of insurance:

(*a*) life insurance;
(*b*) personal accident insurance; and
(*c*) sickness insurance.

Power to acquire rights, etc., of a certain insurance company.

8. (1) The Company may acquire by agreement the whole or any part of the rights and property and may assume the obligations and liabilities of Laurier Life Insurance Company, incorporated October 6, 1965, under and pursuant to *The Corporations Act*, chapter 71 of the Revised Statutes of Ontario, 1960, hereinafter called "the Provincial Company"; and, in the event of such acquisition and assumption, the Company shall perform and discharge all such obligations and liabilities of the Provincial Company with respect to the rights and property acquired as are not performed and discharged by the Provincial Company.

Submission to Treasury Board.

(2) No agreement between the Company and the Provincial Company providing for such acquisition and assumption shall become effective until it has been submitted to and approved by the Treasury Board of Canada.

Coming into force.

9. This Act shall come into force on a date to be specified by the Superintendent of Insurance in a notice in the *Canada Gazette*. Such notice shall not be given until this Act has been approved by a resolution adopted by at least two-thirds of the votes of the shareholders of the Provincial Company present or represented by proxy at a meeting duly called for that purpose, nor until the Superintendent of Insurance has been satisfied by such evidence as he may require that such approval has been given and that the Provincial Company has ceased to transact the business of insurance or will cease to transact such business forthwith upon a certificate of registry being issued to the Company.

R.S., c. 31; 1956, c. 28; 1957–58, c. 11; 1960–61, c. 13; 1964–65, c. 40.

10. The *Canadian and British Insurance Companies Act* shall apply to the Company.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-28.

An Act to incorporate York Life Insurance Company.

Read a first time, Wednesday, 4th May, 1966.

Honourable Senator WALKER, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23721

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-28.

An Act to incorporate York Life Insurance Company.

Preamble.

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

Incorporation.

1. J. Osler Lockhart, physician, of the city of Hamilton, Owen B. Millar, physician, of the township of Scarborough, Frank W. Correll, executive, of the town of Whitby, W. Donaldson Whyte, physician, of the city of Peterborough, and Wallace Stewart Major, executive, and Meredith Fleming, one of Her Majesty's Counsel, both of the city of Toronto, all in the province of Ontario, together with such other persons as become shareholders of the company, are incorporated under the name of York Life Insurance Company, and in French, La Compagnie d'Assurance-Vie York, hereinafter called "the Company".

Corporate name.

Provisional directors.

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

Capital stock.

3. The capital stock of the Company shall be one million dollars divided into shares of one hundred dollars each, which capital stock may be increased to four million dollars divided into shares of one hundred dollars each.

Subscription and payment before general meeting.

4. The amount to be subscribed before the general meeting for the election of directors is called shall be five hundred thousand dollars.

Subscription and payment before commencing business.

5. The Company shall not commence any business of insurance until at least five hundred thousand dollars of its capital stock has been subscribed and at least that amount paid thereon, together with a contribution to surplus of five hundred thousand dollars.

Head office.

6. The head office of the Company shall be at the city of Toronto, in the province of Ontario.

Classes of insurance authorized.

7. The Company may undertake, transact and make contracts of insurance in any one or more of the following classes of insurance:

(*a*) life insurance;
(*b*) personal accident insurance; and
(*c*) sickness insurance.

R.S., c. 31; 1956, c. 28; 1957–58, c. 11; 1960–61, c. 13; 1964–65, c. 40.

8. The *Canadian and British Insurance Companies Act* shall apply to the Company.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-29.

An Act to incorporate The International Society of Endocrinology.

Read a first time, Wednesday, 4th May, 1966.

Honourable Senator MOLSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23905

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-29.

An Act to incorporate The International Society of Endocrinology.

Preamble.

WHEREAS The International Society of Endocrinology, an unincorporated body established in 1960, hereinafter called "the Association", has authorized its officers to seek incorporation of the Association in Canada; and

WHEREAS Johannes Christian Beck, physician and secretary-general of the Association, of the town of Mount Royal, in the province of Quebec, Francis Thomas Garnet Prunty, professor and chairman of the Association, of the village of Churt, in the county of Surrey, England, and John Gordon Aylen, barrister-at-law, of the city of Ottawa, in the province of Ontario, have petitioned on behalf of the Association that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation.

1. The members of the Association named in the Schedule, together with such other corporations, organizations or bodies as may become members of the corporation as hereinafter provided, are incorporated under the name of The International Society of Endocrinology, and, in French La Société Internationale d'Endocrinologie, hereinafter called "the Society".

Corporate name.

Objects.

2. The objects of the Society shall be to disseminate knowledge of endocrinology by co-ordinating and organizing international congresses and conferences of endocrinology, by facilitating collaboration among national endocrinological societies and qualified persons interested in endocrinology and by publication of books, reports and other papers relating thereto.

Membership.

3. Subject to the by-laws which may be enacted from time to time pursuant to section 6, the membership of the Society shall be composed of the organizations and bodies named in the Schedule and such other corporations, organizations or bodies as are from time to time admitted to membership pursuant to this Act.

Head office.

4. (1) The head office of the Society shall be in the city of Montreal, in the province of Quebec, or at such other place in Canada as the Society may determine by by-law from time to time.

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

Central committee.

5. The affairs of the Society shall be managed by a Central Committee which shall be composed of persons elected or appointed as the Society may prescribe by by-law from time to time and which shall have the powers set out in the by-laws of the Society.

By laws, rules and regulations.

6. The Society may enact, amend and repeal by-laws, rules and regulations for any and all purposes of the Society not inconsistent with the provisions of this Act; and in particular, without limiting the generality of the foregoing, shall have power to define and regulate

(*a*) the terms, conditions and classes of membership in the Society, the rights, duties and privileges of members, the qualifications, admission, suspension and expulsion of members, and the fees, subscriptions and dues to be paid by them;

(*b*) the method of election or appointment to the Central Committee, the constitution, powers, duties, quorum and terms of office with respect to such Central Committee, and the number, powers, duties and terms of office with respect to the officers and committees of the Society and of the local committees and branches thereof;

(*c*) the time and place for holding meetings of the Central Committee, and other committees of the Society, and the notice and other requirements therefor;

(*d*) the method of balloting by members of the Society and its committees, whether by mail or otherwise; and

(*e*) the administration and management of the business and affairs of the Society and the delegation of its powers, or any of them, to the Central Committee or to such other committees as it may from time to time elect or appoint.

Additional powers.

7. (1) In addition to the general powers accorded to it by law, the Society shall have power

(*a*) to acquire the whole or any part of the rights and properties held by, for or on behalf of the Association, subject to any obligations attaching thereto;

(*b*) to purchase, take on lease or in exchange, hire and otherwise acquire by gift, legacy, devise or otherwise and to own and hold any estate, property or rights, real or personal, moveable or immoveable, or any title or interest therein, and to sell, exchange, alienate, manage, develop, mortgage, hypothecate, lease or otherwise deal therewith as it may deem advisable for the purposes of the society;

(*c*) to borrow money for the purposes of the Society;

(*d*) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments;

(*e*) to invest and deal with the moneys of the Society not immediately required, as may be determined from time to time; and

(*f*) to do all such lawful acts and things as are incidental or conducive to the attainment of the objects of the Society, whether as principal, agent, contractor or otherwise, and either alone or in conjunction with others.

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

Continuance in office of present officers and members of committees.

8. The present officers and members of the Central Committee and of the other committees of the Association shall, subject to the by-laws, rules or regulations of such Association, continue to hold office as if they had been appointed or elected in accordance with the provisions of this Act and of the by-laws, rules or regulations made thereunder, until their successors in office have been so appointed or elected.

Constitution, by-laws, etc., of Association to continue until amended or repealed.

9. The present constitution, by-laws, rules and regulations of the Association in so far as they are not contrary to law or the provisions of this Act, shall be the constitution, by-laws, rules and regulations of the Society until altered or repealed pursuant to this Act.

First by-laws.

10. Subject to section 9, the first by-laws, rules and regulations of the Society shall be enacted at a time and place and in such manner as may be determined by the Central Committee of the Association, and the said Central Committee may make regulations whereby the members of the Society may ballot by mail in respect of the enactment of such by-laws, rules and regulations and generally governing the procedure to be followed in connection with the enactment thereof.

Functions exercisable throughout Canada and elsewhere.

11. The Society may exercise its functions throughout Canada or elsewhere, and meetings of the Society, the Central Committee and any other committees of the Society may be held at the head office of the Society or elsewhere either within or without Canada.

SCHEDULE

Sociedad Argentina de Endocrinologia y Metabolismo,
Buenos Aires, Argentina.

Endocrine Society of Australia,
Adelaide, South Australia.

La Société Belge d'Endocrinologie,
Liège, Belgium.

Sociedade Brasileira de Endocrinologia e Metabologia,
Saô Paulo, Brazil.

Sociedad Chilena de Endocrinologia,
Santiago, Chile.

Sociedad Colombiana de Endocrinologia,
Bogota, Colombia.

Czechoslovakian Endocrine Society,
Prague, Czechoslovakia.

Dansk endokrinologisk Selskab,
Copenhagen, Denmark.

Sociedad Ecuatoriana de Endocrinologia,
Quito, Ecuador.

The Egyptian Society for Endocrinology,
Cairo, Egypt.

Suomen Endokrinologiyhdistys Finlands Endokrinologförening,
Helsinki, Finland.

La Société Française d'Endocrinologie,
Paris, France.

Deutsche Gesellschaft für Endokrinologie,
Düsseldorf, Germany.

Society for Endocrinology,
London, England.

Endocrine Section, Royal Society of Medicine,
London, England.

Société d'Endocrinologie d'Haiti,
Port-au-Prince, Haiti.

Afdeling Stofwisselingsziekten en Endocrinologie,
Leiden, Holland.

Szegedi Orrostudomanyi Eg yetem,
Koranyi, Hungary.

SCHEDULE—*Continued*

The Indian Society of Endocrinology,
Varanasi, India.

Iranian Endocrine Society,
Tehran, Iran.

Endocrine Society of Israel,
Jerusalem, Israel.

Societa Italiana di Endocrinologia,
Rome, Italy.

Sociedad Mexicana de Nutricion y Endocrinologia,
Mexico City, Mexico.

Norwegian Society for Endocrinology,
Oslo, Norway.

The New Zealand Society of Endocrinology,
Dunedin, New Zealand.

Japan Endocrinological Society,
Kyoto, Japan.

Sociedad Peruana de Endocrinologia,
Lima, Peru.

Philippine Society of Endocrinology & Metabolism,
Herran, Manila.

Polskie Towarzystwo Endokrynologiczne,
Warsaw, Poland.

Sociedade Portuguesa de Endocrinologia,
Lisbon, Portugal.

Rumanian Society of Endocrinology,
Bucharest, Rumania.

South African Society for Endocrinology, Diabetes and Metabolism,
Cape Town, South Africa.

La Sociedad Espanola de Endocrinologia,
Madrid, Spain.

Svenska Endokrinologforeningen,
Malmo, Sweden.

Schweizerische Gesellschaft fur Endokrinologie
(Societe Suisse d'Endocrinologie),
Basel, Switzerland.

SCHEDULE—*Concluded*

Turkiye Endokrinoloji Vernegi,
Istanbul, Turkey.

Sociedad Uruguaya de Endocrinologia,
Montevideo, Uruguay.

The Endocrine Society,
Oklahoma City, Oklahoma.

Sociedad Venezolana de Endocrinologia y Metabolismo,
Caracas, Venezeula.

Yugoslav Society of Endocrinology,
Belgrade, Yugoslavia.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-30.

An Act to incorporate League Savings and Mortgage Company.

Read a first time, Wednesday, 4th May, 1966.

Honourable Senator CONNOLLY (*Halifax*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24001

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-30.

An Act to incorporate League Savings and Mortgage Company.

Preamble.

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

Incorporation.

1. John Albert Wrin, police inspector, of the city of Halifax, Rudolf Paul Cujes, college professor, of the town of Antigonish, Ralph Ernest Morehouse, regional agricultural representative, of the town of Kentville, Walter Ethlebert MacKinnon, electrician, of the city of Sydney, John Donald Nelson MacDonald, clergyman, of the village of Middle Musquodoboit, and Roderick Gregory MacMullin, electrician, of the town of Glace Bay, all in the province of Nova Scotia, together with such persons as become shareholders in the company, are incorporated under the name of League Savings and Mortgage Company, hereinafter called "the Company".

Provisional directors.

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

Capital stock. Increase.

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

Amount to be subscribed before general meeting.

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

Amount to be subscribed and paid before commencement.

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

Head office.

6. The head office of the Company shall be in the city of Halifax, in the province of Nova Scotia.

Powers and limitations. R.S., c. 170; 1952–53, c. 5; 1958, c. 35; 1960–61, c. 51; 1964–65, c. 40.

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

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-31.

An Act respecting Quebec North Shore and Labrador Railway Company.

Read a first time, Friday, 6th May, 1966.

Honourable Senator BOURGET. P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23873

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-31.

An Act respecting Quebec North Shore and Labrador Railway Company.

Preamble. 1947, c. 80; 1956, c. 68.

WHEREAS Quebec North Shore and Labrador Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Extension of time for completion of line.

1. Quebec North Shore and Labrador Railway Company, hereinafter called "the Company", may within a period of ten years from the 14th day of May, 1967, complete that portion of its line of railway authorized by chapter 80 of the statutes of 1947 which is not now completed, namely, from the town of Schefferville, in the province of Quebec, to Ungava Bay, and, if within the said period the said line of railway is not completed and put in operation, the powers of construction conferred upon the Company by the Parliament of Canada shall cease and be null and void as respects so much of the said line of railway as then remains uncompleted.

Explanatory Note

The purpose of this Bill is to extend to May 14, 1977, the time within which the Company is allowed to complete its line of railway by continuing it from Schefferville, Quebec, to Ungava Bay in order to be able to provide railway service promptly as the economic development of that region may require it.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-32.

An Act respecting Canadian Pacific Railway Company.

Read a first time, Monday, 9th May, 1966.

Honourable Senator McDONALD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23985

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-32.

An Act respecting Canadian Pacific Railway Company.

Preamble.

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

Line of railway authorized.

1. Canadian Pacific Railway Company, hereinafter called "the Company", may construct a line of railway commencing from a point in the northeast $\frac{1}{4}$ of section 26, township 17, range 26, west of the third meridian at or in the vicinity of Fox Valley, Saskatchewan, mile 69.5 of the Company's Burstall subdivision in the province of Saskatchewan, thence in a generally southeasterly direction for a distance of approximately 11 miles to a point in section 25, township 16, range 25, west of the third meridian in the said province.

Time for completion.

2. If the construction of the said line is not commenced within a period of two years or is not completed and put in operation within a period of five years after the passing of this Act, the powers of construction hereby conferred upon the Company shall cease and be null and void as regards so much of the said line of railway as shall then remain uncompleted.

Explanatory Note.

The purpose of this bill is to authorize Canadian Pacific Railway Company to construct a branch of railway off its Burstall subdivision from Fox Valley to or in the vicinity of Ingebright Lake to serve a sodium sulphate plant of Saskatchewan Minerals Corporation.

Parliamentary authority is necessary because the powers of the Board of Transport Commissioners for Canada to authorize construction of branch lines under the *Railway Act* are limited to those not exceeding six miles in length.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-33.

An Act respecting United Baptist Woman's Missionary Union of the Maritime Provinces.

Read a first time, Monday, 9th May, 1966.

Honourable Senator BROOKS, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24073

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-33.

An Act respecting United Baptist Woman's Missionary Union of the Maritime Provinces.

Preamble. 1906-07, c. 140

WHEREAS United Baptist Woman's Missionary Union of the Maritime Provinces, hereinafter called "the Society", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:

Change of name.

1. The name of the Society is hereby changed to United Baptist Woman's Missionary Union of the Atlantic Provinces. Any transaction, contract, or obligation heretofore entered into or incurred by the Society in the name United Baptist Woman's Missionary Union of the Maritime Provinces, and any transaction, contract or obligation hereafter entered into or incurred by the Society in the name United Baptist Woman's Missionary Union of the Atlantic Provinces shall be valid and binding on the Society.

Existing rights saved.

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

Explanatory Note.

The purpose of clauses 1 and 2 of this Bill is to change the name of the Society to United Baptist Woman's Missionary Union of the Atlantic Provinces.

3. Section 6 of chapter 140 of the statutes of 1906–07 is repealed and the following substituted therefor:

"**6.** The Society shall hold a meeting annually, for the transaction of business and the appointment of officers and committees, at such time and place in any of the Atlantic provinces as the Society or the executive committee appoints."

Clause 3 makes a consequential change in section 6 of the incorporating Act, which reads as follows:

"**6.** The Society shall hold a meeting annually, for the transaction of business and the appointment of officers and committees, at such time and place in either of the Maritime Provinces, as the Society or the executive committee appoints."

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-34.

An Act respecting Canadian Pacific Railway Company.

Read a first time, Monday, 9th May, 1966.

Honourable Senator PROWSE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

23977

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-34.

An Act respecting Canadian Pacific Railway Company.

Preamble.

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

Line of railway authorized.

1. Canadian Pacific Railway Company, hereinafter called "the Company", may construct a line of railway commencing from a point in the southwest $\frac{1}{4}$ of section 19, township 31, range 1, west of the fifth meridian at or in the vicinity of Didsbury, Alberta, mile 46.4 of the Company's Red Deer subdivision in the province of Alberta, thence in a generally westerly direction for a distance of approximately 16.5 miles to a point in the east $\frac{1}{2}$ of section 27, township 31, range 4, west of the fifth meridian in the said province.

Time for completion.

2. If the construction of the said line of railway is not commenced within a period of two years or is not completed and put in operation within a period of five years after the passing of this Act, the powers of construction hereby conferred upon the Company shall cease and be null and void as regards so much of the said line of railway as shall then remain uncompleted.

Explanatory Note.

The purpose of this bill is to authorize Canadian Pacific Railway Company to construct a branch of railway off its Red Deer subdivision from or in the vicinity of Didsbury, Alberta, for a distance of approximately 16.5 miles in a generally westerly direction to serve a gas processing plant of Canadian Superior Oil Limited.

Parliamentary authority is necessary because the powers of the Board of Transport Commissioners for Canada to authorize construction of branch lines under the *Railway Act* are limited to those not exceeding six miles in length.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-35.

An Act respecting the prevention of employment injury in federal works, undertakings and businesses.

First reading, Tuesday, 24th May, 1966.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24293

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-35.

An Act respecting the prevention of employment injury in federal works, undertakings and businesses.

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 *Canada Labour (Safety) Code.*

INTERPRETATION.

Definitions.

2. In this Act,

"Employment injury."

(*a*) "employment injury" means personal injury, including disablement, caused by an industrial accident, occupational disease or employment hazard;

"Employer."

(*b*) "employer" means a person operating or carrying on a federal work, undertaking or business;

"Federal work, undertaking or business."

(*c*) "federal work, undertaking or business" means a work, undertaking or business to which, in respect of employment thereupon or in connection with the operation thereof, this Act applies;

"Minister."

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

"Safety officer."

(*e*) "safety officer" means a safety officer designated pursuant to this Act and includes any regional safety officer.

APPLICATION.

Application of Act.

3. (1) Subject to any other Act of the Parliament of Canada and any regulations thereunder, this Act applies to and in respect of employment upon or in connection with the operation of any work, undertaking or business that is

within the legislative authority of the Parliament of Canada excluding any work, undertaking or business of a local or private nature in the Yukon Territory or Northwest Territories but including, without restricting the generality of the foregoing,

(*a*) any work, undertaking or business 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*) any railway, canal, telegraph or other work or undertaking connecting a province with any other or others of the provinces, or extending beyond the limits of a province;

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

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

(*e*) any aerodrome, aircraft or line of air transportation;

(*f*) any radio broadcasting station;

(*g*) any bank;

(*h*) any work or undertaking that, although wholly situated within a province, is before or after its 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 provincial legislatures.

Government corporations.

(2) Subject to any other Act of the Parliament of Canada and any regulations thereunder, this Act applies to and in respect of employment by a corporation established to perform any function or duty on behalf of the Government of Canada other than a corporation that is a department under the *Financial Administration Act*.

Exception.

(3) Notwithstanding subsections (1) and (2) and except as the Governor in Council may by order otherwise provide, nothing in this Act applies to or in respect of employment upon or in connection with the operation of ships, trains or aircraft.

Employment Safety.

Duty of employer.

4. (1) Every person operating or carrying on a federal work, undertaking or business shall do so in a manner that will not endanger the safety or health of any person employed thereupon or in connection therewith.

Safety procedures and techniques.

(2) Every person operating or carrying on a federal work, undertaking or business shall adopt and carry out reasonable procedures and techniques designed or intended to prevent or reduce the risk of employment injury in the operation or carrying on of the federal work, undertaking or business.

Duty of employee.

5. Every person employed upon or in connection with the operation of any federal work, undertaking or business shall, in the course of his employment,

(*a*) take all reasonable and necessary precautions to ensure his own safety and the safety of his fellow employees; and

(*b*) at all appropriate times use such devices and wear such articles of clothing or equipment as are intended for his protection and furnished to him by his employer, or required pursuant to this Act to be used or worn by him.

Saving.

6. (1) The fact that an employer or employee has complied with or failed to comply with any of the provisions of this Act or the regulations shall not be construed to affect any right of an employee to compensation under any statute relating to compensation for employment injury, or to affect any liability or obligation of any employer or employee under any such statute.

Idem.

(2) Nothing in section 5 relieves an employer from any duty imposed upon him by section 4.

Regulations.

Regulations.

7. (1) Subject to any other Act of the Parliament of Canada and any regulations thereunder, the Governor in Council may make regulations for the safety and health of persons employed upon or in connection with the operation of any federal work, undertaking or business and for the provision therefor of safety measures in the operation or use of plants, machinery, equipment, materials, buildings, structures and premises used or to be used in connection with the operation of any federal work, undertaking or business and in particular, but without restricting the generality of the foregoing, may make regulations

(*a*) respecting the structural design and the maintenance of any building or other structure;

(*b*) respecting the use, operation and maintenance of

(i) boilers and pressure vessels,

(ii) escalators, elevators and other devices for moving passengers or freight,

(iii) equipment for the generation, distribution or use of electricity, and

(iv) gas or oil burning equipment or other heat generating equipment;

(*c*) respecting the ventilation, lighting and temperature of places of employment and prescribing the minimum amount of space for employees;

(*d*) respecting the provision and maintenance of potable water supplies and of sanitary and other facilities for the well-being of employees;

(*e*) respecting the guarding and fencing of machinery, equipment and places;

(*f*) respecting the handling, transportation, storage and use of substances or devices dangerous to the safety or health of employees;

(*g*) prescribing the standards for protective clothing and equipment to be used by employees and the use of, and the responsibility for providing, such clothing and equipment;

(*h*) prescribing the age, the health and physical requirements and the qualifications of persons who may be employed in particular occupations;

(*i*) respecting the protection of employees from fire and explosion;

(*j*) respecting the furnishing of information to the Minister or a safety officer as to the location of the work, undertaking or business and the nature of the operations carried on therein, and the nature and amount of the materials used or to be used in the operations;

(*k*) respecting the reporting and investigation of accidents and dangerous occurrences;

(*l*) respecting the charges that may be made for any inspection and other services provided under this Act;

(*m*) respecting the adoption and implementation of appropriate safety codes;

(*n*) prescribing first-aid facilities and the provision of first-aid training and the services of first-aid attendants;

(*o*) governing the maintenance, production and inspection of records; and

(*p*) generally for such other matters or things as may be necessary for carrying out the purposes of this Act.

Regulation may be general or specific.

(2) Any regulation made pursuant to subsection (1) may be made applicable generally to all federal works, undertakings or businesses, or particularly to one or more such works, undertakings or businesses or such classes thereof as may be specified in the regulations.

ADMINISTRATION.

Special committees.

8. The Minister may establish consultative and advisory committees on which employers and employees are represented to advise the Minister on any matters arising in relation to the administration of this Act, to assist in the establishment of reasonable standards of safety and to recommend regulations respecting safe employment practices, procedures and techniques.

Inquiries.

9. (1) The Minister may, for any of the purposes of this Act, cause an inquiry to be made into and concerning occupational safety in any federal work, undertaking or business and may appoint one or more persons to hold the inquiry.

Powers on an inquiry.

(2) A person appointed pursuant to subsection (1) has and may exercise all of the powers of a person appointed as a commissioner under Part I of the *Inquiries Act*.

Safety officers.

10. The Minister may designate any person as a safety officer under this Act and may designate regional safety officers for the purposes of this Act.

Agreements respecting use of provincial employees as safety officers.

11. The Minister may, with the approval of the Governor in Council, enter into an agreement with any province or any provincal body specifying the terms and conditions under which a person employed by that province or provincial body may act as a safety officer for the purposes of this Act.

Research into accident prevention.

12. (1) The Minister may undertake research into the cause of and the means of preventing employment injury and may, where he deems it appropriate, undertake such research in cooperation with any department or agency of the Government of Canada or with any or all provinces or with any organization undertaking similar research.

Publication of information.

(2) The Minister may publish the results of any research undertaken pursuant to this section and compile, prepare and disseminate data or information bearing upon safety or health of employees obtained from such research or otherwise.

Employment safety programs.

13. The Minister may undertake programs to reduce or prevent employment injury and may, where he deems it appropriate, undertake such programs in cooperation with any department or agency of the Government of Canada or with any or all provinces or any organization undertaking similar programs.

Safety Services.

Duties of safety officers.

14. (1) A safety officer shall

(*a*) make such inspections and inquiries and carry out such tests as he deems necessary to assure himself that this Act and the regulations are being complied with; and

(*b*) carry out such other duties as may be assigned to safety officers pursuant to this Act.

Powers of safety officers.

(2) A safety officer may, in the performance of his duties,

(*a*) inspect and examine all books and records relating in any way to conditions of work that affect the safety or health of any person employed upon or in connection with the operation of any federal work, undertaking or business;

(*b*) take extracts from or make copies of any entry in the books and records mentioned in paragraph (*a*);

(*c*) require an employer to make or furnish full and correct statements, either orally or in writing in such form as may be required, respecting the conditions of work affecting the safety or health of all or any of his employees, and the materials and equipment used by them in their employment;

(*d*) require any person employed upon or in connection with the operation of any federal work, undertaking or business to make full disclosure, production and delivery to him of all records or documents or copies thereof, or other information, orally or in writing, that he has in his possession or under his control and that in any way relate to the conditions of work affecting his safety or health, or that of his fellow workers, in his or their employment; and

(*e*) take or remove for purposes of analysis samples of materials and substances used or handled by employees, subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose.

Right to enter premises.

(3) For the purposes of this Act, a safety officer may at any reasonable time enter upon any property, place or thing used in connection with the operation of a federal work, undertaking or business and may inspect the same and may, for such purposes, question any employee apart from his employer.

Certificate of authority.

(4) The safety officer shall be furnished by the Minister with a certificate of his authority and on entering any place used in connection with the operation of a federal work, undertaking or business shall, if so required, produce the certificate to the person in charge thereof.

Duty to assist safety officer.

(5) The person in charge of any federal work, undertaking or business and every person employed thereupon or in connection therewith shall give a safety officer all reasonable assistance in his power to enable the safety officer to carry out his duties pursuant to this Act.

Obstruction of safety officer.

15. (1) No person shall obstruct or hinder a safety officer engaged in carrying out his duties pursuant to this Act.

False statement.

(2) No person shall make a false or misleading statement either orally or in writing to a safety officer engaged in carrying out his duties pursuant to this Act.

Safety officer's evidence in civil suits.

16. (1) No safety officer shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his duties pursuant to this Act except with the written permission of the Minister.

Information confidential.

(2) No safety officer who is admitted into any place in pursuance of the powers conferred by section 14 shall disclose to any person any information obtained by him therein with regard to any process or trade secret except for the purposes of this Act or as required by law.

Information not to be published.

(3) No person, except for the purposes of this Act or for the purposes of a prosecution under this Act, shall publish or disclose the results of any particular analysis, examination, testing, inquiry or sampling made or taken by or at the request of a safety officer pursuant to section 14.

Confidential communications.

(4) No person to whom information obtained pursuant to section 14 is communicated in confidence

(*a*) shall divulge the name of the informant to any person except for the purposes of this Act; or

(*b*) is competent or compellable to divulge the name of the informant before any court or other tribunal.

Safety officer not liable.

(5) No safety officer is personally liable for anything done by him in good faith under the authority or purported authority of this Act or the regulations.

Special Safety Measures.

Imminent danger.

17. (1) Where a safety officer considers that any place, matter or thing, or any part or parts thereof, in a federal work, undertaking or business constitutes a source of imminent danger to the safety or health of persons employed therein or in connection with the operation thereof and that the use of the place, matter or thing is thereby contrary to this Act and the regulations,

(*a*) the safety officer shall notify the employer, or person in charge of the operation in which the place, matter or thing is used, of the danger and give directions in writing to the employer or person in charge directing him immediately or within such period of time as the safety officer specifies

(i) to take measures for guarding the source of danger, or

(ii) to protect any person from the danger; and

(*b*) the safety officer may, if he considers that the imminent danger cannot otherwise be guarded or protected against immediately, direct that the place, matter or thing shall not be used until his directions are complied with but nothing in this paragraph prevents the doing of any work or thing necessary for the proper compliance with the direction.

Posting notice of danger.

(2) Where a safety officer gives a direction under this section, he shall affix to or near the place, matter or thing, or any part thereof, a notice in the form prescribed by the Minister, and no person shall remove the notice unless authorized by a safety officer or by a magistrate under section 18.

Cessation of use.

(3) Where a safety officer gives a direction under paragraph (*b*) of subsection (1) in respect of any place, matter or thing, the employer or person in charge thereof shall discontinue the use of the place, matter or thing and no person shall use such place, matter or thing until the measures directed by the safety officer have been taken.

Reference to magistrate.

18. (1) The person operating or carrying on the federal work, undertaking or business in respect of which a direction is given by a safety officer under section 17 concerning the use of a place, matter or thing therein, or the person in charge of the place, matter or thing, may, by notice

in writing, require the safety officer to refer his direction to a magistrate for review, and thereupon the safety officer shall refer the direction to a magistrate having jurisdiction in the area in which the place, matter or thing is located.

Inquiry.

(2) The magistrate to whom the direction of a safety officer is referred shall inquire into the circumstances of the direction and the need therefor and for that purpose may exercise all the powers of a commissioner under Part I of the *Inquiries Act*; and he may vary, rescind or confirm the direction and his decision thereon is final and conclusive.

Reference no stay.

(3) A reference under this section does not operate as a stay of any direction by a safety officer, given under paragraph (*b*) of subsection (1) of section 17, not to use a place, matter or thing.

Directions arising out of inspection.

19. (1) In the course of carrying out an inspection, a safety officer may give directions orally or in writing for the carrying out of any thing regulated, controlled or required by the regulations and may require that his directions be carried out within such time as he specifies.

Appeal to regional safety officer.

(2) At the request of the person to whom a direction under subsection (1) is given, the safety officer shall put any oral direction to such person in writing and the employer or the person charged with the carrying out of the direction may appeal therefrom to the regional safety officer for the region in which the thing in respect of which the direction was given is situated by forthwith giving notice orally or in writing to such regional safety officer.

Result of appeal.

(3) The regional safety officer shall vary, rescind or confirm the direction appealed from after giving the employer, or his representative, an opportunity to be heard.

Oral notice.

(4) An oral notice of appeal for the purposes of this section shall be confirmed in writing within twenty-four hours after such notice is given.

Enforcement.

Offences.

20. (1) An employer or any person in charge of the operation of any federal work, undertaking or business who

(*a*) contravenes any provision of this Act or the regulations,

(*b*) fails or neglects to comply with a direction made by a safety officer, or

(*c*) discharges or threatens to discharge or otherwise discriminates against a person because that person

(i) has testified or is about to testify in any proceeding or inquiry had or taken under this Act, or

(ii) has given any information to the Minister or a safety officer regarding the conditions of work affecting the safety or health of that person or any of his fellow employees,

is guilty of an offence.

Penalty.

(2) An employer who is guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Offences.

(3) A person in charge of the operation of any federal work, undertaking or business who, not being the employer, is guilty of an offence under subsection (1) is punishable on summary conviction.

Offences by employees.

21. (1) A person employed upon or in connection with the operation of a federal work, undertaking or business who contravenes any provision of section 5 or any regulation prohibiting, regulating or controlling conduct on the part of employees is guilty of an offence punishable on summary conviction.

Minister's consent required.

(2) No proceeding in respect of an offence under this section shall be instituted except with the consent of the Minister.

Other offences.

22. A person who contravenes any provision of this Act for the contravention of which no other punishment is hereinbefore provided is guilty of an offence punishable on summary conviction.

Evidence of direction.

23. In any prosecution for an offence under this Act, a copy of a direction purporting to have been made under this Act or the regulations and purporting to have been signed by the person authorized by this Act or the regulations to make the direction is *prima facie* proof of the direction without proof of the signature or authority of the person by whom it purports to be signed.

Time limit.

24. Proceedings in respect of an offence under this Act may be instituted at any time within one year after the time when the subject matter of the proceedings arose.

Trial of offences.

25. A complaint or information in respect of an offence under this Act may be heard, tried and determined by a magistrate or justice if the accused is resident or carrying on business within his territorial jurisdiction, although the matter of the complaint or information did not arise in that territorial jurisdiction.

Information.

26. In any proceedings in respect of offences under this Act, an information may include more than one offence committed by the same person and all such offences may be tried concurrently and one conviction for any or all such offences may be made.

Offence by responsible employee.

27. Where an employer is guilty of an offence under this Act, every employee thereof responsible for such breach is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

Injunction proceedings.

28. (1) The Minister may apply or cause an application to be made to a judge of a superior court for an order enjoining any person from continuing any act or default for which such person was convicted of an offence under this Act.

Injunction.

(2) The judge in his discretion may make the order applied for under subsection (1), and the order may be entered and enforced in the same manner as any other order or judgment of the superior court.

Furnishing of Information.

Notice to furnish information.

29. (1) Where pursuant to this Act a person is required to furnish information, the Minister may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known address of the person for whom the notice is intended, and such person shall furnish the information within such reasonable time as is specified in the notice.

Proof of failure to supply information.

(2) A certificate purporting to be signed by the Minister or a person authorized by him

(*a*) certifying that a notice was sent by registered mail to the person to whom it was addressed, accompanied by an identified post office certificate of the registration and a true copy of the notice, and

(*b*) certifying that the information has not been furnished as requested in the notice sent by the Minister

is *prima facie* proof of the facts set out therein without proof of the signature or official character of the person by whom the certificate purports to be signed.

GENERAL.

Statute Revision Commission to consolidate Labour Statutes.

30. The Statute Revision Commission established under *An Act respecting the Revised Statutes of Canada* shall, in consolidating and revising the public general statutes pursuant to that Act, assemble and consolidate as one Act under the short title of the "*Canada Labour Code*" this Act and the following Acts:

(*a*) *Canada Labour (Standards) Code*;

(*b*) *Female Employees Equal Pay Act*;

(*c*) *Canada Fair Employment Practices Act*; and

(*d*) *Industrial Relations and Disputes Investigation Act*;

and the Statute Revision Commission may without altering the substance thereof make such alterations in their form and language as are necessary for the purposes of this section.

Coming into force.

31. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-36.

An Act to incorporate Commercial Solids Pipe Line Company.

Read a first time, Wednesday, 25th May, 1966.

Honourable Senator McDONALD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24226

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-36.

An Act to incorporate Commercial Solids Pipe Line Company.

Preamble.

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

Incorporation.

1. Robert Pierce Ritchie, executive, James Edward Hughes, one of Her Majesty's Counsel, Thomas Benedict Oliver McKeag, barrister-at-law, and Clarence Herbert Tew, manager, all of the municipality of Metropolitan Toronto, in the province of Ontario, together with such other persons as become shareholders in the company, are incorporated under the name of Commercial Solids Pipe Line Company, and, in French, Compagnie des Pipe-Lines Commerciaux pour Solides, hereinafter called "the Company".

Corporate name.

Directors.

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

(2) No person shall be elected as a director unless he is a shareholder owning shares absolutely in his own right, and not in arrear in respect of any call thereon: Provided that a person may become a director if he becomes a shareholder within ten days of his election.

Proviso.

(3) The majority of the directors of the Company shall, at all times, be persons resident in Canada and Canadian citizens.

Capital stock.

3. The capital stock of the Company shall consist of ten million shares without nominal or par value.

Head office and other offices.

4. (1) The head office of the Company shall be in the municipality of Metropolitan Toronto, in the province of Ontario, which head office shall be the domicile of the Company in Canada, and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

(2) The Company may, by by-law, change the place where the head office is to be situate to any other place in Canada.

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

Pipe lines legislation to apply. 1959, c. 46; 1960-61, c. 52; 1963, c. 13.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of the *National Energy Board Act*, and any other general legislation relating to pipe lines enacted by Parliament.

Power to construct and operate pipe lines.

6. The Company, subject to the provisions of any general legislation relating to pipe lines enacted by Parliament, may

(*a*) within or outside Canada, construct, purchase, lease or otherwise acquire, and hold, develop, operate, maintain, control, lease, mortgage, hypothecate, create liens or other security upon, sell, convey, or otherwise dispose of any and all pipe lines and all appurtenances relative thereto for the gathering, processing, refining, treating, transmitting, transporting, storing and delivering of solids, liquids and gases, or any of them, and all works relative thereto for use in connection with the said pipe lines; and buy or otherwise acquire, process, refine, treat, transmit, transport and sell or otherwise dispose of and distribute any solids, liquids and gases, or any of them; and own, lease, sell, operate and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype, telegraph and microwave or television communication systems, and, subject to the *Radio Act*, and any other statute relating to radio, microwave or television, own, lease, operate and maintain interstation radio, microwave or television communication facilities;

R.S., c. 233; 1952-53, c. 48; 1953-54, c. 31; 1955, c. 57.

Power to hold land.

(*b*) purchase, acquire, hold, lease, sell, improve, alienate, exchange or otherwise deal in any property, real or personal, movable or immovable, or any interest and rights therein, legal or equitable or otherwise howsoever, and deal with any portion of the lands and property so acquired; and

Ancillary powers.

(*c*) exercise, as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs (*a*) to (*bb*) inclusive of subsection (1) of section 14 of the *Canada Corporations Act*.

Sections of the *Canada Corporations Act* to apply. R.S., c. 53; 1964–65, c. 52.

7. The provisions of subsections (7), (8), (9), (10), (10a), (11), (12) and (13) of section 12, and subsection (2) of section 14, and section 15 and section 19, and subsection (1) of section 20, and subsections (3) and (4) of section 21, and sections 22, 35, 36, 37, 39, 40, 62, 63, 64, 65, 83(3), 84, 87, 91 and 94, and paragraphs (*a*) and (*b*) of subsection (1) of section 103, section 105, and subsection (6) of section 108, and sections 110, 130, 134, 135, 136 and 137 of Part I of the *Canada Corporations Act* apply to the Company: Provided that wherever in the said sections and subsections the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

Proviso.

Sections of the *Canada Corporations Act* not to apply. R.S., c. 53, 1964–65, c. 52.

8. Sections 153, 155, 163, 167, 172, 180, 189, 190 and 194 of Part III of the *Canada Corporations Act* shall not be incorporated with this Act.

Share warrants.

9. The Company is authorized with respect to any fully paid shares to issue under the seal of the Company a warrant stating that the bearer of the warrant is entitled to the share or shares therein apecified with all the powers, privileges and immunities conferred by but subject to all the limitations and provisions of section 35 of the *Canada Corporations Act*.

R.S., c. 53; 1964–65, c. 52.

Commission on subscription.

10. The Company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares bonds, debentures, debenture stock or other securities of the Company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom.

Proviso.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-37.

An Act to incorporate Mennonite Central Committee (Canada).

Read a first time, Tuesday 31st May, 1966.

Honourable Senator THORVALDSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24283

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-37.

An Act to incorporate Mennonite Central Committee (Canada).

Preamble.

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

Incorporation.

1. David P. Neufeld, executive, of the city of Winnipeg, Theodore Friesen, businessman, of the city of Altona, Harvey Plett, teacher, of the town of Steinbach, all in the province of Manitoba, Cornelius J. Rempel, estates officer, Newton L. Gingerich, pastor, both of the city of Kitchener, Ernest J. Swalm, clergyman, of the town of Duntroon, all in the province of Ontario, and Jacob J. Thiessen, clergyman, of the city of Saskatoon, in the province of Saskatchewan, together with such other persons as may become members of the corporation, are hereby incorporated under the name Mennonite Central Committee (Canada), hereinafter called "the Corporation".

Corporate name.

Directors.

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

Head office.

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

Notice of change.

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

Objects.

4. The objects of the Corporation shall be

(*a*) to receive and maintain a fund or funds and to apply from time to time all or part thereof and the income therefrom for religious, educational or other charitable purposes only;

(*b*) to do all such things as are incidental or conducive to the attainment of the above objects and in particular

(i) to function as a charitable and religious organization for the relief of human suffering and distress;

(ii) to rehabilitate and re-establish refugees and other needy persons;

(iii) to help fulfill the mission of the Christian Church;

(iv) to co-operate with other organizations, whether or not incorporated, having objects similar in whole or in part to the objects of the Corporation, in the furtherance of such objects;

(v) to co-ordinate the efforts of Mennonites in general, and of the Brethren in Christ in particular;

(vi) to give leadership in exploring and initiating areas of service of human need;

(vii) to devote, from time to time, all or part of the fund or funds and the income therefrom for religious, educational or other charitable purposes by such means as may from time to time seem expedient to its directors, including research, publication, education and the establishment and maintenance of religious, educational or other charitable activities, agencies or institutions and the aid of any such activities, agencies or institutions already established;

(viii) to acquire, accept, solicit or receive, by purchase, lease, contract, donation, legacy, gift, grant, bequest or otherwise, any kind of property and to enter into and carry out agreements, contracts and undertakings incidental thereto;

(ix) to hold, manage, sell or convert any of the property from time to time owned by the corporation and to exercise all rights and perform all obligations incidental thereto;

(x) to invest and re-invest any principal in such investments as the directors in their absolute discretion may deem advisable and to retain any property in the form in which it may be when received.

Power to make by-laws.

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

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

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

(*c*) the appointment or election of a Board of Directors, an executive committee or any special committees or boards from time to time created for the purposes of the Corporation, and for defining the powers of such committees or boards;

(*d*) the calling of regular or special meetings of the Corporation or of the executive and other committees or boards thereof;

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

(*f*) determining the qualifications of the members of the Corporation;

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

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

(2) Nothing in this Act shall authorize, or empower the Corporation to authorize, any person to ordain ministers, solemnize marriages or conduct funeral services in Canada.

Power of Board of Directors.

6. Subject to section 7, all the powers of the Corporation shall be vested in and may be exercised by the Board of Directors, except so far as the same are by this Act or by the by-laws expressly required to be exercised by the Corporation in general meeting.

Committee.

7. Subject to and in accordance with the by-laws enacted by the Corporation under section 5, the Corporation may exercise any or all its powers by and through an executive committee or through such boards or committees as may from time to time be elected or appointed by the Corporation for the management of its affairs.

Incidental power.

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

Power to acquire and hold property.

9. (1) The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy property, real and personal, corporeal and incorporeal, and any or every estate or interest whatsoever, given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of the objects of the Corporation.

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

Investment and disposal of property.

10. Subject always to the terms of any trust relating thereto, the Corporation may also sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Corporation, whether by way of investment for the uses and purposes of the Corporation or not; and, subject to section 16, may also, from time to time, invest all or any of its funds, or moneys, and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property; and for the purpose of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments either in whole or in part.

Application of mortmain laws.

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

Transfer of property held in trust.

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

Execution of documents.

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

Disposition of property by gift or loan.

14. The Corporation may make a gift of or lend any of its property, whether real or personal, for or to assist any other religious, charitable, educational, social or recreational institutions, having the same or similar objects and powers as the Corporation, upon such terms and conditions as it may deem expedient, including assistance in the erection or maintenance of any building or buildings of such institution.

Borrowing powers.

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

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

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

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

(*d*) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation;

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

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

(*g*) acquire by gift or purchase, have, hold, receive, possess, retain and enjoy lands, tenements, hereditaments, rents, annuities, and other property, moveable and immoveable, real and personal, corporeal and incorporeal, and any land and every estate and interest whatsoever

given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of the Corporation;

(*h*) adopt a corporate seal and change it at will; and

(*i*) do any and all other things as are incidental or conducive to the attainment of the objects for which the Corporation is established.

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

Investment of funds.

16. The Corporation may invest and re-invest any of its funds

(*a*) in any bonds or debentures of any municipality or public school corporation or district in Canada, or in securities of or guaranteed by the Government of Canada or any province thereof;

(*b*) in first mortgages on freehold property in Canada and for the purposes of the same may take mortgages or assignments thereof whether such mortgages or assignments be made directly to the Corporation in its own corporate name or to some company or person in trust for it, and may sell and assign the same; and

(*c*) in any securities in which life insurance companies are authorized from time to time by the Parliament of Canada to invest funds subject to the limitation on investment in stocks, bonds and debentures set out in the *Canadian and British Insurance Companies Act*.

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40.

Jurisdiction.

17. The Corporation may exercise its functions throughout Canada.

Dissolution.

18. In the event of dissolution of the Corporation, the assets and all other rights remaining, after the payment and satisfaction of all debts and liabilities, shall be transferred, subject to any trusts affecting the same, to an organization or organizations having similar objects and purposes, and the same shall not be paid to or distributed among the members of the Corporation.

Corporation to be operated without profit.

19. The Corporation shall be operated and maintained without pecuniary gain to its members and any profits or other accretions arising out of its operations shall be used in promoting its purposes and objects.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-38.

An Act to incorporate The Evangelical Covenant Church of Canada.

Read a first time, Tuesday, 7th June, 1966.

Honourable Senator Hnatyshyn.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24395

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-38.

An Act to incorporate The Evangelical Covenant Church of Canada.

Preamble.

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

Incorporation.

1. Leonard A. Quarnstrom, clergyman, Clarence E. Satterblom, clergyman, and Thomas J. Graham, chief clerk, all of the city of Prince Albert, Albert R. Josephson, clergyman, of the town of Melfort, in the province of Saskatchewan, Clifford Campbell, clergyman, and Hilding W. Alex, farmer, both of the district of Minnedosa, in the province of Manitoba, and Lovell S. Moseson, farmer, and Fritz R. Enarson, farmer, both of the district of Wetaskiwin, in the province of Alberta, together with such other persons as are now or may hereafter from time to time become members of any Covenant Church within the religious body hereby incorporated, are constituted a body corporate and politic under the name of The Evangelical Covenant Church of Canada, hereinafter called "the Corporation", for the purposes set out in this Act and for the purpose of administering the property and other temporal affairs of the Corporation.

Corporate name.

Directors.

2. The persons named in section 1 of this Act, together with the other members of the board of The Evangelical Covenant Church of Canada as presently constituted, shall be the first directors of the Corporation and shall constitute the first General Board of the Corporation.

Head office.

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

Change of head office.

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

Objects.

4. The objects of the Corporation shall be

(a) to promote, maintain and carry on any and all of the work of the Corporation;

(*b*) to organize, build and maintain churches, and to aid local congregations in the organization, building and maintenance of churches;

(*c*) to establish, govern and maintain mission fields, educational and benevolent institutions;

(*d*) to publish and distribute Christian literature;

(*e*) to acquire and own, by purchase, gift or grant, such real and personal property as may be necessary for the realization of the objects of the Corporation; and

(*f*) to administer the property, business and other temporal affairs of the Corporation.

Power to make by-laws.

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

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

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

(*c*) the appointment, election or deposition of a General Board, an Executive Board and other boards or committees deemed necessary from time to time for the purposes of the Corporation, and for defining the powers and duties of such boards or committees;

(*d*) the calling of regular or special meetings of the Corporation or of the General Board and any other boards or committees thereof;

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

(*f*) determining the qualifications of members of the Corporation; and

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

Management.

General Board.

6. (1) Subject to and in accordance with the by-laws, a General Board consisting of such persons as the Corporation may from time to time elect or appoint thereto shall manage all the temporal affairs of the Corporation.

Executive Board.

(2) The General Board shall have power to appoint from among its members an Executive Board, and to authorize such Executive Board to manage the affairs of the Corporation when the General Board is not in session.

Incidental powers.

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

Committees.

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

Power to acquire and hold property.

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

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

Investment in and disposal of property.

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

Application of mortmain laws.

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

Transfer of property held in trust.

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

Execution of documents.

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

Disposition of property by gift or loan.

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

Borrowing powers.

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

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

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

(*c*) make, draw, accept, endorse, or become party to promissory notes and bills of exchange, and every such note or bill made, drawn, accepted or endorsed by the party thereto, authorized by the by-laws of the Corporation, and countersigned by the proper party thereto, authorized by the by-laws of the Corporatiom, shall be binding upon the Corporation and shall be presumed to have been made, drawn,

accepted or endorsed with proper authority until the contrary is shown, and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill;

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

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

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

(*g*) acquire by gift or purchase, have, hold, receive, possess, retain and enjoy lands, tenements, hereditaments, rents, annuities, and other property, moveable or immoveable, real or personal, corporeal and incorporeal, and any land and every estate and interest whatsoever given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour or the Corporation;

(*h*) do any and all other things as are incidental or conducive to the attainment of the objects for which the Corporation is established.

Limitation.

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

Investment of funds.

16. The Corporation may invest and reinvest any of its funds

(*a*) in any bonds or debentures of any municipality or public school corporation or district in Canada, or in securities of or guaranteed by the Government of Canada or of any province thereof;

(*b*) in first mortgages or freehold property in Canada, and for the purposes of the same may take mortgages or assignments thereof whether such mortgages or assignments be made directly to the Corporation in its own corporate name or to some company or person in trust for it, and may sell and assign the same; and

(*c*) in any securities in which life insurance companies are authorized from time to time by the Parliament of Canada to invest funds, subject to the limitation on investments in stocks, bonds and debentures set out in the Canadian and British Insurance Companies Act.

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40.

Jurisdiction.

17. The Corporation may exercise its functions throughout Canada, and meetings of the boards and committees of the Corporation may be held at any place within Canada.

18. (1) The Corporation may by by-law amend its corporate name by deleting therefrom the word "Evangelical," or by substituting another word for the word "Evangelical".

(2) Notice of the making of any such by-law, in writing, shall be given to the Secretary of State by the Corporation, and a copy of such notice shall be published forthwith in the *Canada Gazette*.

(3) Where the name of the Corporation is changed pursuant to this section, any transaction, contract or obligation theretofore entered into or incurred by the Corporation under its former name, and any transaction, contract or obligation therafter entered into by the Corporation under its new name, shall be valid and binding on the Corporation: and such change in name shall not in any way impair, alter or affect the rights or liabilities of the Corporation, nor in any way affect any suit or proceeding then pending or judgment existing by or in favour of or against the Corporation which, notwithstanding such change in name, may be proceduted, continued, completed and confirmed as if there had been no such change in name.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-39.

An Act to incorporate Lutheran Church in America—Canada Section.

Read a first time, Tuesday, 7th June, 1966.

Honourable Senator MACDONALD, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24275

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-39.

An Act to incorporate Lutheran Church in America—Canada Section.

Preamble.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation.

1. Charles Hugh Whitteker, clergyman, of the town of Bridgewater, in the province of Nova Scotia, Otto Alfred Olson, Jr., clergyman, Vernon Harry Sundmark, clergyman, and Walter Arthur Schultz, clergyman, all of the city of Winnipeg, in the province of Manitoba, and John Murr Zimmerman, clergyman, of the city of Edmonton, in the province of Alberta, together with such other persons and congregations as become members of the religious body hereby incorporated, are incorporated under the name of

Corporate name.

Lutheran Church in America—Canada Section, hereinafter called "the Corporation", for the purposes set out in this Act and for the purposes of administering the property, business and other temporal affairs of the Corporation.

Directors.

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

Head office.

3. (1) The head office of the Corporation shall be in Metropolitan Winnipeg, in the province of Manitoba, or at such other place as the Corporation may determine by by-law from time to time.

Notice of change.

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

Objects.

4. The objects of the Corporation shall be

(*a*) to promote, maintain, superintend and carry on, in accordance with the faith, doctrines, constitution, acts and rulings of the Lutheran Church in America, all or any of the work of that body;

(*b*) to form associations with other Lutheran Church bodies and other churches in Canada;

(*c*) to establish, support, maintain and carry on offices, libraries, houses and agencies for printing, publishing and disseminating literature, newspapers, periodicals, and works of religion, education, arts and science;

(*d*) to promote generally the spiritual welfare of all the members, churches, mission fields and enterprises of the Corporation as a religious denomination.

Power to make by-laws.

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

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

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

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

(*d*) the calling of regular or special meetings of the Corporation, of the Board of Directors or of the executive and other committees or boards thereof;

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

(*f*) determining the qualifications of members of the Corporation;

(*g*) determining the qualifications of candidates to be ordained into the Ministry of the Corporation, and the rites and ceremonies required to be performed at such ordination;

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

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

Management.

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

Committees.

7. The Corporation may exercise all its power by and through the Board of Directors or through such boards or committees as may from time to time be elected or appointed by the Corporation for the management of its affairs.

Powers to acquire and hold property.

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

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

Powers.

9. The Corporation shall have power to

Grants to other religious bodies.

(*a*) give, grant, convey, lease or otherwise alienate any property, real or personal, to any individual, church, religious body, or organization or to any trustees, board, committee or governing body thereof, which it may deem expedient, in pursuance of any agreement or understanding with such church or religious body or organization for the purpose of co-operation in the prosecution of religious works;

Disposition of property by gift or loan.

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

Annuities.

(*c*) receive and accept for its own use as to the principal sum of corpus thereof any monies or other personal property, subject to and in

consideration of the payment of interest thereon, or income therefrom, or of any annuity in respect thereof;

Incidental powers.

(*d*) do all such lawful acts and things as are incidental to or as may be conducive to the attainment of its objects.

Investment in and disposal of property.

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

Application of mortmain laws.

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

Transfer of property held in trust.

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

Execution of documents.

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

Borrowing powers.

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

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

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

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

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

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

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

(*g*) acquire by gift or purchase, have, hold, receive, possess, retain, and enjoy lands, tenements, hereditaments, rents, annuities, and other property, movable and immovable, real and personal, corporeal or incorporeal, and any land and every estate and interest whatsoever given, granted, devised or bequeathed to it or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of the Corporation; and

(*h*) do any and all other things as are incidental or conducive to the attainment of the objects for which the Corporation is established.

Limitation.

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

Powers of guarantee.

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

Investment of funds.

16. The Corporation may invest and re-invest its funds

(*a*) in any bonds or debentures of any municipality or public school corporation or district in Canada, or in securities of or guaranteed by the Government of Canada, or of any province thereof;

(*b*) in first mortgages or freehold property in Canada, and for such purposes may take mortgages or assignments thereof, whether such mortgages or assignments be made directly to the Corporation in its own corporate name, or to some company or person in trust for it, and may sell or assign the same; and

(*c*) in any securities in which life insurance companies are authorized from time to time by the Parliament of Canada to invest funds, subject to the limitations on investments in stocks, bonds and debentures set out in the *Canadian and British Insurance Companies Act*.

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40.

Territorial powers.

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

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-40.

An Act to incorporate United Investment Life Assurance Company.

Read a first time, Wednesday, 8th June, 1966.

Honourable Senator LEONARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24372

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-40.

An Act to incorporate United Investment Life Assurance Company.

Preamble.

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

Incorporation.

1. Rodney Stewart Craik Donald, executive, Gordon Ernest Eddolls, executive, John Morrow Godfrey, one of Her Majesty's Counsel, Alexander McDougall McBain, executive, and Graham Martin MacLachlan, executive, all of the city of Toronto, in the province of Ontario, together with such other persons as may become shareholders in the company, are incorporated under the name of United Investment Life Assurance Company, and, in French, La Compagnie d'Assurance Vie United Investment, hereinafter called "the Company".

Corporate name.

Provisional directors.

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

Capital stock.

3. The capital stock of the Company shall be two million dollars divided into shares of ten dollars each.

Subscription and payment before general meeting.

4. The amount to be subscribed and fully paid before the general meeting for the election of directors is called shall be five hundred thousand dollars.

Subscription and payment before commencing business.

5. The Company shall not commence any business of insurance until at least five hundred thousand dollars of its capital stock have been bona fide subscribed and at least that amount paid thereon together with a contribution to surplus of five hundred thousand dollars.

Head office.

6. The head office of the Company shall be in the city of Toronto, in the province of Ontario.

Classes of insurance authorized.

7. The Company may make contracts of insurance in any one or more of the following classes of insurance:

(*a*) life insurance;

(*b*) personal accident insurance; and

(*c*) sickness insurance.

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40.

8. The *Canadian and British Insurance Companies Act* shall apply to the Company.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-41.

An Act respecting La Société des Artisans.

Read a first time, Monday, 27th June, 1966.

Honourable Senator DESCHATELETS, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24477

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-41.

An Act respecting La Société des Artisans.

Preamble.

1917, c. 71; 1923, c. 105; 1946, c. 83.

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

1. The French version of section 5 of chapter 83 of the statues of 1946 is repealed and the following is substituted therefor:

"**5.** Les objets de la Société sont:

Objets.

a) d'être et de demeurer une société fraternelle de secours mutuels agissant uniquement pour la protection de ses membres, de leurs bénéficiaires et de leurs familles, et non pas en vue d'un gain;

b) d'exercer les classes d'assurance que la *Loi des compagnies d'assurance canadiennes et britanniques*, 1932, autorise les sociétés fraternelles de secours mutuels à exercer;

c) de passer des contrats d'assurance selon les principes d'assurance mutuelle pour le bénéfice de ses membres et les bénéficiaires qu'ils peuvent désigner."

2. Chapter 83 of the statutes of 1946 is amended by inserting, immediately after section 5, the following section:

Power to accept re-insurance.

"**5A.** Notwithstanding the provisions of section 5, the Society has the power of reinsuring, in the ordinary course of its transactions, in part of any insurance risk undertaken, in Canada or elsewhere, by a fraternal

Explanatory Notes.

The purpose of clause 1 is to correct the French version of section 5 of chapter 83 of the statutes of 1946 so as to make it conform to the French version of the *Canadian and British Insurance Companies Act*, 1932.

The aforesaid section 5 now reads, in French, as follows:

Objets. "**5.** Les objets de la Société sont:

a) d'être et de demeurer une société de *bienfaisance* fraternelle agissant uniquement pour la protection mutuelle de ses membres, de leurs bénéficiaires et de leurs familles, et non pas en vue d'un gain;

b) d'exercer les classes d'assurance que la *Loi des compagnies d'assurance canadiennes et britanniques*, 1932, autorise les sociétés fraternelles de bienfaisance à exercer;

c) de passer des contrats d'assurance selon des principes d'assurance mutuelle pour le bénéfice de ses membres et des bénéficiaires qu'ils peuvent désigner."

The purpose of clause 2 is to authorize the Society to reinsure a part of any personal insurance risk carried by another fraternal benefit society, on the following conditions:

(1) the fraternal benefit society that originally took on the risk must have possessed the authority to have it partly reinsured;

(2) the class of insurance concerned must be one that may be transacted by a fraternal benefit society;

(3) in the event of such reinsurance, the insured person shall become a member of the Society.

benefit society having the power of so reinsuring a part of its risks, provided that the class of insurance concerned is one that may be transacted by a fraternal benefit society pursuant to the *Canadian and British Insurance Companies Act*, and that, in the case of such reinsurance, the insured person shall become a member of the Society."

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40.

3. Section 12 of chapter 83 of the statutes of 1946 is repealed and the following substituted therefor:

General Council may prescribe insurance plans and rates.

"**12.** The General Council has the power to prescribe new plans of insurance contracts or policies and rates of premiums or assessments applicable thereto, and to make necessary changes in plans and rates already established and may delegate such power to the Executive Council."

4. Section 13 of chapter 83 of the statutes of 1946 is repealed and the following substituted therefor:

Executive Council.

"**13.** The Executive Council shall administer the affairs of the Society and shall consist of not less than seven members of the General Council, as may be provided by the by-laws."

The purpose of clause 3 is to confer directly on the General Council authority to adopt and amend plans of insurance and rates of premiums, and to delegate such power to the Executive Council. Section 12 of chapter 83 of the statutes of 1946 now reads as follows:

"**12.** The Convention may delegate to the General Council the power to prescribe new plans of insurance contracts or policies and rates of premiums or assessments applicable thereto and to make necessary changes in forms and rates already established, such power to be exercised only during the period between any two successive meetings of the Convention, unless the power is extended at the Convention next following the date of such prescription or changes."

The purpose of clause 4 is to eliminate the requirement that members of the Executive Council must reside in Montreal or its suburbs. Section 13 of chapter 83 of the statutes of 1946 now reads as follows:

"**13.** The Executive Council shall administer the affairs of the Society and shall consist of not less than seven members of the General Council, resident in the city of Montreal or in its suburbs, as may be provided by the by-laws."

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-42.

An Act to amend the Canadian Corporation for the 1967 World Exhibition Act.

Read a first time, Thursday, 30th June, 1966.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24699

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-42.

An Act to amend the Canadian Corporation for the 1967 World Exhibition Act.

1962-63, c. 12; 1963, c. 32.

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

1963, c. 32, s. 9.

1. (1) Paragraph (*a*) of subsection (3) of section 18A of the *Canadian Corporation for the 1967 World Exhibition Act* is repealed and the following substituted therefor:

"(*a*) goods or wares, when it is marked on or on any package containing goods or wares or when it is used or displayed in the course of selling, distributing or advertising goods or wares, and"

1963, c. 32, s. 9.

(2) Subsection (4) of section 18A of the said Act is repealed and the following substituted therefor:

Exception.

"(4) Notwithstanding anything in this section, a word or an abbreviation of a word is not a mark of the Corporation within the meaning of this section and is not a word or abbreviation resembling such a mark if it is established that such word or abbreviation is used or displayed in such a manner that it cannot reasonably be construed as indicating or implying a reference to the Exhibition."

(3) Section 18A of the said Act is further amended by adding thereto, immediately after subsection (5) thereof, the following subsection:

Explanatory Notes

Clause 1. (1) The purpose of this amendment is to increase the protection afforded to marks of the Corporation and the official symbol of the Exhibition in their application to goods or wares.

The relevant portion of subsection (3) at present reads as follows:

"(3) For the purposes of this section, a mark, word, abbreviation of a word, symbol, emblem, insignia or design shall be deemed to be applied to

(*a*) goods or wares, when it is marked on or on any package containing such goods or wares, and"

(2) The purpose of this amendment is to specify the circumstances in which the exception applies and to introduce the test of reasonableness in determining its application.

Subsection (4) at present reads as follows:

"(4) Notwithstanding anything in this section, a word or an abbreviation of a word is not a mark of the Corporation within the meaning of this section and is not a word or abbreviation resembling such a mark *when* such word or abbreviation is used in such a manner *as not to indicate or imply that it refers* to the Exhibition."

(3) New. The purpose of this amendment is to assist the Corporation to obtain expeditious relief against the unauthorized use of its marks and symbol by way of injunction without having to adduce evidence of the matters presumed.

Presumption of injury.

"(5a) In any action or suit in which an injunction is sought pursuant to subsection (5), it shall be presumed that any contravention of this section will occasion immediate and irreparable injury to the Corporation."

2. The said Act is further amended by adding thereto, immediately after section 18A thereof, the following section:

Where copyright vests in Corporation.

"**18B.** (1) For the purposes of and notwithstanding the *Copyright Act*, copyright in any model, painting, drawing, engraving, photograph or other reproduction

(*a*) made of any artistic work, as defined in that Act, while that artistic work is located on the site of the Exhibition, or

(*b*) made of the site of the Exhibition or of any part thereof,

is hereby vested in the Corporation and the Corporation shall be deemed to be the owner of the copyright therein.

Term for which copyright vests.

(2) The term for which copyright vests in the Corporation for the purposes of this section ends on the 28th day of October, 1967, and thereupon copyright in the works by this section vested in the Corporation shall revest and subsist, in accordance with the provisions of the *Copyright Act*, in the persons who, but for this section, would be the owners thereof.

Exception.

(3) Notwithstanding subsection (2), any action, suit or other legal proceeding commenced on or before the 28th day of October, 1967, or any appeal or appeals from judgment therein, shall not be affected by reason of the revesting of copyright as provided in that subsection.

Where copyright deemed infringed, etc.

(4) In any action for infringement of or other legal proceeding respecting copyright by this section vested in the Corporation,

(*a*) any copy of a work that is made or displayed for sale, sold or distributed in a form or manner containing, indicating or implying a reference to the Exhibition shall, unless the contrary is proved, be presumed to be an infringing copy; and

(*b*) immediate and irreparable injury to the Corporation and its copyright shall be presumed.

Application of provisions of *Copyright Act*.

(5) Except as otherwise provided in this section, all of the provisions of the *Copyright Act* apply *mutatis mutandis* to the copyright of which the Corporation is by this section deemed to be the owner."

Clause 2. New. The purpose of this amendment is to vest copyright in reproductions of the site of the Exhibition and of artistic works located thereon in the Corporation for a limited term and to make the provisions of the *Copyright Act* generally applicable thereto subject to the express provisions of the amendment, which include presumptions to assist the Corporation to obtain expeditious relief by way of injunction without having to adduce evidence of the matters presumed.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-43.

An Act to incorporate Baptist General Conference of Canada.

Read a first time, Wednesday, 6th July, 1966.

Honourable Senator HAIG.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24249

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-43.

An Act to incorporate Baptist General Conference of Canada.

Preamble.

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

Incorporation.

1. Llewelyn Breese, clergyman, John Parks, farmer, both of the town of Selkirk, David Lyle Clink, clergyman, and Siegfried Schuster, clergyman, both of the city of Winnipeg, in the province of Manitoba, Wilbert McLeod, clergyman, of the city of Saskatoon, in the province of Saskatchewan, and William Penner, lumber dealer, of the town of Kenora, in the province of Ontario, being members of an association known as Central Canada Baptist Conference, hereinafter referred to as "the Conference" and incorporated as such in the provinces of Saskatchewan and Manitoba, together with such other persons, churches and associations of churches as may from time to time become members of the religious body hereby incorporated, are incorporated under the name of Baptist General Conference of Canada, and, in French, La Conférence générale de l'Église Baptiste du Canada, hereinafter called "the Corporation", for the purposes set out in this Act and in particular for administering the property, business and other temporal affairs of the Corporation.

Management.

2. (1) The temporal affairs of the Corporation shall be managed and directed by an Assembly constituted in accordance with the by-laws of the Corporation.

(2) The Corporation may exercise any or all of its powers by and through an executive committee or through such boards and committees as may from time to time be elected or appointed by the Corporation for the management of its affairs.

Head office.

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

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

Objects.

4. The objects of the Corporation shall be

(*a*) to promote, maintain, superintend and carry on any and all of the work of that body;

(*b*) to give expression to the opinions of its constituency upon moral, religious and ecclesiastical matters;

(*c*) to organize, establish, maintain and carry on missions, churches, places of worship, parsonages, residences, schools, seminaries, hospitals, summer camps, conference properties, child care institutions, homes for the aged, rest homes, and agencies of all kinds for promoting, teaching, propagating and disseminating the faith and doctrine of its constituency and for training persons for the said purposes;

(*d*) to promote, organize, establish, maintain and carry on social service, welfare and guidance institutions and agencies;

(*e*) to establish, support, maintain and carry on offices, libraries, houses and agencies for printing, publishing and disseminating literature, newspapers, periodicals and works of religion, education, arts and science;

(*f*) to administer the property, business and other temporal affairs of the Corporation; and

(*g*) to promote generally the spiritual welfare of all the members, churches, mission fields and enterprises of the Corporation as a religious denomination.

Power to make by-laws.

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

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

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

(*c*) the appointment or election of an Assembly, an executive committee or any special committees or boards from time to time deemed necessary for the purposes of the Corporation, and defining the powers and duties thereof;

(*d*) the calling of regular or special meetings of the Assembly, the executive committee or other committees or boards of the Corporation;

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

(*f*) determining the qualifications of members of the Corporation, the Assembly and any committee or board of the Corporation;

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

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

Officers, etc., of Conference continue to hold their offices.

6. The present officers of the Conference, the members of its executive committee and of the other committees and boards appointed or elected under the constitution and by-laws of the Conference prior to the enactment of this Act shall continue to hold office as if they had been appointed or elected pursuant to this Act until their successors in office have been so appointed or elected.

Constitution, by-laws, etc., of Conference to continue until amended or repealed.

7. The existing constitution, by-laws and rules of the Conference, in so far as they are not contrary to law or to the provisions of this Act, shall be the constitution, by-laws and rules of the Corporation until amended or repealed at a general meeting of the Corporation.

First general meeting.

8. The first general meeting of the Corporation shall be held within one year from the day on which this Act comes into force and future general meetings shall be held at such time and place as the executive committee of the Conference may determine: Provided that a general meeting shall be held at least once in every three years.

Proviso.

Establishment of boards and committees.

9. The Corporation may, by by-law or resolution of the Assembly, establish boards or committees of its members to hold, manage, deal with, dispose of or otherwise administer any of its property, funds, trusts, interests, institutions and religious or charitable schemes now or hereafter owned, founded or established, define and prescribe the constitution, powers, duties, officers and quorum of any such board or committee, and delegate to any of them such of its powers as it may deem expedient.

Powers.

10. (1) The Corporation shall have power to

Acquisition and disposal of property.

(*a*) acquire by purchase, lease, gift, devise or bequest, and hold, possess, retain and enjoy any real or personal property, or any estate or interest therein, either absolutely or in trust, and, subject always to the terms of any trust relating thereto, sell, convey, exchange, alienate, mortgage, hypothecate, lease or otherwise dispose of the same or any part thereof, and apply the proceeds of any such property for its purposes;

Grants to other religious bodies.

(*b*) give, grant, convey, lease or otherwise alienate any property, real or personal, to any individual, church, religious body, or organization or to any trustees, board, committee or governing body thereof, as it may deem expedient, in pursuance of any agreement or understanding with such church or religious body or organization for the purpose of co-operation in the prosecution of religious work;

Investment of funds.

(*c*) lend money upon the security of real estate, and invest and re-invest any of its funds and moneys in any securities authorized for investment by insurance companies under the *Canadian and British Insurance Companies Act*, and for all purposes of any loan or investment it shall have all such rights and remedies for the collection, enforcement or repayment thereof as any individual or corporation would have by law in the premises;

R.S., c. 31; 1956, c. 28; 1957–58, c. 11; 1960–61, c. 13; 1964–65, c. 40

Loans for building purposes.

(*d*) lend or give any of its property, funds or moneys, for, or to assist in, the erection, renovation, improvement or maintenance of any building or buildings deemed necessary for any church, college, parsonage, school or hospital, or for any other religious, charitable, educational, congregational or social purpose, upon such terms and securities as it may deem

expedient, and it shall have, in respect of any such loan, the rights and remedies mentioned in paragraph (*c*) above;

(*e*) borrow money for its purposes upon its credit, and mortgage, hypothecate or pledge any of its property, real or personal, as security for any loan;

(*f*) make, accept, draw, endorse and execute bills of exchange, promissory notes and other negotiable instruments;

(*g*) receive and accept for its own use as to the principal sum or corpus thereof any moneys or other personal property, subject to and in consideration of the payment of interest thereon or income therefrom, or of any annuity in respect thereof;

(*h*) exercise the powers conferred by this Act, or any of them, by and through such boards, committees or other bodies as the Assembly or the Council acting within its jurisdiction under the provisions of the by-laws, rules and regulations may from time to time establish or appoint, and determine the method of appointment or election thereof, and define and prescribe the constitution, powers, duties, officers and quorum of such boards, committees or other bodies; and

Incidental powers.

(*i*) do all such lawful acts or things as are incidental to or as may be conducive to the carrying out of the terms and provisions of this Act and the objects of the Corporation.

Restriction.

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

Debentures.

11. The Corporation, and any board or committee appointed and duly authorized in that regard by the Corporation, the Assembly or the executive committee, having charge of any of the funds or property of the Corporation, may issue bonds or debentures in such denominations and upon such terms as it or they may deem expedient, under the hand or hands of such officer or officers as may be thereto authorized, and the seal of the Corporation, or the seal (if any) of such board or committee issuing the same, for any money borrowed under the authority of this Act; and the payment of such bonds or debentures and the interest thereon may be secured by mortgage in favour of a trustee

or trustees for the holders of such debentures upon any real estate under the control of the Corporation or of such board or committee.

Application of mortmain laws.

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

Transfer of property held in trust.

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

Documents to be evidence.

14. Any copy of the by-laws, rules and regulations of the Corporation, or any amendments or alterations thereto, published in any Year Book issued under the direction or authority of the Corporation, and any copy of any by-law, rule, regulation or resolution of the Assembly or Council under the seal of the Corporation, and signed by the President or General Secretary of the Corporation, shall be evidence in all courts of the contents thereof.

Jurisdiction.

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

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-44.

An Act to amend an Act to incorporate the Richelieu Bridge Company.

Read a first time, Monday, 29th August, 1966.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24920

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-44.

An Act to amend An Act to incorporate the Richelieu Bridge Company.

1882, c. 91.

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 *An Act to incorporate the Richelieu Bridge Company* is repealed.

Explanatory Note.

Chapter 91 of the Statutes of Canada, 1882 provided for the incorporation of the Richelieu Bridge Company to construct and maintain a toll bridge over the Richelieu River near the mouth of the Lacolle River from the Parish of St. Thomas, in the County of Missisquoi, to Ash Island, thence westerly to the Parish of Lacolle or St. Valentine, in the County of St. John's, all in the Province of Quebec.

Section 18 of that Act declared the bridge of the Richelieu Bridge Company to be a work for the general advantage of Canada.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-45.

An Act respecting the Boundary between the Provinces of Manitoba and Saskatchewan.

Read a first time, Monday, 29th August, 1966.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24912

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-45.

An Act respecting the Boundary between the Provinces of Manitoba and Saskatchewan.

Preamble.

WHEREAS the *Saskatchewan Act* and *The Manitoba Boundaries Extension Act, 1912*, declare the northerly portion of the boundary between the Provinces of Manitoba and Saskatchewan to be the Second Meridian in the system of Dominion Land surveys;

AND WHEREAS the portion of the said boundary north of Township 84 in the system of Dominion Land surveys was surveyed and marked on the ground between 1961 and 1962 under the direction of the Commissioners appointed therefor, which boundary, as surveyed and marked on the ground, is shown upon fifteen map-sheets signed by the said Commissioners and entitled "Boundary between Manitoba and Saskatchewan" which map-sheets are on record as No. 52787 in the Legal Surveys and Aeronautical Charts Division of the Department of Energy, Mines and Resources, Ottawa;

AND WHEREAS, the Legislatures of the Provinces of Manitoba and Saskatchewan having consented thereto, it is desirable that the boundary line so surveyed and marked on the ground be declared the boundary line between the said Provinces of Manitoba and Saskatchewan;

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.

1. This Act may be cited as the *Manitoba-Saskatchewan Boundary Act, 1966*.

Boundary declared.

2. The boundary line surveyed and marked on the ground under the direction of the Commissioners appointed therefor to delimit the boundary between the Provinces of Manitoba and Saskatchewan and shown on fifteen map-sheets numbered 30A, 31 to 44 entitled "Boundary between Manitoba and Saskatchewan", signed by the Commissioners and on record as No. 52787 in the Legal Surveys and Aeronautical Charts Division of the Department of Energy, Mines and Resources at Ottawa, is hereby declared to be the boundary between the Provinces of Manitoba and Saskatchewan, and in so far as the boundary so described increases, diminishes or otherwise alters the limits of the Province of Manitoba or the Province of Saskatchewan, their limits are increased, diminished or otherwise altered accordingly.

Coming into force.

3. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-46.

An Act respecting the Boundary between the Province of Saskatchewan and the Northwest Territories.

Read a first time, Monday, 29th August, 1966.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24928

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-46.

An Act respecting the Boundary between the Province of Saskatchewan and the Northwest Territories.

Preamble.

WHEREAS the *Saskatchewan Act* declares the northern boundary of the Province of Saskatchewan to be the parallel of the sixtieth degree of north latitude, and the *Northwest Territories Act* declares the said parallel to be the southern boundary of the Northwest Territories;

AND WHEREAS the said boundary was surveyed and marked on the ground between 1953 and 1962 under the direction of the Commissioners appointed therefor, which boundary, as surveyed and marked on the ground, is shown upon sixteen map-sheets signed by the said Commissioners and entitled "Boundary between Saskatchewan and Northwest Territories", which map-sheets are on record as No. 51748 in the Legal Surveys and Aeronautical Charts Division of the Department of Energy, Mines and Resources, Ottawa;

AND WHEREAS, the Legislature of the Province of Saskatchewan having consented thereto, it is desirable that the boundary line so surveyed and marked on the ground be declared the boundary line between the said Province of Saskatchewan and the Northwest Territories;

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.

1. This Act may be cited as the *Saskatchewan-Northwest Territories Boundary Act, 1966.*

Boundary declared.

2. The boundary line surveyed and marked on the ground under the direction of the Commissioners appointed therefor to delimit the boundary between the Province of Saskatchewan and the Northwest Territories and shown on sixteen map-sheets numbered 1 to 16 entitled "Boundary between Saskatchewan and Northwest Territories", signed by the Commissioners and on record as No. 51748 in the Legal Surveys and Aeronautical Charts Division of the Department of Energy, Mines and Resources at Ottawa, is hereby declared to be the boundary between the Province of Saskatchewan and the Northwest Territories, and in so far as the boundary so described increases, diminishes or otherwise alters the limits of the Province of Saskatchewan or the Northwest Territories, their limits are increased, diminished or otherwise altered accordingly.

Coming into force.

3. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-47.

An Act respecting the Boundary between the Province of Manitoba and the Northwest Territories.

Read a first time, Monday, 29th August, 1966.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24916

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-47.

An Act respecting the Boundary between the Province of Manitoba and the Northwest Territories.

Preamble.

WHEREAS *The Manitoba Boundaries Extension Act, 1912*, declares the northern boundary of the Province of Manitoba to be the parallel of the sixtieth degree of north latitude, and the *Northwest Territories Act* declares the said parallel to be the southern boundary of the Northwest Territories;

AND WHEREAS the said boundary was surveyed and marked on the ground between 1957 and 1962 under the direction of the Commissioners appointed therefor, which boundary, as surveyed and marked on the ground, is shown upon fifteen map-sheets signed by the said Commissioners and entitled "Boundary between Manitoba and Northwest Territories", which map-sheets are recorded as No. 52752 in the Legal Surveys and Aeronautical Charts Division of the Department of Energy, Mines and Resources, Ottawa;

AND WHEREAS, the Legislature of the Province of Manitoba having consented thereto, it is desirable that the boundary line so surveyed and marked on the ground be declared the boundary line between the said Province of Manitoba and the Northwest Territories;

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.

1. This Act may be cited as the *Manitoba-Northwest Territories Boundary Act, 1966.*

Boundary declared.

2. The boundary line surveyed and marked on the ground under the direction of the Commissioners appointed therefor to delimit the boundary between the Province of Manitoba and the Northwest Territories and shown on fifteen map-sheets numbered 1 to 15 entitled "Boundary between Manitoba and Northwest Territories", signed by the Commissioners and on record as No. 52752 in the Legal Surveys and Aeronautical Charts Division of the Department of Energy, Mines and Resources at Ottawa, is hereby declared to be the boundary between the Province of Manitoba and the Northwest Territories, and in so far as the boundary so described increases, diminishes or otherwise alters the limits of the Province of Manitoba or the Northwest Territories, their limits are increased, diminished or otherwise altered accordingly.

Coming into force.

3. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-48.

An Act to amend the Canada Lands Surveys Act.

Read a first time, Monday, 29th August, 1966.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

24924

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-48.

An Act to amend the Canada Lands Surveys Act.

R.S., c. 26; 1956, c. 22.

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 (3) of section 6 of the English version of the *Canada Lands Surveys Act* is repealed and the following substituted therefor:

"(*a*) the subjects in which candidates for admission as articled pupils, for commissions or for certificates shall be examined;"

2. (1) Subsection (1) of section 8 of the said Act is repealed and the following substituted therefor:

Appointment.

"**8.** (1) The Minister may, upon the recommendation of the Board, appoint qualified persons as special examiners to examine candidates, to prepare examination papers and to appraise the responses of candidates thereto."

(2) Subsection (3) of section 8 of the said Act is amended by striking out the word "or" at the end of paragraph (*a*) thereof, by adding the word "or" at the end of paragraph (*b*) thereof and by adding thereto the following paragraph:

"(*c*) persons who are, in the opinion of the Board, particularly conversant with the specific subjects of the various examinations."

Explanatory Notes.

Clause 1: The relevant portion of subsection (3) of section 6 at present reads as follows:

"(3) The Board has control over all matters relating to the examination, admission and qualifications of candidates and may, for such purposes, with the approval of the Governor in Council, make rules or regulations prescribing

(*a*) the subjects in which candidates *form* admission as articled pupils, for commissions or for certificates shall be examined;"

Clause 2(1): Subsection (1) at present reads as follows:

"8. (1) The Minister may, upon the recommendation of the Board, appoint qualified persons as special examiners to examine candidates."

(2) Subsection (3) at present reads as follows:

"(3) Persons qualified for appointment as special examiners are

(*a*) Dominion Land Surveyors; *or*

(*b*) provincial land surveyors duly qualified under the laws of the province in which they will preside at examinations to be held therein."

1956, c. 22, s. 2.

3. Section 9 of the said Act is repealed and the following substituted therefor:

Fees to special examiners.

"**9.** Every special examiner, other than a member of the Board, may be paid for the work performed with respect to the preparation of examination papers and to the appraisal of responses of candidates thereto, and for each day on which he presides at an examination such fees as may be fixed by the Treasury Board and his actual living and travelling expenses incurred while away from his normal place of residence."

4. Paragraphs (*a*) to (*c*) of subsection (1) of section 14 of the said Act are repealed and the following substituted therefor:

"(*a*) at the time of making application for a preliminary examination, ten dollars;

(*b*) at the time of making application for examination for a certificate or for a commission, ten dollars;

(*c*) at the time of making application for a supplementary examination, five dollars;"

5. Section 15 of the said Act is repealed and the following substituted therefor:

Preliminary examination.

"**15.** No person shall be admitted as an articled pupil with a Dominion Land Surveyor until he has passed a preliminary examination in the prescribed subjects."

6. Section 18 of the said Act is repealed.

7. Subsection (2) of section 30 of the said Act is repealed and the following substituted therefor:

Means of measurement.

"(2) In any survey under this Act, a Dominion Land Surveyor shall use

(*a*) a measuring tape that has had its true length in terms of the Canadian measure of length determined by National Research Council,

(*b*) a measuring tape that is of a type approved by the Surveyor General and that the Dominion Land Surveyor checks and verifies from time to time with a certified subsidiary measure, or

(*c*) other means of measurement of length or distance authorized by the Surveyor General under the circumstances that he may prescribe."

Clause 3: Section 9 at present reads as follows:

"**9.** Every special examiner, other than a member of the Board, may be paid for each day on which he presides at an examination such *fee* as may be fixed by the Treasury Board and his actual living and travelling expenses incurred while away from his normal place of residence."

Clause 4: The relevant portion of subsection (1) at present reads as follows:

"**14.** (1) Candidates and pupils shall pay the following fees to the Secretary:

(*a*) at the time of making application for a preliminary examination, *one* dollar;

(*b*) at the time of making application for examination for a certificate or for a commission, *two* dollars;

(*c*) *by each successful candidate at a preliminary examination for a certificate thereof, twelve dollars;*"

Clause 5: Section 15 at present reads as follows:

"**15.** (1) *Subject to subsection (2),* no person shall be admitted as an articled pupil with a Dominion Land Surveyor until he has passed a preliminary examination in the prescribed subjects, *has been granted a certificate to that effect and has paid the fee required under paragraph (c) of subsection (1) of section 14.*

(2) Admission as an articled pupil, including the passing of a preliminary examination under the *Dominion Lands Surveys Act,* has the same effect as if the articled pupil had been admitted under this Act."

Clause 6: Section 18 at present reads as follows:

"**18.** Duplicates of articles or of transfers of articles filed under the *Dominion Land Surveys Act* have the same effect as if filed under this Act and service under such articles or transfer of articles may be continued and completed under this Act."

Clause 7: Subsection (2) at present reads as follows:

"(2) In any survey under this Act, a Dominion Land Surveyor shall use

(*a*) a measuring tape that has had its true length in terms of the Canadian measure of length determined by National Research Council, *or*

(*b*) a measuring tape that is of a type approved by the Surveyor General and that the Dominion Land Surveyor checks and verifies from time to time with a certified subsidiary measure *purchased by him from the Secretary.*"

8. The said Act is further amended by adding thereto, immediately after section 42 thereof, the following section:

Co-ordinated Survey Area.

"**42A.** (1) The Minister may establish a Co-ordinated Survey Area within any lands dealt with in this Act or alter any such Area by a notice published in the *Canada Gazette*.

Position of monuments.

(2) Notwithstanding sections 34 to 41, the positions of all new monuments placed and of all monuments that are relevant to the placement of new monuments within a Co-ordinated Survey Area shall be determined by surveyed connection to reference points prescribed for that purpose and shall be expressed in terms of the system of co-ordinates prescribed for the Area, in accordance with the instructions of the Surveyor General."

9. Subsection (2) of section 43 of the said Act is repealed and the following substituted therefor:

Content of plans.

"(2) The plans shall show the direction and length of boundaries and the nature and position of the boundary monuments of the quarter-sections or other parcels of land laid out."

10. Subsection (1) of section 47 of the said Act is repealed and the following substituted therefor:

Resurveys.

"**47.** (1) Public lands may be resurveyed under this Part

(*a*) for the purposes of correcting errors or supposed errors or re-establishing lost monuments; or

(*b*) at the request of the member of Her Majesty's Privy Council for Canada charged with administering the public lands in respect of which the resurvey is to be made."

Clause 8: New. The purpose of this amendment is to permit the integration of all surveys, both boundary and engineering, on the same co-ordinated datum in respect of public lands that are being developed.

Clause 9: Subsection (2) at present reads as follows:

"(2) The plans shall show the direction and length of boundaries, the nature and position of boundary monuments *and the areas* of the quarter-sections or other parcels of land laid out."

Clause 10: Subsection (1) at present reads as follows:

"**47.** (1) Public lands may be resurveyed under this Part for the purposes of correcting errors or supposed errors or *the* re-establishing of lost monuments."

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-49.

An Act to amend the Criminal Code.

Read a first time, Monday, 7th November, 1966.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25130

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, cc. 37, 45; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, cc. 22, 35, 53; 1966, cc. 23, 25.

BILL S-49.

An Act to amend the Criminal Code.

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

1. The *Criminal Code* is amended by adding thereto, immediately after section 267 thereof, the following heading and sections:

"HATE PROPAGANDA.

Advocating genocide.

267A. (1) Every one who advocates or promotes genocide is guilty of an indictable offence and is liable to imprisonment for five years.

"Genocide" defined.

(2) In this section "genocide" includes any of the following acts committed with intent to destroy in whole or in part any group of persons:

(*a*) killing members of the group;

(*b*) causing serious bodily or mental harm to members of the group;

(*c*) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction;

(*d*) deliberately imposing measures intended to prevent births within the group; or

(*e*) forcibly transferring children of the group to another group.

Explanatory Note.

The purpose of this Bill is to give effect to the recommendations for amendments to the *Criminal Code* contained in the report of the Special Committee appointed in January, 1965 to study and report upon the problems related to the dissemination of varieties of "hate propaganda" in Canada.

The new section 267c is supplementary to the recommendations contained in the report of the Special Committee and provides for forfeiture proceedings in relation to hate propaganda similar to the forfeiture proceedings now contained in the *Criminal Code* applicable to obscene publications and crime comics.

Public incitement of hatred.

267B. (1) Every one who, by communicating statements in any public place, incites hatred or contempt against any identifiable group where such incitement is likely to lead to a breach of the peace, is guilty of

(*a*) an indictable offence and is liable to imprisonment for two years; or

(*b*) an offence punishable on summary conviction.

Wilful promotion of hatred.

(2) Every one who, by communicating statements, wilfully promotes hatred or contempt against any identifiable group is guilty of

(*a*) an indictable offence and is liable to imprisonment for two years; or

(*b*) an offence punishable on summary conviction.

Defences.

(3) No person shall be convicted of an offence under subsection (2) where he establishes

(*a*) that the statements communicated were true; or

(*b*) that they were relevant to any subject of public interest, the public discussion of which was for the public benefit, and that on reasonable grounds he believed them to be true.

Forfeiture.

(4) Where a person is convicted of an offence under section 267A or subsection (1) or (2) of this section, anything by means of or in relation to which the offence was committed, upon such conviction, may, in addition to any other punishment imposed, be ordered by the presiding magistrate or judge to be forfeited to Her Majesty in right of the province in which that person is convicted, for disposal as the Attorney General may direct.

Definitions.

(5) In this section,

"Public Place."

(*a*) "public place" includes any place to which the public have access as of right or by invitation, express or implied;

"Identifiable group."

(*b*) "identifiable group" means any section of the public distinguished by colour, race or ethnic origin; and

"Statements."

(*c*) "statements" includes words either spoken or written, gestures, signs or other visible representations.

Warrant of seizure.

267C. (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 hate propaganda, 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 hate propaganda 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 hate propaganda, 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 hate propaganda, 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

(*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 court 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 267A or subsection (1) or (2) of section 267B with respect to those or other copies of the same publication without the consent of the Attorney General.

Definitions.

'Co urt."

(8) In this section,

(*a*) "court" means a county or district court or, in the Province of Quebec

(i) the court of the sessions of the peace, or

(ii) where an application has been made to a district magistrate for a warrant under subsection (1), that district magistrate;

"Genocide."

(*b*) "genocide" has the same meaning as it has in section 267A;

"Hate propaganda."

(*c*) "hate propaganda" means any writing, sign or visible representation that advocates or promotes genocide or the communication of which by any person would constitute an offence under subsection (2) of section 267B; and

"Judge."

(*d*) "judge" means a judge of a court or, in the Province of Quebec, a district magistrate."

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-50.

An Act respecting the armed forces of countries visiting Canada.

Read a first time, Monday, 7th November, 1966.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA 1966

25134

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-50.

An Act respecting the armed forces of countries visiting Canada.

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

SHORT TITLE.

Short title.

1. This Act may be cited as the *Visiting Forces Act*.

INTERPRETATION.

Definitions.

2. In this Act,

"Canadian Forces."

(*a*) "Canadian Forces" means the armed forces of Her Majesty raised by Canada;

"Civil court."

(*b*) "civil court" means a court of ordinary criminal jurisdiction in Canada and includes a court of summary jurisdiction;

"Civil prison."

(*c*) "civil prison" means any prison, gaol or other place in Canada in which offenders sentenced by a civil court in Canada to imprisonment for less than two years can be confined;

"Dependant."

(*d*) "dependant" means, with reference to a member of a visiting force or to a member of the armed forces of a designated state, the spouse of such member or a child of such member depending on him for support;

"Designated state."

(*e*) "designated state" means a state, other than Canada, that is designated under section 4;

"Detention barrack."

(*f*) "detention barrack" means a place designated as such under the *National Defence Act;*

"Penitentiary."

(*g*) "penitentiary" means a penitentiary within the meaning of the *Penitentiary Act*, and includes any prison or place in which a person

Explanatory Notes.

The main purpose of this Bill is to replace the *Visiting Forces (North Atlantic Treaty) Act*, the *Visiting Forces (British Commonwealth) Act* and the *Visiting Forces (United States of America) Act* by a general Act relating to visiting forces, without affecting the existing agreement concerning visiting forces of NATO countries. While it is now legally possible for the Governor in Council to declare a state that is not a party to the latter agreement to be an "associated state" within the meaning of the *Visiting Forces (North Atlantic Treaty) Act*, thus bringing the visiting forces of such state under the provisions of that Act, it may be impractical to do so. This difficulty would be eliminated under a general Act relating to visiting forces as proposed by this Bill.

The Bill also proposes a few minor changes which are indicated in the following notes to the clauses of the Bill. The section references following relate to sections of the *Visiting Forces (North Atlantic Treaty) Act* unless otherwise indicated.

Clause 2: (*a*) to (*i*): 2(*b*) to (*j*)
(*j*): 2(*k*) revised.

The expression "associated state" has been replaced by the expression "designated state" throughout the Bill.

sentenced to imprisonment for two years or more by a civil court having jurisdiction in the place where the sentence is imposed can, for the time being, be confined;

"Service court."

(*h*) "service court" means a court martial and includes the service authorities of a designated state who are empowered by the laws of that state to deal with charges;

"Service prison."

(*i*) "service prison" means a place designated as such under the *National Defence Act;* and

"Visiting force."

(*j*) "visiting force" means any of the armed forces of a designated state present in Canada in connection with official duties, and includes civilian personnel designated under section 4 as a civilian component of a visiting force.

PART I.

Application of Act.

Application of Act.

3. This Act applies in respect of a designated state when the Governor in Council has pursuant to section 4 declared it to be applicable in respect of that state, and it applies in respect of that state only to the extent declared by the Governor in Council pursuant to that section.

Proclamations.

4. The Governor in Council may by proclamation

(*a*) designate any country as a designated state for the purposes of this Act;

(*b*) declare the extent to which this Act is applicable in respect of any designated state;

(*c*) designate civilian personnel as a civilian component of a visiting force; and

(*d*) revoke or amend any designation or declaration made under paragraph (*a*), (*b*) or (*c*).

PART II.

Disciplinary Jurisdiction of Visiting Forces.

Primary right of civil courts to exercise jurisdiction.

5. (1) Except in respect of offences mentioned in subsection (2) of section 6, the civil courts have the primary right to exercise jurisdiction in respect of any act or omission constituting an offence against any law in force in Canada alleged to have been committed by a member of a visiting force or a dependant.

Clause 3: Section 4.

Clause 4: Section 5, paragraph (*c*) is new and paragraph (*d*) is revised to omit the reference to the North Atlantic Treaty Agreement.

Clause 5: Section 6 revised to extend to dependants of members of visiting forces.

Previous trial by service courts.

(2) Where a member of a visiting force or a dependant has been tried by a service court of that visiting force and has been convicted or acquitted, he may not be tried again by a civil court for the same offence.

Jurisdiction of service courts.

6. (1) Subject to this Act, the service authorities and service courts of a visiting force may exercise within Canada in relation to members of that force and dependants all the criminal and disciplinary jurisdiction that is conferred upon them by the law of the designated state to which they belong.

When service courts have primary right to exercise jurisdiction.

(2) With respect to the alleged commission by a member of a visiting force of an offence respecting

(*a*) the property or security of the designated state,

(*b*) the person or property of another member of the visiting force or a dependant, or

(*c*) an act done or anything omitted in the performance of official duty,

the service courts of the visiting force have the primary right to exercise jurisdiction.

Previous trial by civil courts.

(3) Where a member of a visiting force or a dependant has been tried by a civil court and has been convicted or acquitted, he may not be tried again within Canada for the same offence by a service court of that visiting force, but nothing in this subsection prevents that service court from trying within Canada a member of the visiting force or a dependant for any violation of rules of discipline arising from an act or omission that constituted an offence for which he was tried by a civil court.

Trial by court having primary right.

7. (1) Where under sections 5 and 6 a civil court or a service court of a visiting force has the primary right to exercise jurisdiction, the court having such primary right has the right to deal with charges against alleged offenders in the first instance, but such right may be waived in accordance with regulations.

Certificate.

(2) A certificate of the service authorities of a designated state stating that anything alleged to have been done or omitted by a member of a visiting force of that state was or was not done or omitted in the performance of official duty, is receivable in evidence in any civil court and for the purposes of this Act is *prima facie* proof of that fact.

Witnesses.

8. The members of a service court of a visiting force, exercising jurisdiction by virtue of this Act, and witnesses appearing before such a service court, have the like immunities and privileges as a service tribunal exercising jurisdiction under the *National Defence Act* and witnesses appearing before any such service tribunal.

Clause 6: Section 7 but revised to extend to dependants.

Clause 7: Section 8.

Clause 8: Section 9.

Sentences.

9. (1) Where any sentence has been passed by a service court within or without Canada upon a member of the armed forces of a designated state or a dependant thereof, for the purposes of any legal proceedings within Canada

(*a*) the service court shall be deemed to have been properly constituted;

(*b*) its proceedings shall be deemed to have been regularly conducted;

(*c*) the sentence shall be deemed to have been within the jurisdiction of the service court and in accordance with the law of the designated state; and

(*d*) if the sentence has been executed according to the tenor thereof, it shall be deemed to have been lawfully executed.

Detention.

(2) Any member of a visiting force or any dependant who is detained in custody

(*a*) in pursuance of a sentence mentioned in subsection (1), or

(*b*) pending the determination by a service court of a charge brought against him,

shall, for the purposes of any legal proceedings within Canada, be deemed to be in lawful custody.

Certificate.

(3) For the purposes of any legal proceedings within Canada, a certificate under the hand of the officer in command of a visiting force stating that the persons specified in the certificate sat as a service court, is receivable in evidence and is conclusive proof of that fact, and a certificate under the hand of such an officer stating that a member of that force or a dependant is being detained in either of the circumstances described in subsection (2), is receivable in evidence and is conclusive proof of the cause of his detention, but not of his being a member of the visiting force or a dependant.

Arrest.

10. For the purpose of enabling the service authorities and service courts of a visiting force to exercise more effectively the powers conferred upon them by this Act, the Minister of National Defence, if so requested by the officer in command of the visiting force or by the designated state, may from time to time by general or special orders to the Canadian Forces, or any part thereof, direct the officers and men thereof to arrest members of the visiting force or dependants alleged to have been guilty of offences against the law of the designated state and to hand over any person so arrested to the appropriate authorities of the visiting force.

Clause 9: Section 10 revised to extend to dependants.

Clause 10: Section 11 revised to extend to dependants.

Place of incarceration.

11. (1) Where a member of the armed forces of a designated state, or a dependant of any such member, has been sentenced by a service court to undergo a punishment involving incarceration, the incarceration may, at the request of the officer in command of the visiting force of that designated state and in accordance with the regulations, be served wholly or partly in a penitentiary, civil prison, service prison or detention barrack, and the provisions of the *National Defence Act* respecting the carrying out of punishments of incarceration imposed upon officers and men of the Canadian Forces *mutatis mutandis* apply.

Idem.

(2) The Minister of National Defence shall, in accordance with the regulations, and having regard to the nature of the place of incarceration to which the offender would have been committed under the law of the designated state, determine whether the offender's punishment is to be served in whole or in part in a penitentiary, civil prison, service prison or detention barrack.

Police functions.

12. (1) The authority of members of a visiting force to exercise police functions, including the power of arrest, shall be as prescribed in the regulations, but no such regulation shall empower a member of a visiting force to exercise police functions in respect of any person who is not a member of the visiting force or a dependant.

Citizen arrest.

(2) Nothing in subsection (1) shall be construed to prevent a member of a visiting force from exercising the power of arrest given by sections 434, 436 and 437 of the *Criminal Code*.

Application of provisions of *National Defence Act*.

13. (1) Subject to such limitations as may be prescribed in the regulations, subsections (2), (3) and (4) of section 200 of the *National Defence Act* apply in relation to courts martial of a visiting force, except that a person required to give evidence before a court martial of a visiting force may be summoned only by a magistrate or justice of the peace whose authority in that respect shall be exercised in accordance with the regulations.

Idem.

(2) Section 244 of the *National Defence Act* applies to any person duly summoned under subsection (1) as though the court martial before which he is summoned to appear were a court martial within the Canadian Forces.

Firearms and drilling.

14. Members of a visiting force acting in the course of their duties, except civilian personnel,

(*a*) may, if authorized to do so by orders of service authorities of the visiting force, possess and carry explosives, ammunition and firearms; and

(*b*) are not subject to the provisions of the *Criminal Code* relating to unlawful drilling or the making or possessing of explosives.

Clause 11: Section 12 revised to extend to dependants.

Clause 12: (1): Section 13.

(2): *New.*

Clause 13: Section 14.

Clause 14: Section 15.

PART III.

Claims for Personal Injuries and Property Damage.

Claims against designated states.

15. For the purposes of the *Crown Liability Act*,

(*a*) a tort committed by a member of a visiting force while acting within the scope of his duties or employment shall be deemed to have been committed by a servant of the Crown while acting within the scope of his duties or employment;

(*b*) property owned, occupied, possessed or controlled by a visiting force shall be deemed to be owned, occupied, possessed or controlled by the Crown; and

(*c*) a service motor vehicle of a visiting force shall be deemed to be owned by the Crown.

No proceedings lie where pension payable.

16. No proceedings lie against the Crown by virtue of section 15, or against any member of a visiting force who is deemed a servant of the Crown under section 15, in respect of a claim by a member of a visiting force or his personal representative or a dependant arising out of the death, or injury to the person, of the member, if compensation has been paid or is payable by a designated state, or out of any funds administered by an agency of a designated state, for the death or injury.

Enforcement of judgment.

17. A member of a visiting force is not subject to any proceedings for the enforcement of any judgment given against him in Canada in respect of a matter that arose while he was acting within the scope of his duties or employment.

Ships.

18. Except as section 15 may be made applicable by order of the Governor in Council in respect of the ships of any particular designated state, that section does not apply to a claim arising out of or in connection with the navigation, operation or salvage of a ship or the loading, carriage or discharge of a cargo, unless the claim is a claim arising out of death or injury to the person.

Official duty.

19. (1) Where a question that cannot be settled by negotiation between the parties arises under this Part as to whether

(*a*) a member of a visiting force was acting within the scope of his duties or employment, or

Clause 15: Section 16 revised to refer generally to the purposes of the *Crown Liability Act*. Section 16 referred to the "purposes of subsection (1) of section 3" of that Act.

Clause 16: New.

Clause 17: Section 17.

Clause 18: Section 18 revised to permit the application of clause 15 to all claims arising out of the navigation, operation or salvage of a ship, or the loading, discharge or carriage of cargo, in respect of ships of states to be designated by the Governor in Council.

Clause 19: (1): Section 19.

(*b*) a matter in respect of which judgment was given against a member of a visiting force arose while he was acting within the scope of his duties or employment,

the question shall be submitted to an arbitrator appointed in accordance with subsection (2), and for the purposes of this Part the decision of the arbitrator is final and conclusive.

Appointing arbitrator.

(2) An arbitrator shall be appointed for the purposes of this section by agreement between the designated state concerned and Canada from among the nationals of Canada who hold or have held high judicial office, and if the designated state and Canada are unable, within two months, to agree upon the arbitrator, either the designated state or Canada may request any person designated in an agreement with the designated state or acceptable to the designated state and Canada to appoint the arbitrator from among the nationals of Canada who have held high judicial office.

PART IV.

Security Provisions.

Official Secrets Act applicable.

20. Subject to section 21, the *Official Secrets Act* applies and shall be construed as applying in respect of a designated state as though

(*a*) a reference in that Act to "office under Her Majesty" included any office or employment in or under any department or branch of the government of a designated state;

(*b*) a reference in that Act to "prohibited place" included

(i) any work of defence belonging to or occupied or used by or on behalf of a designated state including arsenals, armed forces establishments or stations, factories, dockyards, mines, minefields, camps, ships, aircraft, telegraph, telephone, wireless or signal stations or offices, and places, other than diplomatic premises of designated states, used for the purpose of building, repairing, making or storing any munitions of war or any sketches, plans, models, or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war, and

(ii) any place, not belonging to a designated state, where any munitions of war or any sketches, models, plans or documents

(2): *New.*

Clause 20: Section 20.

relating thereto, are being made, repaired, gotten or stored under contract with, or with any person on behalf of a designated state, or otherwise on behalf of a designated state;

(*c*) a reference in that Act to "safety or interests of the state" or to "interest of the state" or to "public interest" included the safety and security interests of a designated state;

(*d*) a reference in that Act to "contract made on behalf of Her Majesty" included a contract made on behalf of a designated state;

(*e*) the expression "appointed by or acting under the authority of Her Majesty" in that Act included the expression "appointed by or acting under the authority of the government of a designated state"; and

(*f*) a reference in that Act to "any member of Her Majesty's forces" included a member of the visiting force of a designated state.

Exception.

21. Section 13 of the *Official Secrets Act* does not apply in respect of a designated state.

PART V.

Taxation.

Residence or domicile.

22. (1) Where the liability for any form of taxation in Canada depends upon residence or domicile, a period during which a member of a visiting force is in Canada by reason of his being a member of such visiting force shall, for the purpose of such taxation, be deemed not to be a period of residence in Canada and not to create a change of residence or domicile.

Salaries.

(2) A member of a visiting force is exempt from taxation in Canada on the salary and emoluments paid to him as such member by a designated state and in respect of any tangible movable property that is in Canada temporarily by reason of his presence in Canada as such member.

Resident Canadian citizens excepted.

(3) For the purposes of this section, the term "member of a visiting force" does not include a Canadian citizen resident or ordinarily resident in Canada.

Service vehicles.

23. No tax or fee is payable in respect of the licensing or registration of service vehicles of a visiting force or in respect of the use of such vehicles on any road in Canada.

Clause 21: Section 21.

Clause 22: Section 22.

Clause 23: Section 23.

Imports.

24. (1) Subject to the regulations, a visiting force may import into Canada, free of duty and tax, equipment for the visiting force and such quantities of provisions, supplies and other goods for the exclusive use of the visiting force as in the opinion of the Minister of National Revenue are reasonable.

Idem.

(2) The Minister of National Revenue may authorize the import into Canada, free of duty and tax, of goods for use by dependants of members of a visiting force.

Personal effects and motor vehicles.

25. A member of a visiting force may, in accordance with the regulations,

(*a*) at the time of his first arrival to take up service in Canada and at the time of the first arrival of any dependant to join him, import his personal effects and furniture free of duty and tax; and

(*b*) import, free of duty and tax, his private motor vehicle for the personal use of himself and his dependants temporarily, but this paragraph shall not be construed as granting or authorizing the granting of any exemption from taxes or fees in respect of the licensing or the registration of private vehicles or the use of the roads by private vehicles in Canada.

Fuel, oil, etc.

26. Subject to compliance with such conditions as are prescribed by the regulations, no duty or tax is payable on any fuel, oil or lubricants intended for use exclusively in the service vehicles, aircraft or vessels of a visiting force.

PART VI.

Attachments to and from Canadian Forces.

Application of section.

27. (1) The forces, other than Canadian Forces, to which this section applies are the armed forces raised in a country declared by the Governor in Council as a country in respect of which this Part is applicable.

Temporary attachments to Canadian Forces and to forces of another country.

(2) The Governor in Council

(*a*) may attach temporarily to the Canadian Forces a member of another force to which this section applies who is placed at his disposal for the purpose by the service authorities of the country to which the other force belongs; and

(*b*) subject to anything to the contrary in the conditions applicable to his service, may place any member of the Canadian Forces at the

Clause 24: Section 24.

Clause 25: Section 25.

Clause 26: Section 26.

Clause 27: This clause re-enacts the substance of section 6 of the *Visiting Forces (British Commonwealth) Act* but extends the provisions to armed forces raised in any country declared by the Governor in Council to be a country to which Part VI of this Bill is applicable. Section 6 of the former Act now applies in respect only of the United Kingdom, the Commonwealth of Australia, the Dominion of New Zealand and the Union of South Africa.

disposal of the service authorities of another country for the purpose of being attached temporarily by those authorities to a force to which this section applies.

Law applicable to member of force attached to Canadian Forces.

(3) While a member of another force is by virtue of this section attached temporarily to the Canadian Forces, he is subject to the law relating to the Canadian Forces in like manner as if he were a member of the Canadian Forces, and shall be treated and have the like powers of command, punishment and, notwithstanding subsection (1) of section 12, arrest over members of the Canadian Forces as if he were a member thereof of relative rank.

Application of Canadian statutes.

(4) The Governor in Council may direct that, in relation to members of another force to which this section applies, the statutes relating to the Canadian Forces shall apply with such exceptions and subject to such adaptations and modifications as may be specified by the Governor in Council.

Mutual power of command when forces serving together or in combination.

(5) When the Canadian Forces and another force to which this section applies are serving together, whether alone or not,

(*a*) any member of the other force shall be treated and shall have over members of the Canadian Forces the like powers of command as if he were a member of the Canadian Forces of relative rank; and

(*b*) if the forces are acting in combination, any officer of the other force appointed, by agreement between Her Majesty in right of Canada and the government of the country to which that force belongs, to command the combined force, or any part thereof, shall be treated and shall have over members of the Canadian Forces the like powers of command, punishment and arrest, and may be invested with the like authority as if he were an officer of the Canadian Forces of relative rank and holding the same command.

Forces serving together or in combination.

(6) For the purposes of this section, forces shall be deemed to be serving together or acting in combination if and only if they are declared to be so serving or so acting by order of the Governor in Council, and the relative rank of members of the Canadian Forces and of other forces shall be such as may be prescribed by regulations made by the Governor in Council.

PART VII.

MISCELLANEOUS.

Regulations.

28. The Governor in Council may make regulations, not inconsistent with the provisions of this Act, for carrying out the purposes and provisions of this Act.

Repeals.

R.S., c. 283; R.S., c. 285; R.S., c. 284.

29. (1) The *Visiting Forces (British Commonwealth) Act*, the *Visiting Forces (United States of America) Act* and the *Visiting Forces (North Atlantic Treaty) Act* are repealed.

Saving.

(2) The repeal of the *Visiting Forces (North Atlantic Treaty) Act* by this Act shall be deemed not to affect the approval, by section 3 of that Act, of the agreement referred to in that section and the Governor in Council may make regulations, not inconsistent with the provisions of this Act, for carrying out that agreement and for giving effect to the provisions thereof.

Clause 28: Section 27, paragraph (*b*).

Clause 29: (2) The repeal of the *Visiting Forces (North Atlantic Treaty) Act* is not to be construed as affecting the North Atlantic Treaty Agreement. The Governor in Council will continue to have power to make regulations for carrying out that agreement to the extent that such regulations are not inconsistent with the new *Visiting Forces Act.*

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-51.

An Act to amend the Canada Corporations Act to facilitate the incorporation by letters patent of corporations without objects of pecuniary gain.

Read a first time, Monday, 7th November, 1966.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

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1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-51.

An Act to amend the Canada Corporations Act to facilitate the incorporation by letters patent of corporations without objects of pecuniary gain.

R.S., c. 53; 1964-65, c. 52; 1966, c. 25.

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

1964-65, c. 52, s. 43.

1. Subsection (1) of section 144 of the *Canada Corporations Act* is repealed and the following substituted therefor:

Application without objects of gain.

"**144.** (1) The Registrar General of Canada may by letters patent under his seal of office grant a charter to any number of persons, not being fewer than three, who apply therefor, constituting the applicants and any other persons who thereafter become members of the corporation thereby created, a body corporate and politic, without share capital, for the purpose of carrying on, without pecuniary gain to its members, objects, to which the legislative authority of the Parliament of Canada extends, of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character, or the like objects."

1964-65, c. 52, s. 45(1).

2. Paragraphs (*b*) and (*c*) of subsection (1) of section 147 of the said Act are repealed and the following substituted therefor:

"(*b*) section 14 (except paragraph (*t*) of subsection (1) thereof) and subsections (1), (3), (4) and (5) of section 17;

(*c*) sections 18 to 21, subsection (2) and paragraph (*b*) of subsection (3) of section 22, sections 24 to 30, section 40, sections 63 to 72, sections 91, 96, 97, 100 and 104;"

Explanatory Notes.

The purpose of this Bill is to amend the *Canada Corporations Act* to provide an effective alternative to incorporation by special Act for corporations carrying on without pecuniary gain to their members objects of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character or the like objects. The Bill would also provide a means whereby such a corporation, if already incorporated by special Act, can be continued as a letters patent corporation without the necessity of obtaining a special amending Act.

Clause 1: Subsection (1) of section 144 at present reads as follows:

"**144.** (1) The Registrar General of Canada may by letters patent under his seal of office grant a charter to any number of persons, not being fewer than three, who apply therefor, constituting the applicants and any other persons who thereafter become members of the corporation thereby created, a body corporate and politic, without share capital, for the purpose of carrying on *in more than one province of Canada* without pecuniary gain to its members, objects of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character, or the like objects."

Clause 2: The purpose of this amendment is to apply the provisions of Part I relating to a corporate name in an English and French form to a corporation incorporated by letters patent under Part II. The opportunity is taken, at the same time, to correct a reference in paragraph (*b*) of the subsection.

The relevant portion of subsection (1) of section 147 at present reads as follows:

"**147.** (1) The following provisions of Part I apply to corporations to which this Part applies, namely:

(*a*) .....

(*b*) section 14 (except paragraph (*v*) of subsection (1) thereof), and subsections (1), (3), (4) and (5) of section 17;

(*c*) sections 18 to 21, sections 24 to 30, section 40, sections 63 to 72, sections 91, 96, 97, 100 and 104;"

1964-65, c. 52, s. 46.

3. Section 147A of the said Act is repealed and the following substituted therefor:

Annual meetings and reports.

"**147A.** Sections 100, 125 and 140A apply to any corporation without share capital incorporated by special Act of the Parliament of Canada for the purpose of carrying on, without pecuniary gain to its members, objects, to which the legislative authority of the Parliament of Canada extends, of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character, or the like objects.

Bringing corporations under Part II.

147B. (1) A corporation referred to in section 147A may apply for letters patent under Part II if at the time of its application the corporation is carrying on its affairs, and the Registrar General of Canada may issue letters patent continuing it as a corporation under Part II and thereafter Part II applies to the corporation as if it had been incorporated thereunder.

Change of powers, etc.

(2) Where a corporation applies for letters patent under this section, the Registrar General of Canada may, by the letters patent, limit or extend the powers of the corporation, name its directors and change its corporate name, if the applicants so desire.

Application of sections 8 and 9.

(3) Sections 8 and 9 apply in respect of the issue of letters patent authorized under this section."

Clause 3: This amendment is consequential upon the amendment made by clause 1. Section 147A at present reads as follows:

> "**147A.** Sections 100, 125, *125A* and 140A apply to any corporation without share capital incorporated by Special Act of the Parliament of Canada for the purpose of carrying on, without pecuniary gain to its members, *in more than one province of Canada* objects of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character or the like objects."

The purpose of the new section 147B is to permit a corporation without share capital and without pecuniary gain to its members, as described in section 147A, to be continued by letters patent as if it had been incorporated under Part II and not by special Act.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-52.

An Act to incorporate Rainbow Pipe Line Company Limited.

Read a first time, Monday, 7th November 1966.

Honourable Senator HASTINGS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

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1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-52.

An Act to incorporate Rainbow Pipe Line Company Limited.

Preamble.

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

Incorporation.

1. Ross Garstang Gray, one of Her Majesty's Counsel, Duncan Gordon Blair, solicitor, James Gordon Fogo, solicitor, Ronald Gary Belfoi, solicitor, and Douglas Charles Cryderman, solicitor, all of the city of Ottawa in the province of Ontario, and John McCreary Coyne, one of Her Majesty's Counsel, of the village of Rockcliffe Park, in the said province, together with such other persons as become shareholders in the company, are incorporated under the name of Rainbow Pipe Line Company Limited, hereinafter called "the Company".

Corporate name.

Directors.

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

(2) Not less than two-thirds of the directors shall, at all times, be persons resident in Canada and Canadian citizens.

Capital stock.

3. (1) The capital stock of the Company shall consist of

(*a*) six hundred thousand common shares of the par value of ten dollars per share; and

(*b*) one hundred and fifty thousand preferred shares of the par value of one hundred dollars per share.

(2) The Company may by by-law

(*a*) provide for the division of the preferred shares or any part thereof into one or more classes of preferred shares, any such class having such preferences, privileges, rights, restrictions, conditions or limitations whether with regard to dividends, repayment of capital, voting, redemption or purchase for cancellation, the right to convert such shares into shares of any other class whether preferred or common or into securities, or otherwise as in the by-law may be declared, and any such by-law may provide for the issuance of any such class of preferred shares in one or more series; and

(*b*) subdivide or consolidate into shares of smaller or larger par value or reclassify into another or different class of preferred shares any unissued preferred shares and amend, vary, alter or change any of the preferences, privileges, rights, restrictions, conditions or limitations which may have been attached to any unissued preferred shares:

Proviso.

Provided that no such by-law shall be valid or acted upon unless and until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the same, and unless and until a certified copy of such by-law has been filed with the Secretary of State.

Preferred shares in series.

(3) Where in any by-law passed under subsection (2) of this section, provision has been made for the issuance of any class of preferred shares in one or more series, the directors of the Company may from time to time before the issuance of any such shares by resolution prescribe the designation, preferences, privileges, rights, restrictions, conditions or limitations attaching to the shares of each series of such class: Provided that no such resolution shall be valid or acted upon unless and until a certified copy thereof has been filed with the Secretary of State.

Proviso.

Voting.

(4) Except to the extent that such rights may be provided by any by-law enacted under subsection (2) of this section, the holders of preferred shares of any class shall not as such have the right to vote or to receive notice of or to attend any meetings of the shareholders of the Company.

Alteration of preferred shares.

(5) The Company may at any time and from time to time pass a by-law or by-laws whereby the preferences, privileges, rights, restrictions, conditions or limitations which may have been attached to any class or series

of issued preferred shares may be altered, amended or repealed or the application thereof suspended or whereby any class or series of issued preferred shares may be subdivided or consolidated, but no such by-law shall be valid or acted upon unless and until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for the purpose, and unless and until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the holders of the issued and outstanding preferred shares of such class and/or series duly called for considering the same, and unless and until a certified copy of such by-law has been filed with the Secretary of State.

Effect of redemption.

(6) Where, in accordance with any right of redemption or purchase for cancellation reserved in favour of the Company in the provisions attaching to them, preferred shares are redeemed or purchased for cancellation by the Company, they shall be thereby cancelled, and the authorized and the issued capital of the Company shall be thereby decreased.

Insolvency.

(7) Preferred shares shall not be redeemed or purchased for cancellation by the Company if the Company is insolvent or if the redemption or purchase would render the Company insolvent.

Conversion of preferred shares.

(8) Where preferred shares are converted into the same or another number of shares of another class or classes, whether preferred or common, the shares converted thereupon become the same in all respects as the shares of the class or classes respectively into which they are converted and the number of shares of each class affected by the conversion is changed accordingly.

Issued capital unchanged on conversion.

(9) Where preferred shares are converted into another class or other classes of shares, the issued capital of the Company shall not be increased or decreased by the conversion.

Notice of redemption or conversion to be filed.

(10) Where any class of preferred shares is subject to redemption or purchase for cancellation or to conversion into shares of any other class, and such redemption or purchase for cancellation or conversion is effected in any month, notice thereof, setting forth the number of shares of the class redeemed or purchased for cancellation or converted and the number of shares and the class into which conversion is made in that month shall be filed with Secretary of State before the end of the following month.

Subdivision or consolidation of common shares.

(11) The Company may by by-law subdivide or consolidate its common shares into shares of smaller or larger par value but no such by-law shall be valid or acted upon unless and until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the same and unless and until a certified copy of such by-law has been filed with the Secretary of State.

Head office and other offices.

4. (1) The head office of the Company shall be in the city of Calgary, in the province of Alberta, which head office shall be the domicile of the Company in Canada; and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

(2) The Company may, by by-law, change the place where the head office of the Company is to be situate to any other place in Canada.

(3) No by-law for the said purpose shall be valid or acted upon unless and until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the by-law, and a certified copy of such by-law has been filed with the Secretary of State and published in the *Canada Gazette*.

Pipe lines legislation to apply. 1959, c. 46; 1960, c. 9; 1960-61, c. 52; 1963, c. 41, s. 5.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of, the *National Energy Board Act* and any other general legislation relating to pipe lines enacted by Parliament.

Power to construct and operate pipe lines.

6. The Company, subject to the provisions of any general legislation relating to pipe lines enacted by Parliament, may

(*a*) within or outside Canada construct, purchase, lease or otherwise acquire and hold, develop, operate, maintain, control, lease, mortgage, hypothecate, create liens or other security upon, sell, convey or otherwise dispose of and turn to account any and all interprovincial, extra-provincial and/or international pipe lines and all appurtenances relative thereto for the gathering, processing, refining, treating, transmitting, transporting, storing and delivering of any substances capable of being transmitted or transported by pipe line including, without limiting the generality of the foregoing, any natural and artificial gas and oil and hydrocarbons and related substances or any of them and any products or by-products thereof and all works relative thereto for use in connection with the said pipe lines; and buy or otherwise acquire, process, refine, treat, transmit, transport and sell or otherwise dispose of and distribute any substances capable of being transmitted or transported by pipe line including, without limiting the generality of the foregoing, any natural and artificial gas and

oil and hydrocarbons and related substances or any of them and any products or by-products thereof; and own, lease, sell, operate and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype, telegraph and microwave or television communication systems, and, subject to the *Radio Act*, and any other statute relating to radio, microwave or television, own, lease, operate and maintain interstation radio, microwave or television communication facilities;

R.S., c. 233; 1952-53, c. 48; 1953-54, c. 31; 1955, c. 7.

Power to hold land.

(*b*) purchase, hold, lease, sell, improve, exchange or otherwise deal in or with any property, real or personal, movable or immovable, or any interest or rights therein of any kind whatsoever;

Power to acquire hydrocarbons.

(*c*) locate, purchase, lease, acquire by reservation, licence or otherwise and hold, develop and improve, sell, let or otherwise dispose of natural and artificial gas, oil and other hydrocarbons and related substances, or any of them, and any products or by-products thereof and any rights and interests therein;

Power to explore for hydrocarbons.

(*d*) search and prospect for gas, oil and other hydrocarbons and related substances or any of them;

Power to produce hydrocarbons.

(*e*) drill for, extract and produce, store, refine, process, purchase, transport and distribute natural and artificial gas, oil and other hydrocarbons and related substances or any of them or solids and any products or by-products thereof; and

Ancillary powers.

(*f*) exercise as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs (*a*) to (*bb*) inclusive of subsection (1) of section 14 of the *Canada Corporations Act*.

R.S., c. 53; 1964-65, c. 52.

Sections of the *Canada Corporations Act* to apply.

7. The provisions of subsection (2) of section 14, sections 39, 40, 63, 64, 65, 86, 87, 91, 94 and 110 of Part I of the *Canada Corporations Act* apply to the Company:

Proviso.

Provided that wherever in the said sections and subsections the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

Sections of the *Canada Corporations Act* not to apply.

8. Sections 155, 162, 167, 184, 190, 193 and 194 of Part III of the *Canada Corporations Act* shall not be incorporated with this Act.

R.S., c. 53; 1964–65, c. 52. Company not to make a loan to shareholders or directors.

9. (1) The Company shall not make any loan to any of its shareholders or directors or give, whether directly or indirectly, and whether by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase made or to be made by any person of any shares in the Company: Provided that nothing in this section shall be taken to prohibit

Proviso.

(*a*) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company, with a view to enabling or assisting those persons to purchase or erect dwelling houses for their own occupation; and the Company may take, from such employees, mortgages or other securities for the repayment of such loans;

(*b*) the provision by the Company, in accordance with any scheme for the time being in force, of money for the purchase by trustees of fully paid shares in the capital stock of the Company, to be held by, or for the benefit of, employees of the Company, including any director holding a salaried employment or office in the Company; or

(*c*) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company, with a view to enabling those persons to purchase fully paid shares in the capital stock of the Company, to be held by themselves by way of beneficial ownership.

(2) The powers under paragraphs (b) and (c) of subsection (1) of this section shall be exercised by by-law only.

(3) If any loan is made by the Company in violation of the foregoing provisions, all directors and officers of the Company making the same or assenting thereto, shall, until repayment of said loan, be jointly and severally liable to the Company and to its creditors for the debts of the Company then existing or thereafter contracted: Provided that such liability shall be limited to the amount of said loan with interest.

Proviso.

Stock dividends.

10. For the amount of any dividend that the directors may lawfully declare payable in money, they may issue therefor shares of the Company as fully paid up, or they may credit the amount of such dividend on the shares of the Company already issued but not fully paid up, and the liability of the holders of such shares thereon shall be reduced by the amount of such dividend.

Commission on subscription.

11. The Company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares bonds, debentures, debenture stock or other securities of the Company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom.

Proviso.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-53.

An Act to amend the Bank Act and the Quebec Savings Banks Act.

AS PASSED BY THE SENATE, 22nd NOVEMBER 1966.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25251

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-53.

An Act to amend the Bank Act and the Quebec Savings Banks Act.

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

1953-54, c. 48; 1964, c. 10; 1965, c. 7; 1966, c. 7.

1. Section 6 of the *Bank Act* is repealed and the following substituted therefor:

Duration of authority to carry on business.

"**6.** Subject to this Act,

(*a*) if Parliament sits on at least twenty days during the month of December, 1966, the bank may carry on the business of banking until the 1st day of January, 1967, and no longer, and

(*b*) if Parliament does not sit on at least twenty days during the month of December, 1966, the bank may carry on the business of banking until the sixtieth sitting day of Parliament next thereafter, and no longer."

1953-54, c. 41; 1957, c. 12; 1963, c. 27; 1964, c. 10; 1965, c. 7; 1966, c. 7.

2. Section 6 of the *Quebec Savings Banks Act* is repealed and the following substituted therefor:

Duration of authority to carry on business.

"**6.** Subject to this Act,

(*a*) if Parliament sits on at least twenty days during the month of December, 1966, the bank may carry on the business of banking until the 1st day of January, 1967, and no longer, and

(*b*) if Parliament does not sit on at least twenty days during the month of December, 1966, the bank may carry on the business of banking until the sixtieth sitting day of Parliament next thereafter, and no longer."

EXPLANATORY NOTES.

Section 6 of the *Bank Act* at present reads as follows:

"**6.** Subject to this Act,

(*a*) if Parliament sits on at least twenty days during the month of *November*, 1966, the bank may carry on the business of banking until the 1st day of *December*, *1966*, and no longer, and

(*b*) if Parliament does not sit on at least twenty days during the month of *November*, 1966, the bank may carry on the business of banking until the sixtieth sitting day of Parliament next thereafter, and no longer."

Section 6 of the *Quebec Savings Banks Act* at present reads as follows:

"**6.** Subject to this Act,

(*a*) if Parliament sits on at least twenty days during the month of *November*, 1966, the bank may carry on the business of banking until the 1st day of *December*, *1966*, and no longer, and

(*b*) if Parliament does not sit on at least twenty days during the month of *November*, 1966, the bank may carry on the business of banking until the sixtieth sitting day of Parliament next thereafter, and no longer."

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-54.

An Act to amend the Canada Labour (Standards) Code.

Read a first time, Tuesday, 22nd November 1966.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25247

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-54.

An Act to amend the Canada Labour (Standards) Code.

1964-65, c. 38.

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

1. The *Canada Labour (Standards) Code* is amended by adding thereto, immediately after Part IV thereof, the following Part:

"PART IVA

MULTI-EMPLOYER EMPLOYMENT.

Definitions. "Employee."

34A. For the purposes of this Part,

(*a*) "employee" means an employee to whom this Act applies who is engaged in a multi-employer employment; and

"Multi-employer employment."

(*b*) "multi-employer employment", as more particularly defined by the regulations, refers to employment in an occupation or trade in which, by the custom of that occupation or trade, any or all employees would in the usual course of a working month be ordinarily employed by more than one employer.

Annual vacation.

34B. Where regulations are made under this Part in respect of annual vacations for any class of employees, an employee in that class is entitled to and shall be granted, notwithstanding anything in Part III, annual vacation with pay, or pay in lieu thereof, in accordance with the regulations.

Explanatory Notes.

The purpose of this Bill is to make provision for general holidays and annual vacations in respect of employment within the jurisdiction of Parliament that is not now covered by Parts III and IV of the *Canada Labour* (*Standards*) *Code* because the employment is customarily provided for the benefit of a number of separate employers.

This "multi-employer employment" arises particularly in the stevedoring industry at the present time. In that industry there are a number of instances where the stevedores are engaged as required by a number of employers on the call of each employer or as arranged through manning depots. There is not, therefore, sufficient continuity of employment by any one employer for the purposes of the general holiday and annual vacation provisions of the Code.

Entitlement to pay in lieu of holidays.

34c. Where regulations are made under this Part in respect of general holidays for any class of employees, an employee in that class, notwithstanding anything in Part IV,

(*a*) is entitled to and shall be granted an amount in lieu of general holidays as prescribed by the regulations; and

(*b*) in respect of any general holiday on which he is required to work, is entitled to and shall be paid for the time worked by him on that day, at a rate of wages not less than the rate prescribed by the regulations.

Regulations.

34d. (1) The Governor in Council may make regulations

(*a*) defining more particularly the expression "multi-employer employment";

(*b*) prescribing the annual vacations with pay, or pay in lieu thereof, that shall be granted to any class of employees;

(*c*) prescribing the minimum rate of wages that an employee shall be paid for time worked by him on a general holiday and prescribing the amount that an employee shall be granted in lieu of general holidays and the manner of computing the same;

(*d*) classifying employees for the purposes of this Part; and

(*e*) respecting any matters for which regulations are deemed necessary to carry out the intent and purpose of Parts III and IV in respect of persons engaged in a multi-employer employment.

Equal treatment.

(2) Regulations made under subsection (1) shall be designed to ensure that the amounts of money paid in accordance therewith to an employee in respect of general holidays or annual vacations, shall, so far as practicable, equal the amounts that the employee would have been entitled to receive in respect thereof had he been employed for a like period by one employer instead of being engaged in a multi-employer employment."

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-55.

An Act to provide relief in certain cases against loss or hardship suffered as a result of interruptions of normal postal services.

Read a first time, Thursday, 15th December, 1966.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

25440

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966.

THE SENATE OF CANADA

BILL S-55.

An Act to provide relief in certain cases against loss or hardship suffered as a result of interruptions of normal postal services.

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 *Postal Services Interruption Relief Act.*

Application for relief to judge.

2. Where, as a result of the interruption of normal postal services which occurred between the 22nd day of July and the 7th day of August, 1965 or any subsequent interruption of normal postal services in Canada of more than forty-eight hours' duration however caused, a person has suffered loss or hardship by reason of his failure to comply with any time requirement or period of limitation contained in any law of Canada, he may, on fourteen days' notice in writing to the Deputy Attorney General of Canada and to any other person who he has reason to believe may be affected by any order made pursuant to section 3 as a result of an application by him under this section, apply to a judge of the Exchequer Court of Canada for relief.

Making of order.

3. If the judge to whom an application under section 2 is made is satisfied

(*a*) that the applicant has suffered loss or hardship as a result of any interruption described in that section,

(*b*) that the applicant took such reasonable steps as were open to him to comply with the time requirement or period of limitation without avail, and

(*c*) that the application was made without undue delay,

he may, after affording to any person who may be affected by any order made pursuant to this section as a result of the application, an opportunity to be heard on the application or to make representations in connection therewith, and subject to such conditions, if any, as to him seem just,

(*d*) make an order waiving the time requirement or period of limitation in relation to the applicant and fixing such other time requirement or period of limitation in relation thereto as in his opinion the circumstances warrant, and

(*e*) make such further order as, in his opinion, is necessary to permit the applicant effectively to do any thing or exercise any right that he would have been able to do or exercise if he had not failed to comply with the time requirement or period of limitation, including, where the time requirement or period of limitation with which the applicant failed to comply relates to the commencement or carrying on of any proceeding authorized or provided for under any law of Canada, such order as he considers necessary to enable the proceeding to be commenced and continued or to be carried on as though the applicant had not failed to comply with that time requirement or period of limitation.

Directions as to notice.

4. (1) Where the judge to whom an application under section 2 is made is of the opinion that public notice of the hearing of the application should be given in order that it may be brought to the attention of any person who may be affected by any order made pursuant to section 3 as a result of the application, he may, at any time before disposing of the application, direct the applicant to give public notice of the hearing in such form and manner as the judge deems fit.

Idem.

(2) Where pursuant to subsection (1) a judge has directed that public notice of the hearing of an application be given, the judge may from time to time thereafter give such further directions as he considers necessary or desirable in order that any person to whose attention the notice is intended to be brought may be afforded an opportunity to be heard on the application or to make representations in connection therewith.

First Session, Twenty-Seventh Parliament, 14-15 Elizabeth II, 1966-67.

THE SENATE OF CANADA

BILL S-56.

An Act to implement agreements for the avoidance of double taxation with respect to income tax between Canada and Trinidad and Tobago, Canada and Ireland, Canada and Norway and Canada and the United Kingdom, and to implement a supplementary income tax convention between Canada and the United States of America.

Read a first time, Tuesday, 31st January, 1967.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25633

1st Session, 27th Parliament, 14-15 Elizabeth II, 1966-67.

THE SENATE OF CANADA

BILL S-56.

An Act to implement agreements for the avoidance of double taxation with respect to income tax between Canada and Trinidad and Tobago, Canada and Ireland, Canada and Norway and Canada and the United Kingdom, and to implement a supplementary income tax convention between Canada and the United States of America.

PART I.

Canada - Trinidad and Tobago Income Tax Agreement.

Short title of Part I.

1. This Part may be cited as the *Canada - Trinidad and Tobago Income Tax Agreement Act, 1967*.

Agreement approved.

2. (1) The Agreement entered into between the Government of Canada and the Government of Trinidad and Tobago, set out in Schedule I, is approved and declared to have the force of law in Canada, during such period as by its terms, the Agreement is in force.

Inconsistent laws.

(2) In the event of any inconsistency between the provisions of this Part, or the Agreement, and the operation of any other law, the provisions of this Part and the Agreement prevail to the extent of the inconsistency.

Orders and regulations.

(3) The Minister of National Revenue may make such orders and regulations as are necessary for the purpose of carrying out the Agreement or for giving effect to any of the provisions thereof.

Promulgation of dates.

3. Notice of the day the Agreement comes into force and of the day the Agreement ceases to be effective shall be given by proclamation of the Governor in Council published in the *Canada Gazette*.

PART II.

CANADA - IRELAND INCOME TAX AGREEMENT.

Short title of Part II.

4. This Part may be cited as the *Canada-Ireland Income Tax Agreement Act, 1967*.

Agreement approved.

5. (1) The Agreement entered into between the Government of Canada and the Government of Ireland, set out in Schedule II, is approved and declared to have the force of law in Canada during such period as, by its terms, the Agreement is in force.

Inconsistent laws.

(2) In the event of any inconsistency between the provisions of this Part, or the Agreement, and the operation of any other law, the provisions of this Part and the Agreement prevail to the extent of the inconsistency.

Orders and regulations.

(3) The Minister of National Revenue may make such orders and regulations as are necessary for the purpose of carrying out the Agreement or for giving effect to any of the provisions thereof.

Promulgation of dates.

6. Notice of the day the Agreement comes into force and of the day the Agreement ceases to be effective shall be given by proclamation of the Governor in Council published in the *Canada Gazette*.

PART III.

CANADA - NORWAY INCOME TAX CONVENTION.

Short title of Part III.

7. This Part may be cited as the *Canada - Norway Income Tax Convention Act, 1967*.

Convention approved.

8. (1) The Convention entered into between the Government of Canada and the Government of the Kingdom of Norway, set out in Schedule III, is approved and declared to have the force of law in Canada during such period as, by its terms, the Convention is in force.

Inconsistent laws.

(2) In the event of any inconsistency between the provisions of this Part, or the Convention, and the operation of any other law, the provisions of this Part and the Convention prevail to the extent of the inconsistency.

Orders and regulations.

(3) The Minister of National Revenue may make such orders and regulations as are necessary for the purpose of carrying out the Convention or for giving effect to any of the provisions thereof.

Promulgation of dates.

9. Notice of the day the Convention comes into force and of the day the Convention ceases to be effective shall be given by proclamation of the Governor in Council published in the *Canada Gazette*.

PART IV.

Canada - United Kingdom Income Tax Agreement.

Short title of Part IV.

10. This Part may be cited as the *Canada-United Kingdom Income Tax Agreement Act, 1967*.

Agreement approved.

11. (1) The Agreement entered into between the Government of Canada and the Government of the United Kingdom of Great Britain and Northern Ireland, set out in Schedule IV, is approved and declared to have the force of law in Canada during such period as, by its terms, the Agreement is in force.

Inconsistent laws.

(2) In the event of any inconsistency between the provisions of this Part, or the Agreement, and the operation of any other law, the provisions of this Part and the Agreement prevail to the extent of the inconsistency.

Orders and regulations.

(3) The Minister of National Revenue may make such orders and regulations as are necessary for the purpose of carrying out the Agreement or for giving effect to any of the provisions thereof.

Promulgation of dates.

12. Notice of the day the Agreement comes into force and of the day the Agreement ceases to be effective shall be given by proclamation of the Governor in Council published in the *Canada Gazette*.

PART V.

Supplementary Income Tax Convention Between Canada and the United States.

Supplementary Convention approved.

13. The Supplementary Convention entered into between the Government of Canada and the Government of the United States of America, set out in Schedule V, is approved and declared to have the force of law in Canada during such period as the Convention and Protocol set out in the Schedule to the *Canada—United States of America Tax Convention Act, 1943*, continue in force.

Promulgation of date.

14. Notice of the day the Supplementary Convention comes into force shall be given by proclamation of the Governor in Council published in the *Canada Gazette*.

SCHEDULE I.

AN AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF TRINIDAD AND TOBAGO WITH RESPECT TO TAXES ON INCOME, FOR THE AVOIDANCE OF DOUBLE TAXATION, THE PREVENTION OF FISCAL EVASION, AND THE ENCOURAGEMENT OF INTERNATIONAL TRADE AND INVESTMENT

The Government of Canada and the Government of Trinidad and Tobago desiring to conclude an Agreement with respect to taxes on income, for the avoidance of double taxation, the prevention of fiscal evasion, and the encouragement of international trade and investment have agreed as follows:

Article I.

(1) The taxes which are the subject of this Agreement are—

(*a*) in Trinidad and Tobago:
the corporation tax and the income tax which are imposed by the Government of Trinidad and Tobago;

(*b*) in Canada:
the income taxes, including the old age security tax on income, which are imposed by the Government of Canada.

(2) This Agreement shall also apply to any identical or substantially similar taxes which are imposed after the date of signature of this Agreement in addition to, or in place of, the existing taxes by either Government.

Article II.

(1) In this Agreement unless the context otherwise requires:

(*a*) the term "Trinidad and Tobago" means the country of Trinidad and Tobago and the territorial waters thereof and when used in a geographical sense means the island of Trinidad and the island of Tobago and their dependencies;

(*b*) the terms "one of the Contracting States" and "the other Contracting State" mean Trinidad and Tobago or Canada as the context requires;

(*c*) the term "person" includes individuals, companies and all other entities which are treated as taxable units under the taxation laws in force in either Contracting State;

(*d*) the term "company" means any body corporate or any entity which is treated as a body corporate for tax purposes;

(*e*) the terms "enterprise of one of the Contracting States" and "enterprise of the other Contracting State" mean respectively an enterprise carried on by a resident of one of the Contracting States and an enterprise carried on by a resident of the other Contracting State; the terms "Trinidad and Tobago enterprise" and "Canadian enterprise" mean respectively an enterprise carried on by a resident of Trinidad and Tobago and an enterprise carried on by a resident of Canada;

(*f*) the term "national" means all individuals possessing the nationality of one of the Contracting States and all legal persons, partnerships and associations deriving their status as such from the law in force in that Contracting State;

(*g*) the term "international traffic" includes traffic between places in one country in the course of a voyage which extends over more than one country;

(*h*) the term "taxation authorities" means in the case of Trinidad and Tobago the Minister of Finance or his authorized representative and in the case of Canada the Minister of National Revenue or his authorized representative;

(*i*) the term "Trinidad and Tobago tax" means tax imposed by Trinidad and Tobago being tax to which this Agreement applies by virtue of Article I; the term "Canadian tax" means tax imposed by Canada being tax to which this Agreement applies by virtue of Article I.

(2) In the application of this Agreement by one of the Contracting States any term which is not defined in this Agreement shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting State relating to the taxes which are the subject of this Agreement.

Article III.

(1) For the purposes of this Agreement the terms "resident of Trinidad and Tobago" and "resident of Canada" mean respectively any person who is resident in Trinidad and Tobago for the purposes of Trinidad and Tobago tax and any person who is resident in Canada for the purposes of Canadian tax, and the terms "resident of one of the Contracting States" and "resident of the other Contracting State" mean any person who is a resident of Trinidad and Tobago or a resident of Canada as the context requires.

(2) Where by reason of the provisions of paragraph (1) an individual is a resident of both Contracting States his status shall be determined in accordance with the following rules—

(*a*) he shall be deemed to be a resident of the Contracting State in which he has a permanent home available to him;

if he has a permanent home available to him in both Contracting States, he shall be deemed to be a resident of the Contracting State with which his personal and economic relations are closest (hereinafter referred to as his centre of vital interests);

(*b*) if the Contracting State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either Contracting State, he shall be deemed to be a resident of the Contracting State in which he has an habitual abode;

(*c*) if he has an habitual abode in both Contracting States or in neither of them, he shall be deemed to be a resident of the Contracting State of which he is a national;

(*d*) if he is a national of both Contracting States or of neither of them, the taxation authorities of the Contracting States shall determine the question by mutual agreement.

(3) Where by reason of the provisions of paragraph (1), a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident of the Contracting State in which its place of effective management is situated.

(4) Nothing in this Agreement shall restrict one of the Contracting States from imposing any of the taxes which are the subject of this Agreement upon a company incorporated in that Contracting State or upon interest, dividends, rents or royalties paid by such a company to a non-resident of that State.

Article IV.

(1) For the purposes of this Agreement, the term "permanent establishment" means a fixed place of business in which the business of the enterprise is wholly or partly carried on.

(2) The term "permanent establishment" shall include especially:

(*a*) a place of management;
(*b*) a branch;
(*c*) a store;
(*d*) an office;
(*e*) a warehouse;
(*f*) a factory;
(*g*) a workshop;
(*h*) a mine, quarry or other place of extraction of natural resources;
(*i*) a building site or construction or assembly project which exists for more than six months.

(3) The term "permanent establishment" shall not be deemed to include:

(*a*) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;

(*b*) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;

(*c*) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;

(*d*) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information, for the enterprise;

(*e*) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise.

(4) An enterprise of one of the Contracting States shall be deemed to have a permanent establishment in the other Contracting State if it carries on the activity of providing the services within that other Contracting State of public entertainers or athletes referred to in paragraph (5) of Article XI.

(5) A person acting in one of the Contracting States on behalf of an enterprise of the other Contracting State—other than an agent of an independent status to whom paragraph (6) applies—shall be deemed to be a permanent establishment in the first-mentioned State

(*a*) if he has, and habitually exercises in that first-mentioned State, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise, or

(*b*) if he maintains in that first-mentioned State a stock of goods or merchandise belonging to the enterprise from which he habitually fills orders or makes deliveries on behalf of the enterprise.

(6) An enterprise of one of the Contracting States shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business in that other State through a broker, general commission agent or any other agent of an independent status, where such persons are acting in the ordinary course of their business.

(7) The fact that a company which is a resident of one of the Contracting States controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

Article V.

(1) Industrial or commercial profits of a Trinidad and Tobago enterprise shall be exempt from Canadian tax unless the enterprise carries on business in Canada through a permanent establishment

situated therein. If the enterprise carries on business as aforesaid, tax may be imposed by Canada on the industrial or commercial profits of the enterprise but only on so much of them as is attributable to that permanent establishment.

(2) Industrial or commercial profits of a Canadian enterprise shall be exempt from Trinidad and Tobago tax unless the enterprise carries on business in Trinidad and Tobago through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, tax may be imposed by Trinidad and Tobago on the industrial or commercial profits of the enterprise but only on so much of them as is attributable to that permanent establishment.

(3) Where an enterprise of one of the Contracting States carries on business in the other Contracting State through a permanent establishment situated therein, there shall be attributed to that permanent establishment the industrial or commercial profits which it might be expected to make 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) In determining the industrial or commercial profits of an enterprise of one of the Contracting States which are taxable in the other Contracting State in accordance with the previous paragraphs of this Article, there shall be allowed as deductions all expenses of the enterprise (including executive and general administrative expenses) which would be deductible if the permanent establishment were an independent enterprise and which are reasonably connected with the profits so taxable, whether such expenses were incurred in the Contracting State in which the permanent establishment is situated or elsewhere.

(5) No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

(6) The term "industrial or commercial profits" means income derived by an enterprise from the conduct of a trade or business but it does not include dividends, interest, royalities or rents other than dividends, interest, royalties or rents effectively connected with a trade or business carried on through a permanent establishment which an enterprise of one of the States has in the other State; nor does the term include remuneration for personal (including professional) services.

Article VI.

A resident of one of the Contracting States shall be exempt from tax in the other Contracting State on profits from the operation of ships or aircraft in international traffic.

ARTICLE VII.

Where

(*a*) an enterprise of one of the Contracting States participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or

(*b*) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the Contracting States and an enterprise of the other Contracting State, and

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 those conditions would have accrued to one of the enterprises but by reason of those conditions have not so accrued may be included in the profits of that enterprise and taxed accordingly.

ARTICLE VIII.

(1) The rate of tax imposed by one of the Contracting States on dividends paid or credited by a company which is a resident of that Contracting State to a resident of the other Contracting State shall not exceed 15 per cent.

(2) The provisions of paragraph (1) shall not apply if the person to whom the dividend is paid or credited has in the Contracting State of which the company paying the dividends is a resident a permanent establishment with which the holding by virtue of which the dividends are paid is effectively connected. In such a case, the provisions of Article V shall apply.

(3) Where a company which is a resident of one of the Contracting States derives profits or income from sources within the other Contracting State, that other State may not impose any tax on the dividends paid by the company to persons who are not residents of that other State or subject the company's undistributed profits to a tax on undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

(4) Subject to the provisions of paragraph (4) of Article IX of this Agreement—

(*a*) the term "dividends" in the case of Trinidad and Tobago includes any item which under the law of Trinidad and Tobago is treated as a distribution;

(*b*) the term "dividends" in the case of Canada includes any item which under the law of Canada is treated as a dividend.

(5) Notwithstanding paragraphs (3) and (4) where a company which is a resident of one of the Contracting States, having a permanent establishment in the other Contracting State, derives profits or income

from that permanent establishment, any remittances of such profits by the permanent establishment to a resident of the first-mentioned State may be taxed in accordance with the laws of the other Contracting State, but in no case shall the rate of such tax exceed 15 per cent.

Article IX.

(1) The rate of tax imposed by one of the Contracting States on interest arising in that Contracting State and paid to a resident of the other Contracting State shall not exceed 15 per cent.

(2) The provisions of paragraph (1) shall not apply if the person to whom the interest is paid or credited has in the Contracting State in which the interest arises, a permanent establishment with which the debt-claim from which the interest arises is effectively connected. In such a case, the provisions of Article V shall apply.

(3) Where, owing to a special relationship between the payer and the recipient, or between both of them and some other person, the amount of the interest paid exceeds the amount which would have been agreed upon by the payer and recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount.

(4) Any provision in the law of either of the Contracting States relating only to interest paid to a non-resident company shall not operate so as to require such interest paid to a company which is a resident of the other Contracting State to be treated as a distribution of the company paying such interest unless the interest is paid

(i) by a company in which the amount owing in respect of long-term liabilities at any time in the year in which the interest was paid exceeds the amount of the shareholders' equity at that time, or

(ii) to a company which is a resident of one of the Contracting States and more than 50 per cent of whose voting power is controlled, directly or indirectly, by a person or persons resident in the other Contracting State, or

(iii) in a case where the taxation authorities of the Contracting State where the company paying the interest is resident is satisfied that, owing to a special relationship between the payer and the recipient or between both of them and some other person, such interest arises from arrangements made, or conditions imposed, for the avoidance of tax.

Article X.

(1) The rate of tax imposed by one of the Contracting States on royalties arising in that Contracting State and paid or credited to a resident of the other Contracting State shall not exceed 15 per cent.

(2) The term "royalties" as used in this Article means any royalties, rentals or other amounts paid as consideration for the use of, or the right to use copyrights, patents, designs or models, plans, secret processes or formulae, trade-marks or other like property or rights, or for industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience, and includes any royalty or like payment in respect of motion picture films and films or video tapes for use in connection with television or tapes for use in connection with radio, but does not include royalties or other amounts paid in respect of the operations of mines or quarries or of the extraction or removal of natural resources.

(3) Notwithstanding paragraph (1) copyright royalties and other like payments in respect of the production or reproduction of any literary, dramatic, musical or artistic work (excluding royalties and like payments in respect of motion picture films and films or video tapes for use in connection with television and tapes for use in connection with radio) arising in one of the Contracting States and paid or credited to a resident of the other Contracting State shall be exempt from tax in the first-mentioned State.

(4) The provisions of paragraphs (1) and (3) shall not apply if the person to whom the royalties are paid or credited has in the Contracting State in which the royalties arise a permanent establishment with which the right or property giving rise to the royalties is effectively connected. In such a case, the provisions of Article V shall apply.

(5) Where, owing to a special relationship between the payer and the recipient, or between both of them and some other person, the amount of the royalties paid exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount.

Article XI.

(1) Salaries, wages and other similar remuneration (other than remuneration to which Articles XII and XIV apply) derived by a resident of one of the Contracting States in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

(2) Notwithstanding the provisions of paragraph (1) remuneration derived by a resident of one of the Contracting States in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:

(*a*) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in the calendar year concerned, and

(*b*) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State, and

(*c*) the remuneration is not borne by a permanent establishment which the employer has in the other State, and

(*d*) the remuneration earned in the other State in the calendar year concerned does not exceed five thousand Canadian dollars ($5,000) or its equivalent in Trinidad and Tobago dollars.

(3) Notwithstanding the preceding provisions of this Article, remuneration in respect of an employment exercised aboard a ship or aircraft in international traffic may be taxed in the Contracting State in which the person operating the ship or aircraft is resident.

(4) In relation to remuneration of a director of a company derived from the company the preceding provisions of this Article shall apply as if the remuneration were remuneration of an employee in respect of an employment and as if references to employers were references to the company.

(5) Notwithstanding the provisions of paragraphs (1) and (2), income derived by public entertainers, such as theatre, motion picture, radio or television artistes, and musicians, and by athletes, from their personal activities as such may be taxed in the Contracting State in which these activities are exercised.

Article XII.

(1) Remuneration (other than pensions) paid by one of the Contracting States or any political subdivision thereof to any individual for services rendered to it in the discharge of government functions shall be exempt from tax in the other Contracting State if the individual is present in that State solely for the purpose of rendering those services.

(2) This Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting States or any political subdivision thereof for purposes of profit.

Article XIII.

Any pension or annuity derived from sources within one of the Contracting States by an individual who is a resident of the other Contracting State shall be exempt from tax in the first-mentioned State.

Article XIV.

(1) A professor or teacher who visits one of the Contracting States for a period not exceeding two years for the purpose of teaching at a university, college, school or other educational institution in that State and who is, or was, immediately before that visit, a resident of the other Contracting State shall be exempt from tax in the first-mentioned State on any remuneration for such teaching.

(2) The provisions of paragraph (1) shall not apply where the services of a professor or teacher are performed under the terms of an agreement or contract, entered into with the Government of the country where the services are performed, which makes special provisions respecting their terms of employment.

ARTICLE XV.

A student or business apprentice, who is, or was, immediately before visiting one of the Contracting States a resident of the other Contracting State and is present in the first-mentioned State solely for the purpose of his education or training shall not be taxed in that first-mentioned State on payments which he receives for the purpose of his maintenance, education, or training provided that such payments are made to him from sources outside that first-mentioned State.

ARTICLE XVI.

(1) Subject to the provisions of the law of Trinidad and Tobago regarding the allowance as a credit against Trinidad and Tobago tax of tax payable in a territory outside Trinidad and Tobago (which shall not affect the general principle hereof) Canada tax payable in respect of income from sources within Canada shall be deducted from any Trinidad and Tobago tax payable in respect of that income.

(2) Subject to the provisions of the law of Canada regarding the deduction from tax payable in Canada of tax paid in a territory outside Canada (which shall not affect the general principle hereof), Trinidad and Tobago tax payable in respect of income from sources within Trinidad and Tobago shall be deducted from any Canadian tax payable in respect of that income.

(3) For the purposes of this Article profits or remuneration for personal (including professional) services performed in one of the Contracting States shall be deemed to be income from sources within that State, and the services of an individual whose services are wholly or mainly performed in ships or aircraft operated in international traffic by a resident of one of the Contracting States shall be deemed to be performed in that State.

ARTICLE XVII.

(1) The nationals of one of the Contracting States shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which the nationals of the last-mentioned State in the same circumstances are or may be subjected.

(2) The taxation on a permanent establishment which an enterprise of one of the Contracting States has in the other Contracting State

shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities.

(3) Nothing in this Article shall be construed—

(*a*) as obliging one of the Contracting States to grant to residents of the other Contracting State those personal allowances and reliefs for tax purposes which are by law available only to residents of the first-mentioned State;

(*b*) as preventing one of the Contracting States from imposing on the profits attributable to a permanent establishment in that State of a company which is a resident of the other Contracting State, tax in addition to the tax which would be chargeable on those profits if they were the profits of a company which was a resident of that State, provided that any additional tax so imposed shall not be at a rate exceeding 15 per cent of the amount of those profits after deducting therefrom all other taxes chargeable on income or profits in that State, and an allowance in respect of net annual increases in its capital investment in property in that State.

(4) In this Article the term "taxation" means taxes which are the subject of this Agreement.

Article XVIII.

(1) Where a resident of one of the Contracting States considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with this Agreement, he may, notwithstanding the remedies provided by the laws of those States, present his case to the taxation authorities of the Contracting State of which he is a resident.

(2) The taxation authorities shall endeavour, if the objection appears to them to be justified and if they are not themselves able to arrive at an appropriate solution, to resolve that case by mutual agreement with the taxation authorities of the other Contracting State, with a view to the avoidance of taxation not in accordance with this Agreement.

(3) The taxation authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of this Agreement. They may also consult together for the purpose of endeavouring to eliminate double taxation in cases not provided for in this Agreement.

(4) The taxation authorities of the Contracting States may communicate directly with each other for the purposes of this Article.

Article XIX.

The taxation authorities of the Contracting States shall, upon request, exchange such information (being information which is at their

disposal under their respective taxation laws in the normal course of administration) as is necessary for carrying out the provisions of this Agreement or for the prevention of fraud or for the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of this Agreement. Any information so exchanged shall be treated as secret and shall not be disclosed to persons other than persons (including a court or administrative tribunal) concerned with the assessment, collection, enforcement or prosecution in respect of the taxes which are the subject of this Agreement. No information as aforesaid shall be exchanged which would disclose any trade, business, industrial or professional secret or trade process.

ARTICLE XX.

(1) This Agreement shall come into force on the date when the last of all such things shall have been done in Trinidad and Tobago and Canada as are necessary to give the Agreement the force of law in Trinidad and Tobago and Canada respectively, and shall thereupon have effect—

(*a*) in Trinidad and Tobago—

(i) in respect of tax withheld at the source on amounts paid, credited or remitted to non-residents on or after January 1, 1966;

(ii) in respect of other Trinidad and Tobago tax for the year of income commencing January 1, 1966 and subsequent years of income;

(*b*) in Canada—

(i) in respect of tax withheld at the source on amounts paid or credited to non-residents on or after January 1, 1966;

(ii) in respect of other Canadian tax, for the 1967 taxation year and subsequent taxation years.

ARTICLE XXI.

(1) This Agreement shall continue in effect indefinitely but either of the Contracting Governments may, on or before June 30 in any calendar year after the year 1967 give notice of termination to the other Contracting Government and, in such event, this Agreement shall not be effective—

(*a*) in Trinidad and Tobago—

(i) in respect of tax withheld at the source on amounts paid, credited or remitted to non-residents on or after January 1 in the calendar year next following that in which the notice is given; and

(ii) in respect of other Trinidad and Tobago tax for any year of income commencing in or after the calendar year next following that in which notice is given;

(*b*) in Canada—

(i) in respect of tax withheld at the source on amounts paid or credited to non-residents on or after January 1 in the calendar year next following that in which the notice is given; and

(ii) in respect of other Canadian tax for any taxation year commencing in or after the calendar year next following that in which the notice is given.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Agreement.

DONE at Washington this 28th day of September, 1966, in two copies in the English and French languages, both versions being equally authentic.

FOR THE GOVERNMENT OF CANADA

MITCHELL W. SHARP

FOR THE GOVERNMENT OF TRINIDAD AND TOBAGO

ARTHUR N. R. ROBINSON

SCHEDULE II.

AN AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF IRELAND 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 Ireland, desiring to conclude an Agreement 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 Agreement are:—
   (*a*) in Canada:
   the income taxes, including the old age security tax on income, which are imposed by the Government of Canada (hereinafter referred to as "Canadian tax").
   (*b*) in Ireland:
   the income tax, including sur-tax, and the corporation profits tax (hereinafter referred to as "Irish tax").

2. This Agreement shall also apply to any identical or substantially similar taxes which are subsequently imposed by either Contracting Government in addition to, or in place of the existing taxes.

Article II.

1. In this Agreement, unless the context otherwise requires:
   (*a*) The terms "one of the territories" and "the other territory" mean Ireland or Canada, as the context requires.
   (*b*) The term "tax" means Irish 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" includes any body corporate.
   (*e*) The terms "resident of Ireland" and "resident of Canada" mean respectively any person who is resident in Ireland for the purposes of Irish tax and not resident in Canada for the purposes of Canadian tax and any person who is resident in Canada for the purposes of Canadian tax and not resident in Ireland for the purposes of Irish tax; a company shall be regarded as resident in Ireland if its business is managed and controlled in Ireland and as resident in Canada if its business is managed and controlled in Canada. Provided that nothing in this paragraph

shall affect any provisions of the law of Ireland regarding the imposition of corporation profits tax in the case of a company incorporated in Ireland and not managed and controlled in Canada.

(*f*) The terms "resident of one of the territories" and "resident of the other territory" mean a person who is a resident of Ireland or a person who is a resident of Canada, as the context requires.

(*g*) The terms "Irish enterprise" and "Canadian enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of Ireland and an industrial or commercial enterprise or undertaking carried on by a resident of Canada; and the terms "enterprise of one of the territories" and "enterprise of the other territory" mean an Irish enterprise or a Canadian enterprise, as the context requires.

(*h*) The term "permanent establishment" means a fixed place of business in which the business of an enterprise is wholly or partly carried on

(i) The term "permanent establishment" shall include especially:

(a) a place of management;
(b) a branch;
(c) an office;
(d) a factory;
(e) a workshop;
(f) a mine, quarry or other place of extraction of natural resources;
(g) a building site or construction or assembly project which exists for more than twelve months.

(ii) The term "permanent establishment" shall not be deemed to include:

(a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;
(b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
(c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
(d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or for collecting information, for the enterprise;

(e) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character for the enterprise.

(iii) A person acting in one of the territories on behalf of an enterprise of the other territory—other than an agent of an independent status to whom clause (iv) applies—shall be deemed to be a permanent establishment in the first-mentioned territory—

(a) if he has, and habitually exercises in that first-mentioned territory, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise, or

(b) if he maintains in that first-mentioned territory a stock of goods or merchandise belonging to the enterprise from which he regularly fills orders on behalf of the enterprise.

(iv) 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 in that other territory through a broker, general commission agent or any other agent of an independent status, where such person is acting in the ordinary course of his business.

(v) The fact that a company which is a resident of one of the territories controls or is controlled by a company which is a resident of the other territory, or which carries on business in that other territory (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

(vi) The term "international traffic" includes traffic between places in one country in the course of a voyage which extends over more than one country.

2. The term "industrial or commercial profits", as used in this Agreement, does not include income in the form of dividends, interest, rents or royalties, management charges, or remuneration for labour or personal services.

3. In the application of the provisions of this Agreement by one of the Contracting Governments any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting Government relating to the taxes which are the subject of this Agreement.

Article III.

1. The industrial or commercial profits of an Irish enterprise shall not be subject to Canadian tax unless the enterprise carries on business in Canada through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, tax may be imposed in Canada on those profits but only on so much of them as is attributable to that permanent establishment.

2. The industrial or commercial profits of a Canadian enterprise shall not be subject to Irish tax unless the enterprise carries on business in Ireland through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, tax may be imposed in Ireland on those profits but only on so much of them as is attributable to that permanent establishment.

Provided that where a life assurance company which is a resident of Canada has a permanent establishment in Ireland nothing in this paragraph shall affect any of the provisions of the law of Ireland relating to the taxation of investment income of life assurance companies with head offices outside Ireland, being provisions which (except insofar as they may have been rendered ineffective by virtue of paragraph 2 of Article III of the Agreement between the Government of Ireland and the Government of Canada for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Ottawa on the 28th day of October, 1954) were in force on the date of signature of this Agreement. The foregoing proviso shall not, however, be deemed to involve that the said provisions of the law of Ireland were, or were considered by the Oireachtas to be, different from those provisions as governed by the proviso.

3. Where an enterprise of one of the territories carries on business in the other territory through a permanent establishment situated therein, there shall in each territory be attributed to that permanent establishment the industrial or commercial profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing quite independently with the enterprise of which it is a permanent establishment.

4. In determining the industrial or commercial profits of a permanent establishment, there shall be allowed as deductions all expenses which would be deductible if the permanent establishment were an independent enterprise insofar as they are reasonably allocable to the permanent establishment, including executive and general administrative expenses so deductible and allocable, whether incurred in the territory in which the permanent establishment is situated or elsewhere.

5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

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 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 those conditions would have accrued to one of the enterprises, but, by reason of those conditions have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V.

Profits of an enterprise from the operation of ships or aircraft in international traffic shall be taxable only in the territory in which the place of effective management of the enterprise is situated.

ARTICLE VI.

1. The rate of Canadian tax on income (other than income from carrying on business in Canada or from performing duties in Canada) derived from sources within Canada by a resident of Ireland shall not exceed 15 per cent.

2. Notwithstanding paragraph 1, Canadian tax shall not be imposed on a dividend paid or credited by a company which is a resident of Canada to a company which is a resident of Ireland if

(*a*) at least 95 per cent of the gross revenue of the former company for each of its last three complete taxation years before the day the dividend was paid or credited (or in the case of a company having fewer than three years, for each complete taxation year thereof before that day) was received by it or receivable by it, as the case may be, from non-resident persons as, or in lieu of payment of, dividends or interest, and

(*b*) during the period of three years that ended on the day the dividend was paid or credited the former company did not own any shares in a company that was resident in Canada, and

(*c*) during the period of twelve months that ended on the day the dividend was paid or credited the latter company owned all of the voting stock of the former company (except directors' qualifying shares).

3. Income (other than income from carrying on business in Ireland or from performing duties in Ireland) derived from sources within Ireland by an individual who is a resident of Canada shall be exempt from Irish surtax.

4. Where a company which is a resident of one of the territories derives profits or income from sources within the other territory, the Government of 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 so derived.

Article VII.

1. 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 films or video tapes for use in connection with television) 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.

2. The provisions of paragraph 1 shall not apply if the person deriving the royalty or other payment, being a resident of one of the territories, has in the other territory a permanent establishment with which the right or property giving rise to the royalty or payment is effectively connected.

Article VIII.

1. Income from immovable property may be taxed in the territory in which such property is situated.

2. The term "immovable property" shall be defined in accordance with the laws of the territory in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources; ships, boats and aircraft shall not be regarded as immovable property.

3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

4. The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of professional services.

Article IX.

1. Remuneration (other than pensions) paid by one of the Contracting Governments to any individual for services rendered to that Government in the discharge of governmental functions shall be exempt from tax in the territory of the other Contracting Government if the individual is not ordinarily resident in that territory or is ordinarily resident in that territory solely for the purpose of rendering those services.

2. The provisions of paragraph 1 shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting Governments for purposes of profit.

Article X.

1. Income derived by a resident of one of the territories in respect of professional services or other independent activities of a similar character shall be subjected to tax only in that territory unless he has a fixed base regularly available to him in the other territory for the purpose of performing his activities. If he has such a fixed base, such part of that income as is attributable to that base may be taxed in that other territory.

2. Subject to the provisions of Articles IX, XII and XIII, salaries, wages and other similar remuneration derived by a resident of one of the territories in respect of an employment shall be subjected to tax only in that territory unless the employment is exercised in the other territory. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other territory.

3. Notwithstanding the provisions of paragraph 2, remuneration derived by a resident of one of the territories in respect of an employment exercised in the other territory shall be subjected to tax only in the first-mentioned territory if:

(*a*) the recipient is present in the other territory for a period or periods not exceeding in the aggregate 183 days in the Canadian taxation year or the Irish year of assessment concerned, as the case may be, and

(*b*) the remuneration is paid by or on behalf of an employer who is not a resident of the other territory, and

(*c*) the remuneration is not deducted from the profits of a permanent establishment or a fixed base which the employer has in the other territory.

4. Notwithstanding the preceding provisions of this Article, remuneration in respect of an employment exercised aboard a ship or aircraft in international traffic may be taxed in the territory in which is situated the place of effective management of the enterprise operating the ship or aircraft.

5. Notwithstanding anything contained in this Agreement, income derived by public entertainers, such as theatre, motion picture, radio or television artistes, and musicians, and by athletes, from their personal activities as such may be taxed in the territory in which these activities are exercised.

ARTICLE XI.

1. Any pension or annuity derived from sources within Canada by an individual who is a resident of Ireland shall be exempt from Canadian tax.

2. Any pension or annuity derived from sources within Ireland by an individual who is a resident of Canada shall be exempt from Irish tax.

3. The term "pension" means periodic payments made in consideration of past services.

4. 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.

ARTICLE XII.

An individual from one of the territories who receives remuneration for carrying out advanced study (including research) or for teaching during a period of temporary residence not exceeding two years at a university, college, recognized research institute or other establishment for higher education in the other territory shall be exempt from tax in that other territory in respect of that remuneration.

ARTICLE XIII.

Payments which a student or business apprentice who is or was formerly a resident of one of the territories and who is present in the other territory solely for the purpose of his education or training receives for the purpose of his maintenance, education or training, shall not be taxed in that other territory provided that such payments are made to him from sources outside that other territory.

ARTICLE XIV.

1. Subject to the provisions of the law of Ireland regarding the allowance as a credit against Irish tax of tax payable in a territory outside Ireland, Canadian tax payable under the law of Canada and in accordance with this Agreement, whether directly or by deduction, in respect of income from sources within Canada shall be allowed as a

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credit against any Irish tax payable in respect of that income. Where such income is an ordinary dividend paid by a company which is a resident of Canada such credit shall take into account (in addition to any Canadian income tax deducted from or imposed on such dividend) the Canadian income tax imposed on such company in respect of its profits, and where it is a dividend paid on participating preference shares and representing both a dividend at the fixed rate to which the shares are entitled and an additional participation in profits, such tax on profits shall likewise be taken into account insofar as the dividend exceeds such fixed rate.

2. Subject to the provisions of the law of Canada regarding the allowance as a credit against Canadian tax of tax payable in a territory outside Canada, Irish tax payable under the law of Ireland and in accordance with this Agreement, whether directly or by deduction, in respect of income from sources within Ireland shall be allowed as a credit against any Canadian tax payable in respect of that income. For this purpose the recipient of a dividend paid by a company which is a resident of Ireland shall be deemed to have paid the Irish income tax appropriate to such dividend if such recipient elects to include in his gross income for the purposes of Canadian tax the amount of such Irish income tax. For the purposes only of this Article, income derived from sources in the United Kingdom by an individual who is resident in Ireland shall be deemed to be income from sources in Ireland if such income is not subject to United Kingdom income tax.

3. For the purposes of computing Canadian tax a company resident in Canada, other than a life assurance company or a non-resident-owned investment corporation, shall, unless it is entitled to any greater deduction or relief under the Income Tax Act of Canada, be allowed to deduct in computing its taxable income any dividend paid out of profits granted incentive concessions in Ireland which it receives from a company resident in Ireland provided that the company resident in Canada owns more than 25 per cent of the issued share capital having full voting rights of the company resident in Ireland. For the purpose of this paragraph a "dividend paid out of profits granted incentive concessions in Ireland" means

(*a*) a dividend received from a company resident in Ireland and paid out of profits which were wholly exempted from Irish tax by reason of the provisions of one or more of:—

(i) Parts II and III of the Finance (Miscellaneous Provisions) Act, 1956, (No. 47 of 1956), as amended;

(ii) the Finance (Profits of Certain Mines) (Temporary Relief from Taxation) Act, 1956 (No. 8 of 1956), as amended; and

(iii) Part II of the Finance (Miscellaneous Provisions) Act, 1958 (No. 28 of 1958);

so far as they were in force on, and have not been modified since, the date of signature of this Agreement, or have been modified only in minor respects so as not to affect their general character, or

(*b*) a proportion of a dividend received from a company resident in Ireland, and paid out of profits that were charged to Irish tax at a reduced rate by virtue of one or more of the aforementioned provisions in (i), (ii) and (iii) of sub-paragraph (*a*) of this paragraph, equal to the proportion that the difference between the amount of tax deductible from the dividend and the amount of tax that would have been deductible therefrom, but for the aforementioned provisions, bears to the amount of tax that would have been so deductible.

4. 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 in international traffic operated by an enterprise of one of the territories shall be deemed to be performed in that territory.

Article XV.

1. The taxation authorities of the Contracting Governments shall upon request exchange such information (being information available under the respective taxation laws of the Contracting Governments) as is necessary for carrying out the provisions of this Agreement or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of this Agreement. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those concerned with the assessment and collection of the taxes which are the subject of this Agreement. No information shall be exchanged which would disclose any trade secret or trade process.

2. The taxation authorities of the Contracting Governments may communicate with each other directly for the purpose of giving effect to the provisions of this Agreement and for resolving any difficulty or doubt as to the application or interpretation of the Agreement.

3. As used in this Agreement, the term "taxation authorities" means, in the case of Canada, the Minister of National Revenue or his authorized representative; in the case of Ireland, the Revenue Commissioners or their authorized representative.

Article XVI.

1. The nationals of one of the territories shall not be subjected in the other territory to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which nationals of that other territory in the same circumstances are or may be subjected.

2. The term "nationals" means—

(*a*) in relation to Ireland, all citizens of Ireland and all legal persons, partnerships and associations deriving their status as such from the law in force in Ireland;

(*b*) in relation to Canada, all citizens of Canada and all legal persons, partnerships and associations deriving their status as such from the law in force in Canada.

3. This Article shall not be construed as obliging Ireland to grant to residents of Canada any relief or exemption allowed in accordance with the provisions of the Finance (Profits of Certain Mines) (Temporary Relief from Taxation) Act, 1956 (No. 8 of 1956), as subsequently amended, or part II of the Finance (Miscellaneous Provisions) Act, 1956 (No. 47 of 1956), as subsequently amended.

4. In this Article the term "taxation" means the taxes which are the subject of this Agreement.

Article XVII.

1. This Agreement shall be ratified and the instruments of ratification shall be exchanged at Dublin as soon as possible.

2. The Agreement shall enter into force upon the exchange of instruments of ratification and its provisions shall have effect—

(*a*) in Canada:

(i) in respect of the income tax payable under Part III of the Income Tax Act on amounts paid or credited to non-residents on or after the date on which the instruments of ratification are exchanged; and

(ii) in respect of other Canadian tax, for the taxation years beginning on or after the first day of January in the calendar year next following that in which the instruments of ratification are exchanged;

(*b*) in Ireland:

(i) in respect of income tax (including sur-tax) for the year of assessment beginning on the 6th day of April next following the date on which the instruments of ratification are exchanged and subsequent years; and

(ii) in respect of corporation profits tax for any accounting period beginning on or after the 1st day of January next following the date on which the instruments of ratification are exchanged and for the unexpired portion of any accounting period current at the said 1st day of January.

3. The Agreement between the Government of Canada and the Government of Ireland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Ottawa on the 28th day of October, 1954, is hereby terminated and shall cease to be effective for any period for which this Agreement shall have effect in accordance with paragraph 2 of this Article.

ARTICLE XVIII.

1. This Agreement shall continue in effect indefinitely but either of the Contracting Governments may, on or before the 30th day of June in any calendar year after the year 1967, give notice of termination to the other Contracting Government and in such event this Agreement shall cease to be effective—

(*a*) in Canada:

(i) in respect of the income tax payable under Part III of the Income Tax Act on amounts paid or credited to non-residents on or after the 1st day of the calendar year next following that in which such notice is given; and

(ii) in respect of other Canadian tax for any taxation year ending in or after the calendar year next following that in which such notice is given;

(*b*) in Ireland:

(i) in respect of income tax (including surtax) for any year of assessment beginning on or after the 6th day of April in the calendar year next following that in which such notice is given; and

(ii) in respect of corporation profits tax for any accounting period beginning on or after the 1st day of January in the calendar year next following that in which such notice is given and for the unexpired portion of any accounting period current at that date.

2. The termination of this Agreement shall not have the effect of reviving any agreement or arrangement abrogated by this Agreement or by agreements previously concluded between the Contracting Governments.

IN WITNESS WHEREOF the plenipotentiaries of the two Contracting Governments have signed the present Agreement and have affixed thereto their seals.

DONE at Ottawa this twenty-third day of November Nineteen Hundred and Sixty-six in two copies in the English, French and Irish languages each version being equally authentic.

FOR CANADA

MITCHELL W. SHARP

FOR IRELAND

JOHN A. BELTON

SCHEDULE III.

CONVENTION BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE KINGDOM OF NORWAY 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 Kingdom of Norway,

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:

CHAPTER I.

SCOPE OF THE CONVENTION.

ARTICLE 1.

Taxes Covered.

(1) The taxes to which this Convention shall apply, are:

(*a*) in the case of Norway:
national income tax;
national tax equalization dues on income;
national tax in aid of developing countries;
national dues on the salaries of foreign artistes;
municipal income tax;
tax on dependent children's earnings; and seamen's tax;
(hereinafter referred to as "Norwegian tax");

(*b*) in the case of Canada:
income taxes 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 character substantially similar to those referred to in paragraph (1) imposed in Norway or by the Government of Canada after the date of signature of this Convention.

CHAPTER II.

DEFINITIONS.

ARTICLE 2.

General Definitions.

(1) In this Convention unless the context otherwise requires:

(*a*) the term "Norway" means the Kingdom of Norway,

including the sea bed and its sub-soil in the submarine areas adjacent to the coast of the Kingdom of Norway which are subject to Norwegian sovereign rights pursuant to the Royal Decree of 31st May, 1963, in respect of activities connected with the exploitation and exploration of natural deposits; the term does not include Svalbard (Spitzbergen), Jan Mayen and the Norwegian dependencies out of Europe;

(*b*) the term "person" includes individuals, companies and all other entities which are treated as taxable units under the taxation laws in force in either Contracting State;

(*c*) the term "company" means any body corporate or any entity which is treated as a body corporate for tax purposes;

(*d*) the terms "enterprise of one of the Contracting States" and "enterprise of the other Contracting State" mean respectively an enterprise carried on by a resident of one of the Contracting States and an enterprise carried on by a resident of the other Contracting State;

(*e*) the term "international traffic" includes traffic between places in one country in the course of a voyage which extends over more than one country;

(*f*) the term "competent authority" means in the case of Norway the Minister of Finance and Customs or his authorized representative and in the case of Canada the Minister of National Revenue or his authorized representative.

(2) In the application of this Convention by one of the Contracting States any term which is not defined in this Convention shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting State relating to the taxes which are the subject of this Convention.

ARTICLE 3.

Fiscal Domicile.

(1) For the purposes of this Convention the terms "resident of Norway" and "resident of Canada" mean respectively any person who is resident in Norway for the purposes of Norwegian tax and any person who is resident in Canada for the purposes of Canadian tax, and the terms "resident of one of the Contracting States" and "resident of the other Contracting State" mean any person who is a resident of Norway or a resident of Canada as the context requires.

(2) Where by reason of the provisions of paragraph (1) an individual is a resident of both Contracting States then in this case the following rules shall apply:

(*a*) he shall be deemed to be a resident of the Contracting State in which he has a permanent home available to him; if he has a permanent home available to him in both Contracting States, he shall be deemed to be a resident of the Contracting State with which his personal and economic relations are closest (hereinafter referred to as his centre of vital interests);

(*b*) if the Contracting State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either Contracting State, he shall be deemed to be a resident of the Contracting State in which he has an habitual abode;

(*c*) if he has an habitual abode in both Contracting States or in neither of them, he shall be deemed to be a resident of the Contracting State of which he is a national;

(*d*) if he is a national of both Contracting States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

(3) Where by reason of the provisions of paragraph (1), a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident of the Contracting State in which its place of effective management is situated.

(4) Notwithstanding paragraph (3) where a company that had been incorporated in one of the Contracting States and which at a time after the coming into force of this Convention was a resident of that State changes its place of effective management to the other Contracting State and the competent authorities of the two Contracting States agree that one of the main reasons for changing the place of effective management from one Contracting State to the other State was to avoid taxes on the undistributed income of the company on hand at the time the change in the place of effective management was made, the company shall be deemed to continue to be resident in the Contracting State in which it was incorporated.

Article 4.

Permanent Establishment.

(1) For the purposes of this Convention, the term "permanent establishment" means a fixed place of business in which the business of the enterprise is wholly or partly carried on.

(2) The term "permanent establishment" shall include especially:

(*a*) a place of management;

(*b*) a branch;

(*c*) an office;

(*d*) a factory;

(*e*) a workshop;

(*f*) a mine, quarry or other place of extraction of natural resources;

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(*g*) a building site or construction or assembly project which exists for more than twelve months.

(3) The term "permanent establishment" shall not be deemed to include:

(*a*) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;

(*b*) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;

(*c*) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;

(*d*) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information, for the enterprise;

(*e*) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise.

(4) A person acting in one of the Contracting States on behalf of an enterprise of the other Contracting State—other than an agent of an independent status to whom paragraph (5) applies—shall be deemed to be a permanent establishment in the first-mentioned State:

(*a*) if he has, and habitually exercises in that first-mentioned State, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise, or

(*b*) if he maintains in that first-mentioned State a stock of goods or merchandise belonging to the enterprise from which he regularly fills orders on behalf of the enterprise.

(5) An enterprise of one of the Contracting States shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business in that other State through a broker, general commission agent or any other agent of an independent status, where such persons are acting in the ordinary course of their business.

(6) The fact that a company which is a resident of one of the Contracting States controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

CHAPTER III.

TAXATION OF INCOME.

ARTICLE 5.

Income from Immovable Property.

(1) Income from immovable property may be taxed in the Contracting State in which such property is situated.

(2) The term "immovable property" shall be defined in accordance with the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources; ships, boats and aircraft shall not be regarded as immovable property.

(3) The provisions of paragraph (1) shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

(4) The provisions of paragraphs (1) and (3) shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of professional services.

(5) Rentals from immovable property or timber royalties derived from sources within Canada by a resident of Norway shall be entitled to tax treatment by Canada not less favourable than that accorded under Section 110 of the Income Tax Act as in effect on January 1st, 1966.

ARTICLE 6.

Business Profits.

(1) The profits of an enterprise of one of the Contracting States shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other Contracting State but only so much of them as is attributable to that permanent establishment.

(2) Where an enterprise of one of the Contracting States carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.

(3) In the determination of the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the permanent establishment including executive and general administrative expenses so incurred, whether in the Contracting State in which the permanent establishment is situated or elsewhere.

(4) No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

(5) Where profits include items of income which are dealt with separately in other Articles of this Convention, then the provisions of those Articles shall not be affected by the provisions of this Article, unless those items of income are attributable to a permanent establishment through which an enterprise of one of the Contracting States carries on business in the other Contracting State.

Article 7.

Shipping and Air Transport.

(1) Profits of an enterprise from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.

(2) The provisions of paragraph (1) shall likewise apply to profits derived from the operation of vessels engaged in fishing, sealing or whaling activities on the high seas.

(3) When it is not feasible to determine that the place of effective management is in one of the Contracting States alone, and when the enterprise is carried on by one or more partners jointly and severally responsible and resident in one of the Contracting States and by one or more partners jointly and severally responsible and resident in the other Contracting State, profits as mentioned in paragraphs (1) and (2) are taxable in a Contracting State only in proportion to the share of the profits held by such partners resident in that Contracting State.

(4) The provisions of paragraph (1) shall apply in respect of participation in pools of any kind by Canadian or Norwegian enterprises engaged in shipping or air transport.

Article 8.

Associated Enterprises.

Where

(*a*) an enterprise of one of the Contracting States participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or

(*b*) the same persons participate directly or indirectly in the

management, control or capital of an enterprise of one of the Contracting States and an enterprise of the other Contracting State, and

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 those conditions would have accrued to one of the enterprises but by reason of those conditions have not so accrued may be included in the profits of that enterprise and taxed accordingly.

Article 9.

Dividends.

(1) Dividends paid or credited by a company which is a resident of one of the Contracting States to a resident of the other Contracting State may be taxed in that other State.

(2) Such dividends may also be taxed in the Contracting State of which the company paying or crediting the dividends is a resident, according to the law of that State, but the rate of tax so charged shall not exceed 15 per cent.

This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

(3) The provisions of paragraph (2) shall not apply if the person to whom the dividend is paid or credited, being a resident of one of the Contracting States has in the other Contracting State, of which the company paying the dividends is a resident, a permanent establishment with which the holding by virtue of which the dividends are paid is effectively connected. In such a case, the provisions of Article 6 shall apply.

(4) Where a company which is a resident of one of the Contracting States derives profits or income from sources within the other Contracting State, that other State may not impose any tax on the dividends paid by the company to persons who are not residents of that other State or subject the company's undistributed profits to a tax on undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

Article 10.

Interest.

(1) Interest arising in one of the Contracting States and paid or credited to a resident of the other Contracting State may be taxed in that other State.

(2) Such interest may also be taxed in the Contracting State in which it arises, according to the law of that State, but the rate of tax so charged shall not exceed 15 per cent.

(3) The provisions of paragraph (2) shall not apply if the person to whom the interest is paid or credited, being a resident of one of the Contracting States, has in the other Contracting State in which the interest arises, a permanent establishment with which the debt-claim from which the interest arises is effectively connected. In such a case, the provisions of Article 6 shall apply.

(4) Interest shall be deemed to arise in one of the Contracting States when the payer is that State itself, a political subdivision, a local authority or a resident of that State. Where, however, the person paying the interest, whether he is a resident of one of the Contracting States or not, has in one of the Contracting States a permanent establishment in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment, then such interest shall be deemed to arise in the Contracting State in which the permanent establishment is situated.

(5) Where, owing to a special relationship between the payer and the recipient or between both of them and some other person, the amount of the interest paid, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the law of each Contracting State, due regard being had to the other provisions of this Convention.

(6) The term "interest" means interest on bonds, securities, notes, debentures or any other form of indebtedness as well as any excess of the amount repaid in respect of any form of indebtedness over the amount lent.

Article 11.

Royalties.

(1) Royalties paid or credited by a resident of one of the Contracting States to a resident of the other Contracting State may be taxed in that other State.

(2) Such royalties as specified in paragraph (3), subparagraphs (*b*) and (*c*), may also be taxed in the Contracting State of which the person paying or crediting such royalties is a resident, according to the law of that State, but the tax so charged shall not exceed the rate limitations stated therein.

(3) (*a*) Copyright royalties and other like payments in respect of the production or reproduction of any literary, dramatic, musical or artistic work (excluding royalties and like payments in respect of motion picture films and films or video tapes for use in connection with television) paid or credited by a resident of one of the Contracting States to a resident of the other Contracting State shall be exempt from tax in the first-mentioned State.

(*b*) Royalties and other amounts constituting consideration for the use of, or the privilege of using, any patent, design, plan, secret process, formula, trade mark, or other like property, and paid or credited by a resident of one of the Contracting States to a resident of the other Contracting State may be taxed in the first-mentioned State, according to the law of that State, but the rate of tax so charged shall not exceed 15 per cent.

(*c*) Royalties and like payments in respect of motion picture films and films or video tapes for use in connection with television paid or credited by a resident of one of the Contracting States to a resident of the other Contracting State may be taxed in the first-mentioned State, according to the law of that State, but the rate of tax so charged shall not exceed 10 per cent.

(4) Royalties shall be deemed to arise in one of the Contracting States when the payer is that State itself, a political subdivision, a local authority or a resident of that State. Where, however, the person paying the royalties, whether he is a resident of one of the Contracting States or not, has in one of the Contracting States a permanent establishment in connection with which the contract has been concluded on which the royalties are paid, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the Contracting State in which the permanent establishment is situated.

(5) The provisions of paragraphs (2) and (3) shall not apply if the recipient of the royalties, being a resident of one of the Contracting States, has in the other Contracting State in which the royalties arise a permanent establishment with which the right or property giving rise to the royalties is effectively connected. In such a case, the provisions of Article 6 shall apply.

(6) Where, owing to a special relationship between the payer and the recipient or between both of them and some other person, the amount of the royalties paid, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the law of each Contracting State, due regard being had to the other provisions of this Convention.

Article 12.

Income from Estate or Trust.

(1) Income derived from an estate or trust which is a resident of one of the Contracting States and paid or credited to a resident of the other Contracting State may be taxed in that other State.

(2) Such income may also be taxed in the Contracting State of which the estate or trust paying or crediting such income is a resident, according to the laws of that State, but the rate of tax so charged shall not exceed 15 per cent.

ARTICLE 13.

Independent Personal Services.

(1) Income derived by a resident of one of the Contracting States in respect of professional services or other independent activities of a similar character shall be taxable only in that State unless he has a fixed base regularly available to him in the other Contracting State for the purpose of performing his activities. If he has such a fixed base, the income may be taxed in the other Contracting State but only so much of it as is attributable to that fixed base.

(2) The term "professional services" includes, especially independent scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

ARTICLE 14.

Income from Employment.

(1) Subject to the provisions of Articles 15, 16, 17 and 18, salaries, wages and other similar remuneration derived by a resident of one of the Contracting States in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

(2) Notwithstanding the provisions of paragraph (1) remuneration derived by a resident of one of the Contracting States in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:

(*a*) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in the calendar year concerned, and

(*b*) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State, and

(*c*) the remuneration is not borne by a permanent establishment or a fixed base which the employer has in the other State.

(3) Notwithstanding the preceding provisions of this Article, remuneration in respect of an employment exercised aboard a ship or aircraft in international traffic may be taxed in the Contracting State in which the place of effective management of the enterprise is situated. When it is not feasible to determine that the place of effective management is in one of the Contracting States alone, and when a shipping

enterprise is carried on by one or more partners jointly and severally responsible and resident in one of the Contracting States and by one or more partners jointly and severally responsible and resident in the other Contracting State, remuneration for such services may be taxed in the Contracting State in which the ship is registered.

The provisions of this paragraph shall likewise apply to remuneration derived by a resident of a Contracting State in respect of an employment exercised aboard a fishing, sealing or whaling vessel, including remuneration paid to him in the form of a certain lay or share of the proceeds of the fishing, sealing or whaling activity.

(4) In relation to remuneration of an individual in his capacity as a member of the board of directors of a company and similar payments the provisions of paragraphs (1) and (2) of this Article shall apply as if the remuneration were remuneration of an employee in respect of an employment, and as if references to an employer were references to the company.

ARTICLE 15.

Artistes and Athletes.

Notwithstanding the provisions of Articles 13 and 14, income derived by public entertainers, such as theatre, motion picture, radio or television artistes, and musicians, and by athletes, from their personal activities as such may be taxed in the Contracting State in which these activities are exercised.

ARTICLE 16.

Pensions and Annuities.

(1) Any pension or annuity derived from sources within one of the Contracting States by an individual who is a resident of the other Contracting State shall be exempt from tax in the first-mentioned State.

(2) As used in this Article:

(*a*) the term "pension" means periodic payments made in consideration of past services;

(*b*) 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 moneys' worth.

ARTICLE 17.

Governmental Functions.

(1) Remuneration (other than pensions referred to in Article 16) paid by one of the Contracting States or by any political subdivision

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thereof to any individual for services rendered to it in the discharge of governmental functions shall be exempt from tax in the other Contracting State if the individual is present in that other State solely for the purpose of rendering those services.

(2) Paragraph (1) shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting States or by any political subdivision thereof for purposes of profit.

ARTICLE 18.

Professors and Teachers.

An individual who visits one of the Contracting States for a period not exceeding two years for the purpose of teaching at a university, college, school or other educational institution in that State and who is or was immediately before visiting that State a resident of the other Contracting State shall not be taxed by the first-mentioned State on the remuneration received for that teaching.

ARTICLE 19.

Students.

Payments which a student or business apprentice who is or was formerly a resident of one of the Contracting States and who is present in the other Contracting State solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed by that other State, provided that such payments are made to him from outside that other State.

ARTICLE 20.

Alimony.

(1) Any alimony or other maintenance payment received from a resident of one of the Contracting States by a resident of the other Contracting State shall be taxable only in the last-mentioned State.

(2) The term "maintenance payment" means a payment made pursuant to an order of a recognized authority or pursuant to a written separation agreement

(*a*) by one of the parties to a marriage (including a marriage which has been dissolved or annulled) to or for the benefit of the other party to that marriage for that other party's maintenance; or

(*b*) to any person for the benefit of, or for the maintenance or education of, a child of the marriage.

CHAPTER IV.

METHOD FOR ELIMINATION OF DOUBLE TAXATION.

ARTICLE 21.

Exemption and Credit Method.

(1) Where a resident of Norway derives income which, in accordance with the provisions of this Convention, may be taxed in Canada, Norway shall, subject to the provisions of paragraph (2), exempt such income from tax but may, in calculating tax on the remaining income of that person, apply the rate of tax which would have been applicable if the exempted income had not been so exempted.

(2) Where a resident of Norway derives income which, in accordance with the provisions of Articles 9, 10, 11 and 12, may be taxed in Canada, Norway shall allow as a deduction from the tax on the income of that person an amount equal to the tax paid in Canada. Such deduction shall not, however, exceed that part of the tax, as computed before the deduction is given, which is appropriate to the income derived from Canada.

(3) Except in the case of a non-resident-owned investment corporation Canada agrees to allow as a deduction from Canadian tax on any income derived from sources within Norway which is subject to tax in Canada the amount of Norwegian tax payable in respect of that income, provided that the deduction shall not exceed the proportion of the Canadian tax which the income from Norway that is subject to Canadian tax bears to the total income subject to Canadian tax.

(4) For the purposes of this Article

(*a*) profits or remuneration for personal (including professional) services performed in one of the Contracting States shall be deemed to be income from sources within that State, and

(*b*) directors' fees and similar payments shall be deemed to be income from sources within the Contracting State of which the company is a resident.

CHAPTER V.

SPECIAL PROVISIONS.

ARTICLE 22.

Non-discrimination.

(1) The nationals of one of the Contracting States shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than

the taxation and connected requirements to which nationals of that other State in the same circumstances are or may be subjected.

(2) The term "nationals" means:

(*a*) all individuals possessing the nationality of a Contracting State;

(*b*) all legal persons, partnerships and associations deriving their status as such from the law in force in a Contracting State.

(3) This Article shall not be construed as obliging Norway to grant to Canadian nationals the exceptional tax relief which is accorded to Norwegian nationals and persons born of parents having Norwegian nationality pursuant to Section 22 of the Norwegian Taxation Act for the Rural Districts and Section 17 of the Norwegian Taxation Act for the Urban Districts.

(4) This Article shall not be construed as preventing a Contracting State from taxing a non-resident of that State on a different basis from that on which it taxes a resident of that State.

(5) In this Article the term "taxation" means the imposition of the taxes referred to in Article 1.

ARTICLE 23.

Mutual Agreement Procedure.

(1) Where a resident of one of the Contracting Parties considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with this Convention, he may, notwithstanding the remedies provided by the laws of those States, present his case to the competent authority of the Contracting State of which he is a resident.

(2) The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at an appropriate solution, to resolve that case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation not in accordance with this Convention.

(3) The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of this Convention. They may also consult together for the purpose of endeavouring to eliminate double taxation in cases not provided for in this Convention.

(4) The competent authorities of the Contracting States may communicate directly with each other for the purposes of this Article.

ARTICLE 24.

Exchange of Information.

(1) The competent authorities of the Contracting States shall, upon request, exchange such information as is necessary for the carrying out of this Convention and of the laws of the Contracting States

concerning taxes covered by this Convention insofar as the taxation thereunder is in accordance with this Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons or authorities other than those concerned with the assessment or collection of the taxes which are the subject of this Convention.

(2) In no case shall the provisions of paragraph (1) be construed so as to impose on one of the Contracting States the obligation:

(*a*) to carry out administrative measures at variance with the laws or the administrative practice of that or of the other Contracting State;

(*b*) to supply particulars which are not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;

(*c*) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy.

ARTICLE 25.

Territorial Extension.

This Convention may be extended, either in its entirety or with any necessary modifications, to any part of the territory of Norway, which is specifically excluded from the application of this Convention, which imposes taxes substantilaly similar in character to those to which this Convention applies. Any such extension shall take effect from such date and subject to such modifications and conditions, including conditions as to termination, as may be specified and agreed between the Contracting States in notes to be exchanged through diplomatic channels.

ARTICLE 26.

Diplomatic and Consular Officials.

Nothing in this Convention shall affect the fiscal privileges of diplomatic or consular officials under the general rules of international law or under the provisions of special agreements.

Nevertheless, each Contracting State reserves the right to tax its own diplomatic or consular officials, regardless of the provisions of this Convention.

CHAPTER VI.

FINAL PROVISIONS.

Article 27.

Entry into Force.

(1) This Convention shall be ratified and the instruments of ratification will be exchanged at Oslo as soon as possible.

(2) This Convention shall enter into force on the date of exchange of instruments of ratification and shall have effect:

(*a*) in Norway:

(i) with regard to income tax on dividends paid by Norwegian companies, for such tax imposed on dividends payable on or after January 1st, 1966, and

(ii) with regard to other income tax, for such tax imposed on the basis of the assessment 1967 (income year 1966, including any accounting period closed in the course of that year) and subsequent assessment years;

(*b*) in Canada:

(i) with regard to the income tax levied under Part III of the Income Tax Act on amounts paid or credited to non-residents on or after January 1st, 1966, and

(ii) with regard to other income tax for 1966 and subsequent taxation years.

(3) The Agreement between the Government of Norway and the Government of Canada constituted by the Exchange of Notes concerning reciprocal exemption from income tax on profits accruing from the operation of ships, dated May 2nd, 1929, shall not have effect in respect of any income year in Norway or taxation year in Canada for which this Convention has effect.

Article 28.

Termination.

This Convention shall continue in effect until it has been terminated by either one of the Contracting States giving notice of termination on or before the 30th day of June in any calendar year after 1968. In such event this Convention shall cease to have effect:

(*a*) in Norway:

(i) with regard to income tax on dividends paid by Norwegian companies, for such tax imposed on dividends payable on or after January 1st in the

calendar year next following that in which the notice of termination is given, and

(ii) with regard to other income tax, for such tax imposed on the income of the income year following that in which the notice of termination is given;

(*b*) in Canada:

(i) with regard to the income tax levied under Part III of the Income Tax Act on amounts paid or credited to non-residents on or after January 1st in the calendar year next following that in which the notice of termination is given, and

(ii) with regard to other income tax for taxation years ending in the calendar year next following that in which the notice of termination is given.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Convention.

DONE at Ottawa this 23rd day of November 1966, in two copies in the English, French and Norwegian languages, each version being equally authentic.

FOR THE GOVERNMENT OF CANADA:

MITCHELL W. SHARP

FOR THE GOVERNMENT OF THE KINGDOM OF NORWAY:

TORFINN OFTEDAL

SCHEDULE IV.

AN AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AND CAPITAL GAINS.

The Government of Canada and the Government of the United Kingdom of Great Britain and Northern Ireland,

Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and capital gains,

Have agreed as follows:

Article 1.

(1) The taxes which are the subject of this Agreement are—

(*a*) in the United Kingdom of Great Britain and Northern Ireland:
the income tax including surtax, the profits tax, the corporation tax and the capital gains tax;

(*b*) in Canada:
the income taxes, including the old age security tax on income, which are imposed by the Government of Canada.

(2) This Agreement shall also apply to any identical or substantially similar taxes which are imposed after the date of signature of this Agreement in addition to, or in place of, the existing taxes by either Government or by the Government of any territory to which the present Agreement is extended under Article 26.

Article 2.

(1) In this Agreement, unless the context otherwise requires—

(*a*) the term "United Kingdom" means Great Britain and Northern Ireland, including any area outside the territorial waters of the United Kingdom which has been designated, under the laws of the United Kingdom concerning the Continental Shelf, as an area within which the rights of the United Kingdom with respect to the sea-bed and sub-soil and their natural resources may be exercised;

(*b*) the term "Canada" means the territory of Canada including any area outside the territorial waters of Canada which under the laws of Canada is an area within which the rights of Canada with respect to the sea-bed and sub-soil and their natural resources may be exercised;

(*c*) the terms "the territory", "one of the territories" and "the other territory" mean the United Kingdom or Canada as the context requires;

(*d*) the term "taxation authorities" means, in the case of the United Kingdom, the Commissioners of Inland Revenue or their authorised representative; in the case of Canada, the Minister of National Revenue or his authorised representative;

(*e*) the term "United Kingdom tax" means tax imposed by the United Kingdom being tax to which this Agreement applies by virtue of Article 1; the term "Canadian tax" means tax imposed by Canada being tax to which this Agreement applies by virtue of Article 1;

(*f*) the term "tax" means United Kingdom tax or Canadian tax as the context requires;

(*g*) the term "person" includes any body of persons corporate or not corporate;

(*h*) the term "company" means any body corporate;

(*i*) the term "national" means—

(i) in relation to the United Kingdom—

(*aa*) all citizens of the United Kingdom and Colonies and British protected persons other than those citizens and protected persons who derive their status as such from connection with any territory for whose international relations the United Kingdom Government is responsible to which this Agreement may be extended under Article 26 but has not been so extended;

(*bb*) all legal persons, associations and other entities deriving their status as such from the law of the United Kingdom or any territory for whose international relations the United Kingdom Government is responsible to which this Agreement is extended under Article 26;

(ii) in relation to Canada—

(*aa*) any individual who is a Canadian citizen;

(*bb*) any legal person deriving its status as such from the law in force in Canada or in any part thereof;

(*j*) the term "international traffic" includes traffic between places in one country in the course of a voyage which extends over more than one country;

(*k*) 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.

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(2) In the application of the provisions of this Agreement by one of the Contracting Governments any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Government relating to the taxes which are the subject of this Agreement.

ARTICLE 3.

(1) For the purposes of this Agreement the terms "resident of the United Kingdom" and "resident of Canada" mean respectively any person who is resident in the United Kingdom for the purposes of United Kingdom tax and any person who is resident in Canada for the purposes of Canadian tax.

(2) Where by reason of the provisions of paragraph (1) above an individual is a resident of both territories, his status shall be determined in accordance with the following rules—

(*a*) he shall be deemed to be a resident of the territory in which he has a permanent home available to him. If he has a permanent home available to him in both territories, he shall be deemed to be a resident of the territory with which his personal and economic relations are closest (hereinafter referred to as his "centre of vital interests");

(*b*) if the territory in which he has his centre of vital interests cannot be determined or if he has not a permanent home available to him in either territory, he shall be deemed to be a resident of the territory in which he has an habitual abode;

(*c*) if he has an habitual abode in both territories or in neither of them, he shall be deemed to be a resident of the territory of which he is a national;

(*d*) if he is a national of both territories or of neither of them, the taxation authorities of the territories shall determine the question by mutual agreement.

(3) Where by reason of the provisions of paragraph (1) above a person other than an individual is a resident of both territories, then it shall be deemed to be a resident of the territory in which its place of effective management is situated.

(4) The term "resident of one of the territories" and "resident of the other territory" means a person who is a resident of the United Kingdom or a person who is a resident of Canada, as the context requires.

(5) The terms "United Kingdom enterprise" and "Canadian enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of the United Kingdom and an industrial or commercial enterprise or undertaking carried on by a resident of Canada, and the terms "enterprise of one of the territories" and "enterprise of the other territory" mean a United Kingdom enterprise or a Canadian enterprise, as the context requires.

ARTICLE 4.

(1) For the purposes of this Agreement the term "permanent establishment" means a fixed place of business in which the business of the enterprise is wholly or partly carried on.

(2) The term "permanent establishment" shall include especially—

(*a*) a place of management;
(*b*) a branch;
(*c*) an office;
(*d*) a factory;
(*e*) a workshop;
(*f*) a mine, quarry or other place of extraction of natural resources;
(*g*) a building site or construction or assembly project which exists for more than twelve months.

(3) The term "permanent establishment" shall not be deemed to include—

(*a*) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;
(*b*) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
(*c*) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
(*d*) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information, for the enterprise;
(*e*) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise.

(4) An enterprise of one of the territories shall be deemed to have a permanent establishment in the other territory if it carries on the activity of providing the services within that other territory of public entertainers or athletes referred to in Article 15.

(5) A person acting in one of the territories on behalf of an enterprise of the other territory—other than an agent of an independent status to whom paragraph (6) applies—shall be deemed to be a permanent establishment in the first-mentioned territory—

(*a*) if he has, and habitually exercises in that first-mentioned territory, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise; or
(*b*) if he maintains in that first-mentioned territory a stock of goods or merchandise belonging to the enterprise from which he habitually fills orders on behalf of the enterprise.

(6) 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 in that other territory through a broker, a general commission agent or any other agent of an independent status, where such persons are acting in the ordinary course of their business.

(7) The fact that a company which is a resident of one of the territories controls or is controlled by a company which is a resident of the other territory, or which carries on business in that other territory (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

ARTICLE 5.

(1) Income from immovable property may be taxed in the territory in which such property is situated.

(2) (*a*) The term "immovable property" shall, subject to sub-paragraph (*b*) below, be defined in accordance with the laws of the territory in which the property in question is situated;

(*b*) the term "immovable property" shall in any case include property accessory to immovable property, livestock and equipment of agricultural and forestry enterprises, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources; ships and aircraft shall not be regarded as immovable property.

(3) The provisions of paragraph (1) shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

(4) The provisions of paragraphs (1) to (3) of this Article shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of professional services.

ARTICLE 6.

(1) Industrial or commercial profits of a United Kingdom enterprise shall be exempt from Canadian tax unless the enterprise carries on business in Canada through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, tax may be imposed by Canada on the industrial or commercial profits of the enterprise but only on so much of them as is attributable to that permanent establishment.

(2) Industrial or commercial profits of a Canadian enterprise shall be exempt from United Kingdom tax unless the enterprise carries on business in the United Kingdom through a permanent establishment

situated therein. If the enterprise carries on business as aforesaid, tax may be imposed by the United Kingdom on the industrial or commercial profits of the enterprise but only on so much of them as is attributable to that permanent establishment.

(3) Where an enterprise of one of the territories carries on business in the other territory through a permanent establishment situated therein, there shall be attributed to that establishment the industrial or commercial profits which it might be expected to make 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) In determining the industrial or commercial profits of an enterprise of one of the territories which are taxable in the other territory in accordance with the previous paragraphs of this Article, there shall be allowed as deductions all expenses of the enterprise (including executive and general administrative expenses) which would be deductible if the permanent establishment were an independent enterprise and which are reasonably connected with the profits so taxable, whether incurred in the territory in which the permanent establishment is situated or elsewhere.

(5) No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

(6) The term "industrial or commercial profits" means income derived by an enterprise from the conduct of a trade or business, including income derived by an enterprise from the furnishing of services of employees or other personnel, but it does not include dividends, interest, royalties (as defined in Articles 9, 10 and 11) or rents other than dividends, interest, royalties or rents effectively connected with a trade or business carried on through a permanent establishment which an enterprise of one of the territories has in the other territory; nor does the term include remuneration for personal (including professional) services.

(7) Nothing in the foregoing provisions of this Article shall affect any of the provisions of the law of the United Kingdom relating to the liability to tax of a life assurance company not having its head office in the United Kingdom in respect of income from the investments of its life assurance fund, being provisions which (except in so far as they were rendered ineffective by virtue of Article III of the Agreement between Canada and the United Kingdom with respect to taxes on income signed at Ottawa on 6 December, 1965) were in force on the date of signature of this Agreement, or which, if they have been modified since that date, have been modified only in minor respects so as not to affect their general character.

Article 7.

A resident of one of the territories shall be exempt from tax in the other territory on profits from the operation of ships or aircraft in international traffic.

ARTICLE 8.

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, 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 would but for those conditions, have accrued to one of the enterprises but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE 9.

(1) The United Kingdom tax on dividends derived from a company which is a resident of the United Kingdom and which are paid after 5 April, 1966 and beneficially owned by a resident of Canada shall not exceed 15 per cent. of the gross amount of the dividends.

(2) Dividends derived from a company which is a resident of the United Kingdom and which are paid before 6 April, 1966 and which are beneficially owned by a resident of Canada shall be exempt from United Kingdom surtax.

(3) The Canadian tax on dividends derived from a company which is a resident of Canada and which are beneficially owned by a resident of the United Kingdom shall not exceed 15 per cent. of the gross amount of the dividends.

(4) (*a*) Notwithstanding paragraphs (1) and (3) of this Article where a company which is a resident of one of the territories satisfies the condition prescribed in sub-paragraph (*b*) of this paragraph, tax shall not be imposed in that territory on dividends which that company pays after 5 April, 1966 to a resident of the other territory, who is the beneficial owner thereof, provided the Government of the other territory does not impose on the profits attributable to a permanent establishment of the company in that other territory any tax which is in addition to the tax which would be chargeable on those profits if they were the profits of a company which was a resident of the territory of that Government;

(*b*) the condition referred to in sub-paragraph (*a*) of this paragraph is that the company derived not less than 90 per cent. of its income for each of its last three accounting periods or taxation years before the dividend was paid (or in the case of a company having fewer than three

accounting periods or taxation years, for each accounting period or taxation year thereof before that date) from a business carried on by it in the other territory.

(5) Subject to the provisions of paragraph (4) of Article 10 and of paragraph (4) of Article 11 of this Agreement—

(*a*) the term "dividends" in the case of the United Kingdom includes any item which under the law of the United Kingdom is treated as a distribution of a company;

(*b*) the term "dividends" in the case of Canada includes any item which under the law of Canada is treated as a dividend.

(6) The provisions of paragraphs (1) (2) and (4) of this Article shall not apply if the owner of the dividends, being a resident of Canada, has in the United Kingdom a permanent establishment and the holding giving rise to the dividends is effectively connected with a trade carried on through such permanent establishment and, in the case of a company, the trade is such that a profit on the sale of the holding would be a trading receipt.

(7) The provisions of paragraphs (3) and (4) of this Article shall not apply if the owner of the dividends, being a resident of the United Kingdom has in Canada a permanent establishment and the holding giving rise to the dividends is effectively connected with a business carried on through such permanent establishment and, in the case of a company, the business is such that a profit on the sale of the holding would be included in computing its income.

(8) Where a company which is a resident of one of the territories derives profits or income from sources within the other territory, the Government of 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 so derived.

(9) (*a*) If a resident of Canada does not bear Canadian tax on dividends derived from a company which is a resident of the United Kingdom and owns 10 per cent. or more of the class of shares in respect of which the dividends are paid, then neither paragraphs (1) or (2) shall apply to the dividends to the extent that they can have been paid only out of profits which the company paying the dividends earned or other income which it received in a period ending twelve months or more before the relevant date. For the purposes of this sub-paragraph the term "relevant date" means the date on which the beneficial owner of the dividends became the owner of 10 per cent. or more of the class of shares referred to above;

(*b*) where a company which has been incorporated in Canada after the coming into force of this Agreement has its

place of effective management in the United Kingdom, paragraph (8) shall not apply to dividends paid by that company;

(*c*) this paragraph shall not apply if in the case of sub-paragraph (*a*) the shares were acquired, or in the case of sub-paragraph (*b*) the choice of the place of effective management was made for bona fide commercial reasons and not primarily for the purpose of securing the benefit of this Article.

ARTICLE 10.

(1) The United Kingdom tax on interest (on bonds, securities, debentures, or on any other form of indebtedness) derived and beneficially owned by a resident of Canada shall not exceed 15 per cent. of the gross amount of the interest.

(2) The Canadian tax on interest (on bonds, securities, debentures, or on any other form of indebtedness) derived and beneficially owned by a resident of the United Kingdom shall not exceed 15 per cent. of the gross amount of the interest.

(3) Paragraphs (1) and (2) of this Article shall not apply if the recipient of the interest, being a resident of one of the territories, has in the other territory a permanent establishment and the indebtedness giving rise to the interest is effectively connected with a trade or business carried on through that permanent establishment.

(4) Any provision in the law of either of the territories relating only to interest paid to a non-resident company shall not operate so as to require such interest paid to a company which is a resident of the other territory to be treated as a distribution of the company paying such interest. The preceding sentence shall not apply to interest paid to a company which is a resident of one of the territories in which more than 50 per cent. of the voting power is controlled, directly or indirectly, by a person or persons resident in the other territory.

(5) The provisions of paragraphs (1) and (2) of this Article shall not apply to interest where the beneficial owner of the interest—

(*a*) is not subject to tax in respect thereof in the territory of which it is a resident; and

(*b*) sells (or makes a contract to sell) the holding from which the interest is derived within three months of the date on which such beneficial owner acquired that holding.

(6) Where, owing to a special relationship between the payer and the recipient, or between both of them and some other person, the amount of the interest paid exceeds the amount which would have been agreed upon by the payer and recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount.

ARTICLE 11.

(1) Copyright royalties and other like payments 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 films or video tapes for use in connection with television) which are derived and beneficially owned by a resident of Canada, shall be exempt from tax in the United Kingdom.

The United Kingdom tax on royalties, other than royalties to which the preceding sentence applies, and which are derived and beneficially owned by a resident of Canada shall not exceed 10 per cent. of the gross amount of the royalties.

(2) Copyright royalties and other like payments 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 films or video tapes for use in connection with television) which are derived and beneficially owned by a resident of the United Kingdom, shall be exempt from tax in Canada.

The Canadian tax on royalties, other than royalties to which the preceding sentence applies, and which are derived and beneficially owned by a resident of the United Kingdom shall not exceed 10 per cent. of the gross amount of the royalties.

(3) Paragraphs (1) and (2) of this Article shall not apply if the recipient of the royalties, being a resident of one of the territories, has in the other territory a permanent establishment and the right or property giving rise to the royalties is effectively connected with a trade or business carried on through that permanent establishment.

(4) Royalties paid by a company which is a resident of one of the territories to a resident of the other territory shall not be treated as a distribution of or a dividend from such a company. The preceding sentence shall not apply to royalties paid to a company which is a resident of one of the territories where (*a*) the same persons participate directly or indirectly in the management or control of the company paying the royalties, and (*b*) more than 50 per cent. of the voting power in the company deriving the royalties is controlled, directly or indirectly, by a person or persons resident in the other territory.

(5) The term "royalties" as used in this Article means any royalties, rentals or other amounts paid as consideration for the use of, or the right to use copyrights, patents, designs or models, plans, secret processes or formulae, trade-marks or other like property or rights, or for industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience, and includes any rental or like payment in respect of motion picture films and films or video tapes for use in connection with television, but does not include royalties or other amounts paid in respect of the operation of mines or quarries or of the extraction or removal of natural resources.

(6) Where, owing to a special relationship between the payer and the recipient, or between both of them and some other person, the amount of the royalties paid exceeds the amount which would have been

agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount.

ARTICLE 12.

(1) Gains from the alienation of immovable property, as defined in paragraph (2) of Article 5, may be taxed in the territory in which such property is situated.

(2) Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of one of the territories has in the other territory or of movable property pertaining to a fixed base available to a resident of one of the territories in the other territory for the purpose of performing professional services, including such gains from the alienation of such a permanent establishment (alone or together with the whole enterprise) or of such a fixed base, may be taxed in the other territory. However, gains derived by a resident of one of the territories from the alienation of ships and aircraft operated in international traffic and movable property pertaining to the operation of such ships and aircraft shall be taxable only in that territory.

(3) Gains from the alienation of any property other than those mentioned in paragraphs (1) and (2) shall be taxable only in the territory of which the alienator is a resident.

ARTICLE 13.

Income derived by a resident of one of the territories in respect of professional services or other independent activities of a similar character shall be subjected to tax only in that territory unless he has a fixed base regularly available to him in the other territory for the purpose of performing his activities. If he has such a fixed base, such part of that income as is attributable to that base may be taxed in that other territory.

ARTICLE 14.

(1) Salaries, wages and other similar remuneration (other than remuneration to which Articles 17 and 18 apply) derived by a resident of one of the territories in respect of an employment shall be subjected to tax only in that territory unless the employment is exercised in the other territory. If the employment is so exercised such remuneration as is derived therefrom may be taxed in that other territory.

(2) Notwithstanding the provisions of paragraph (1) of this Article remuneration derived by a resident of one of the territories in respect of an employment exercised in the other territory shall be subjected to tax only in the first-mentioned territory if—

(*a*) the recipient is present in the other territory for a period or periods not exceeding in the aggregate 183 days in the

Canadian taxation year or the United Kingdom year of assessment concerned, as the case may be; and

(*b*) the remuneration is paid by or on behalf of an employer who is not a resident of the other territory; and

(*c*) the remuneration is not deducted from the profits of a permanent establishment or a fixed base which the employer has in the other territory.

(3) Notwithstanding the preceding provisions of this Article, remuneration in respect of an employment exercised aboard a ship or aircraft in international traffic may be taxed in the territory in which the place of effective management of the enterprise operating the ship or aircraft is situated.

(4) In relation to remuneration of a director of a company derived from the company the preceding provisions of this Article shall apply as if the remuneration were remuneration of an employee in respect of an employment, and as if references to employers were references to the company.

ARTICLE 15.

Notwithstanding anything contained in Articles 13 and 14, income derived by public entertainers, such as theatre, motion picture, radio, or television artistes, and musicians, and by athletes, from their personal activities as such may be taxed in the territory in which these activities are exercised.

ARTICLE 16.

(1) Any pension (other than a pension referred to in paragraphs (2), (3) or (4) of this Article), or any annuity derived from sources within one of the territories by an individual who is a resident of the other territory shall be exempt from tax in the first-mentioned territory.

Provided that this paragraph shall also apply instead of paragraphs (2), (3) and (4) to any pensions referred to in those paragraphs if the provisions of this paragraph are more favourable to the individual to whom the pension is paid.

(2) Subject to the proviso to paragraph (1), any pension paid by one of the Contracting Governments to an individual for services rendered to it in the discharge of governmental functions by that individual shall be exempt from tax in the territory of the other Contracting Government if—

(*a*) that individual was a resident of the other territory on the relevant date;

(*b*) the first payment period of that pension commenced before the relevant date; and

(*c*) that pension would have been exempt from tax in that territory if Article VIII of the Agreement between Canada and the United Kingdom with respect to taxes on income signed in London on 5 June, 1946 were in force.

(3) Subject to the proviso to paragraph (1), any pension paid by one of the Contracting Governments to the surviving spouse or other surviving dependant of an individual who died before the relevant date, in respect of services rendered to it in the discharge of governmental functions by that individual, shall be exempt from tax in the territory of the other Contracting Government if—

(*a*) that spouse or other dependant was a resident of the other territory on the relevant date; and

(*b*) that pension would have been exempt from tax in that territory if Article VIII of the Agreement between Canada and the United Kingdom with respect to taxes on income signed in London on 5 June, 1946 were in force.

(4) Subject to the proviso to paragraph (1), any pension paid by one of the Contracting Governments to the surviving spouse or other surviving dependant of an individual who died after the relevant date in respect of services rendered to it in the discharge of governmental functions by that individual shall be exempt from tax in the territory of the other Contracting Government if it relates to a pension paid to that individual which was exempt from tax in the territory of the other Contracting Government by virtue of paragraph (2).

(5) In this Article the term "relevant date" means, in relation to a pension paid to a resident of Canada, 1 January, 1965 and, in relation to a pension paid to a resident of the United Kingdom, 6 April, 1965.

ARTICLE 17.

(1) Remuneration (other than pensions) paid by one of the Contracting Governments to any individual for services rendered to that Contracting Government in the discharge of governmental functions shall be exempt from tax in the territory of the other Contracting Government if the individual is not ordinarily resident in that territory or is ordinarily resident in that territory solely for the purpose of rendering those services.

(2) This Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting Governments for purposes of profit.

ARTICLE 18.

A professor or teacher who visits one of the territories for a period not exceeding two years for the purpose of teaching at a university, college, school or other educational institution in that territory and who is, or was immediately before that visit, a resident of the other territory shall be exempt from tax in the first-mentioned territory on any remuneration for such teaching.

ARTICLE 19.

(1) A student or business apprentice, who is, or was immediately before visiting one of the territories, a resident of the other territory and is present in the first-mentioned territory solely for the purpose of his education or training shall not be taxed in that first-mentioned territory on payments which he receives for the purpose of his maintenance, education, or training provided that such payments are made to him from sources outside that first-mentioned territory.

(2) An individual who is, or was immediately before visiting one of the territories, a resident of the other territory, and who is present in the first-mentioned territory as a recipient of a grant, allowance or award for the primary purpose of research to be carried out in a period which does not exceed two years from a governmental, religious, charitable, scientific, literary or educational organization established in that other territory, shall not be taxed in that first-mentioned territory in respect of that grant, allowance or award.

ARTICLE 20.

(1) Any alimony or other maintenance payment received from a resident of one of the territories by a resident of the other territory who is subject to tax there in respect thereof shall be taxable only in that other territory.

(2) The term "maintenance payment" means a payment made pursuant to an order of a competent tribunal or to a written separation agreement by one of the parties to a marriage (including a marriage which has been dissolved or annulled)—

(*a*) to or for the benefit of the other party to that marriage or children of the marriage; or

(*b*) to any person for the benefit of, or for the maintenance or education of, a person under twenty-one years of age.

ARTICLE 21.

(1) Subject to the provisions of the law of the United Kingdom regarding the allowance as a credit against United Kingdom tax of tax payable in a territory outside the United Kingdom (which shall not affect the general principle hereof)—

(*a*) Canadian tax payable under the laws of Canada and in accordance with this Agreement, whether directly or by deduction, on profits, income or chargeable gains from sources within Canada, (excluding in the case of a dividend, tax payable in respect of the profits out of which the dividend is paid) shall be allowed as a credit against any United Kingdom tax computed by reference to the same profits, income or chargeable gains by reference to which the Canadian tax is computed; and

(*b*) in the case of a dividend paid by a company which is a resident of Canada to a company which is resident in the United Kingdom and which controls directly or indirectly at least 10 per cent. of the voting power in the Canadian company, the credit shall take into account (in addition to any Canadian tax creditable under (*a*)) the Canadian tax payable by the company in respect of the profits out of which such dividend is paid.

Provided that sub-paragraph (*b*) of this paragraph shall apply only for so long as Canada gives a deduction in computing taxable income for dividends received from a company which is a resident of the United Kingdom in which the recipient Canadian company owns more than 25 per cent. of the voting shares.

(2) Subject to the provisions of the law of Canada regarding the deduction from tax payable in Canada of tax paid in a territory outside Canada (which shall not affect the general principle hereof), United Kingdom tax payable in respect of income from sources within the United Kingdom shall be deducted from any Canadian tax payable in respect of that income. Where such income is a dividend paid before 6 April, 1966, by a company which is a resident of the United Kingdom, the deduction shall take into account any United Kingdom income tax appropriate to the dividend.

(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 in international traffic by a resident of one of the territories shall be deemed to be performed in that territory.

ARTICLE 22.

(1) The nationals of one of the territories shall not be subjected in the other territory to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which the nationals of the latter territory in the same circumstances are or may be subjected.

(2) The taxation on a permanent establishment which an enterprise of one of the territories has in the other territory shall not be less favourably levied in that other territory than the taxation levied on enterprises of that other territory carrying on the same activities.

(3) Nothing in this Article shall be construed—

(*a*) as obliging either of the Contracting Governments to grant to individuals not resident in its territory those personal allowances and reliefs for tax purposes which are by law available only to individuals who are so resident;

(*b*) as restricting the right of either Contracting Government to tax in accordance with paragraphs (1) or (3) of Article 9 dividends derived by a resident of the other territory;

(*c*) as preventing the Government of one of the territories from imposing on the profits attributable to a permanent establishment in that territory of a company which is a resident of the other territory, tax in addition to the tax which would be chargeable on those profits if they were the profits of a company which was a resident of the territory of that Government, provided that any additional tax so imposed shall not be at a rate exceeding 15 per cent. of the amount of those profits after deducting therefrom all other taxes chargeable on income or profits in that territory.

(4) In this Article the term "taxation" means taxes which are the subject of this Agreement.

ARTICLE 23.

In determining for the purpose of United Kingdom tax whether a company is a close company, the term "recognised stock exchange" shall include any stock exchange prescribed for the purposes of the Canadian Income Tax Act.

ARTICLE 24.

(1) Where a taxpayer considers that the action of the taxation authorities of the Contracting Government has resulted or will result in taxation contrary to the provisions of this Agreement, he shall be entitled to present his case to the Government of the territory of or in which he is a national or resident. Should the taxpayer's claim be deemed worthy of consideration, the taxation authorities of the Government to which the claim is made shall endeavour to come to an agreement with the taxation authorities of the other Government with a view to a satisfactory adjustment.

(2) The taxation authorities of the Contracting Governments may communicate with each other directly to implement the provisions of this Agreement and to assure its consistent interpretation and application. In particular, the taxation authorities may consult together to endeavour to resolve disputes arising out of the application of paragraph (3) of Article 6 or Article 8 or the determination of the source of particular items of income.

ARTICLE 25.

The taxation authorities of the Contracting Governments shall exchange such information (being information which is at their disposal under their respective taxation laws in the normal course of administration) as is necessary for carrying out the provisions of this Agreement or for the prevention of fraud or for the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of this Agreement. Any information so exchanged shall be treated

as secret and shall not be disclosed to persons other than persons (including a court or administrative tribunal) concerned with the assessment, collection, enforcement or prosecution in respect of the taxes which are the subject of this Agreement. No information as aforesaid shall be exchanged which would disclose any trade, business, industrial or professional secret or trade process.

ARTICLE 26.

(1) This Agreement may be extended, either in its entirety or with modifications to any territory for whose international relations either of the Contracting Governments is responsible, and which imposes taxes substantially similar in character to those which are the subject of this Agreement, and any such extension shall take effect from such date and subject to such modifications and conditions (including conditions as to termination) as may be specified and agreed between the Contracting Governments in Letters to be exchanged for this purpose.

(2) The termination of this Agreement under Article 28 shall, unless otherwise expressly agreed by both Contracting Governments, terminate the application of this Agreement to any territory to which it has been extended under this Article.

ARTICLE 27.

(1) This Agreement shall come into force on the date when the last of all such things shall have been done in the United Kingdom and Canada as are necessary to give the Agreement the force of law in the United Kingdom and Canada respectively, and shall thereupon have effect—

(*a*) in the United Kingdom—

(i) in respect of income tax for any year of assessment beginning on or after 6 April, 1965;

(ii) in respect of surtax, for any year of assessment beginning on or after 6 April, 1964;

(iii) in respect of profits tax, for any chargeable accounting period beginning on or after 1 January, 1965 and for the unexpired portion of any chargeable accounting period current at that date;

(iv) in respect of capital gains tax for any year of assessment beginning on or after 6 April, 1965; and

(v) in respect of corporation tax for any financial year beginning on or after 1 April, 1964;

(*b*) in Canada—

(i) in respect of tax withheld at the source on amounts paid or credited to non-residents on or after 1 January, 1965;

(ii) in respect of other Canadian tax, for the 1965 taxation year and subsequent years.

(2) The Contracting Governments shall, as soon as possible, inform one another in writing of the date when the last of all such things shall have been done as are necessary to give the Agreement the force of law in the United Kingdom and Canada respectively. The date specified by the last Government to fulfil this requirement, being the date on which the Agreement shall come into force in accordance with paragraph (1), shall be confirmed in writing by the Government so notified.

(3) The Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Canada signed at Ottawa on 6 December, 1965 shall not have effect in relation to any tax for any period for which this Agreement has effect as respects that tax.

(4) Where, however, any greater relief from tax would have been afforded by any provision of the Agreement signed at Ottawa on 6 December, 1965 than is due under this Agreement, any such provision as aforesaid shall continue to have effect—

(*a*) in the United Kingdom for any year of assessment, chargeable accounting period or financial year;

(*b*) in Canada for any taxation year;

beginning before the entry into force of this Agreement.

ARTICLE 28.

This Agreement shall continue in effect indefinitely but either of the Contracting Governments may, on or before the thirtieth day of June in any calendar year after the year 1967 give notice of termination to the other Contracting Government and, in such event this Agreement shall cease to be effective—

(*a*) in the United Kingdom—

(i) in respect of income tax (including surtax) and capital gains tax for any year of assessment beginning on or after 6 April, in the calendar year next following that in which the notice is given;

(ii) in respect of corporation tax for any financial year beginning on or after 1 April, in the calendar year next following that in which the notice is given;

(*b*) in Canada—

(i) in respect of tax withheld at the source on amounts paid or credited to non-residents on or after 1 January in the calendar year next following that in which the notice is given; and

(ii) in respect of other Canadian tax for any taxation year ending in or after the calendar year next following that in which the notice is given.

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed this Agreement.

25633—9

DONE at Ottawa, this twelfth day of December, one thousand nine hundred and sixty-six, in two copies in the English and French languages, both versions being equally authentic.

MITCHELL W. SHARP

FOR THE GOVERNMENT OF CANADA

H. LINTOTT

FOR THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

SCHEDULE V.

SUPPLEMENTARY CONVENTION BETWEEN CANADA AND THE UNITED STATES OF AMERICA FURTHER MODIFYING AND SUPPLEMENTING THE CONVENTION AND ACCOMPANYING PROTOCOL OF MARCH 4, 1942, FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION IN THE CASE OF INCOME TAXES AS MODIFIED BY THE SUPPLEMENTARY CONVENTION OF JUNE 12, 1950, AND THE SUPPLEMENTARY CONVENTION OF AUGUST 8, 1956.

The Government of Canada and the Government of the United States of America, desiring to further modify and supplement in certain respects the Convention and accompanying Protocol for the avoidance of double taxation and the prevention of fiscal evasion in the case of income taxes signed at Washington on March 4, 1942, as modified by the Supplementary Convention of June 12, 1950, and the Supplementary Convention of August 8, 1956, have decided to conclude a Supplementary Convention for that purpose and have agreed as follows:

Article I.

The provisions of the Convention and Protocol between Canada and the United States of America, signed at Washington on March 4, 1942, as modified by the Supplementary Convention of June 12, 1950, and the Supplementary Convention of August 8, 1956, are hereby further modified by adding to Article XI thereof the following new paragraph:

> "6. Paragraph 1 of this Article shall not apply in respect of income derived from sources in one of the Contracting States and paid to a corporation organized under the laws of the other Contracting State if such corporation is not subject to tax by the last-mentioned Contracting State on that income because it is not a resident of the last-mentioned Contracting State for purposes of its income tax."

Article II.

1. This Supplementary Convention is done in the English and French languages, each version being equally authentic. It shall be ratified and the instruments of ratification shall be exchanged at Ottawa as soon as possible.

2. This Supplementary Convention shall come into force on the date on which instruments of ratification are exchanged and shall thereupon have effect with respect to income paid on or after (*a*) January 1, 1967, or (*b*) the date on which the instruments of ratification

are exchanged, whichever is the later. It shall continue in force indefinitely as though it were an integral part of the Convention of March 4, 1942, as modified by the Supplementary Convention of June 12, 1950, and the Supplementary Convention of August 8, 1956.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Supplementary Convention.

DONE in duplicate, in the English and French languages, at Washington this 25th day of October, 1966.

FOR THE GOVERNMENT OF CANADA—

A. E. RITCHIE.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA—

NICHOLAS DE B. KATZENBACH

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE SENATE OF CANADA

BILL S-57.

An Act to establish a corporation for the administration of the National Museums of Canada.

Read a first time, Thursday 9th March, 1967.

HONOURABLE SENATOR CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25904

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE SENATE OF CANADA

BILL S-57.

An Act to establish a corporation for the administration of the National Museums of Canada.

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

SHORT TITLE.

Short title.

1. This Act may be cited as the *National Museums Act.*

INTERPRETATION.

Definitions.

2. In this Act,

"Board."

(*a*) "Board" means the Board of Trustees of the Corporation;

"Corporation."

(*b*) "Corporation" means the National Museums of Canada established by section 3;

"Minister."

(*c*) "Minister" means the Secretary of State of Canada; and

"Museum."

(*d*) "museum" means a museum described in section 6 or established pursuant to that section.

CORPORATION ESTABLISHED.

Establishment of Corporation.

3. A corporation is hereby established to be known as the National Museums of Canada, consisting of a Board of Trustees composed of a Chairman, a Vice-Chairman, the persons from time to time holding office as

(*a*) the Director of the Canada Council, and

(*b*) the President of the National Research Council,

and ten other members, to be appointed as provided in section 4.

Appointment of Chairman and Vice-Chairman.

4. (1) The Chairman and Vice-Chairman of the Board shall be appointed by the Governor in Council for such terms, not exceeding five years each, as are fixed by the Governor in Council.

Appointment of other members.

(2) Each of the members of the Board, other than the Chairman, the Vice-Chairman and those holding the offices described in paragraphs (*a*) and (*b*) of section 3, shall be appointed by the Governor in Council for terms not exceeding four years, except that of those members first appointed, three shall be appointed for a term of two years, three shall be appointed for a term of three years and four shall be appointed for a term of four years.

Eligibility for re-appointment.

(3) A person who has served two consecutive terms as the Chairman of the Board or as the Vice-Chairman of the Board or as a member of the Board appointed under subsection (2) is not, during the twelve months following the completion of his second term, eligible to be reappointed to the Board in the capacity in which he so served.

Vacancy in membership.

(4) A vacancy in the membership of the Board does not impair the right of the remaining members to act.

PURPOSES AND POWERS.

Purposes of the Corporation.

5. (1) The purposes of the Corporation are to demonstrate the products of nature and the works of man, with special but not exclusive reference to Canada, so as to promote interest therein throughout Canada and to disseminate knowledge thereof.

Powers.

(2) In furtherance of its purposes the Corporation may

(*a*) collect, classify, preserve and display objects relevant to its purposes;

(*b*) undertake or sponsor research relevant to its purposes;

(*c*) arrange for and sponsor travelling exhibitions of materials in, or related to, its collections;

(*d*) arrange for the acquisition or publication and the sale to the public of, books, pamphlets, replicas and other materials related to its purposes;

(*e*) undertake or sponsor programs for the training of persons in the professions and skills involved in the operation of museums;

(*f*) arrange for or provide professional and technical services to other organizations whose purposes are similar to any of those of the Corporation, on such terms and conditions as may be approved by the Minister; and

(*g*) generally, do and authorize such things as are incidental or conducive to the attainment of the purposes of the Corporation and the exercise of its powers.

ORGANIZATION.

Organization of Corporation.

6. The Corporation shall comprise

(*a*) a museum of fine arts, to be known as the National Gallery of Canada;

(*b*) a museum of human history;

(*c*) a museum of natural history;

(*d*) a museum of science and technology; and

(*e*) such other museums as may, with the approval of the Governor in Council, be established by the Board.

Museum directors.

7. (1) There shall be a director for each museum appointed by the Governor in Council on the recommendation of the Board to hold office during pleasure.

Salary.

(2) The director of each museum shall be paid by the Corporation such salary as is fixed by the Governor in Council on the recommendation of the Board.

Duties of directors.

(3) Subject to the by-laws of the Corporation, a director of a museum has, on behalf of the Board, the direction of the activities of the museum for which he is appointed director.

Secretary-General.

8. (1) There shall be a Secretary-General of the Corporation appointed by the Governor in Council to hold office during pleasure who shall be paid by the Corporation such salary as is fixed by the Governor in Council.

Duties of Secretary-General.

(2) Subject to the by-laws of the Corporation, the Secretary-General has, on behalf of the Board, the direction and management of the business of the Corporation in all matters that are not by this Act or the by-laws specifically reserved to the Board, a committee of the Board or a director of a museum.

Acting director and Secretary-General.

9. If a director of a museum or the Secretary-General is unable to perform the duties of his office or the office is vacant, the Board may authorize an officer of the Corporation to act as director of the museum or as Secretary-General, as the case may be.

FINANCIAL.

Purchase Account.

10. (1) There shall be established in the Consolidated Revenue Fund a special account to be known as the National Museums Purchase Account to which shall be credited

(*a*) all moneys appropriated by Parliament for the purchase by the Corporation of objects for the collections of the Corporation,

(*b*) all moneys received by the Corporation from the sale of objects forming part of the collections of the Corporation, other than objects acquired by gift, bequest or otherwise, and

(*c*) an amount representing interest on the balance from time to time to the credit of the Account, at such rates and calculated in such manner as the Governor in Council prescribes,

and to which shall be charged such amounts as are authorized by the Board to be expended for the purchase of objects for the collections of the Corporation, including any costs in connection therewith.

Trust Account.

(2) There shall be established in the Consolidated Revenue Fund a special account to be known as the National Museums Trust Account to which shall be credited

(*a*) all moneys received by the Corporation by gift, bequest or otherwise,

(*b*) all moneys received by the Corporation as interest on any securities or as rent on any property acquired by the Corporation by gift, bequest or otherwise,

(*c*) all moneys received by the Corporation from the sale of any real or personal property acquired by the Corporation by gift, bequest or otherwise, and

(*d*) an amount representing interest on the balance from time to time to the credit of the Account, at such rates and calculated in such manner as the Governor in Council prescribes,

and to which shall be charged such amounts as are authorized by the Board to be expended for the purpose for which such moneys or property were given, bequeathed or otherwise made available to the Corporation.

Special Account.

(3) There shall be established in the Consolidated Revenue Fund a special account to be known as the National Museums Special Account to which shall be credited

(*a*) all moneys appropriated by Parliament for the Corporation for the acquisition or publication and the sale to the public of, books, pamphlets, replicas and other materials related to its purposes, and

(*b*) all moneys received by the Corporation from the sale to the public of materials described in paragraph (*a*),

and to which shall be charged such amounts as are authorized by the Board to be expended for the acquisition or publication of materials described in paragraph (*a*).

Limitation on payments out of accounts.

(4) No amount shall be paid out of the Consolidated Revenue Fund and charged to any account established pursuant to this section that exceeds the amount of the balance then standing to the credit of that account.

Administration expenses.

11. All expenditures for salaries, travelling expenses and other expenses of administration shall be paid out of moneys appropriated by Parliament for the purpose.

Remuneration and expenses of members.

12. Each member of the Board, other than a member who is in receipt of a salary fixed by the Governor in Council or the Treasury Board, shall be paid by the Corporation, for each day he attends any meeting of the Board or of any committee of the Board, such remuneration as is fixed by by-law of the Board, and each member of the Board or of a consultative committee of the Board is entitled to be paid by the Corporation such travelling and living expenses incurred by him in connection with the performance of his duties as are fixed by by-law of the Board.

BY-LAWS.

By-laws.

13. The Board, with the approval of the Minister, may make by-laws

(*a*) for the regulation of its proceedings, including the establishment of special and standing committees of the Board, the delegation to such committees of any of its duties and the fixing of quorums for meetings of the Board or of such committees;

(*b*) for the establishment of consultative committees consisting of members of the Board or persons other than members or both;

(*c*) prescribing the duties of, and delegating any of its duties to, the director of each museum and the Secretary-General;

(*d*) fixing the remuneration and travelling and living expenses to be paid to members of the Board as provided in this Act and to members of consultative committees other than members of the Board; and

(*e*) generally, for the conduct and management of its activities.

GENERAL.

Head Office.

14. The Head Office of the Corporation shall be at the City of Ottawa.

Agent of Her Majesty.

15. (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.

(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.

Certain members not contributors for superannuation.

16. The *Public Service Superannuation Act* does not apply to a member of the Board who is not in receipt of a salary fixed by the Governor in Council or the Treasury Board unless the Governor in Council otherwise directs.

Gifts, bequests, etc.

17. The Corporation may acquire by gift, bequest or otherwise any real or personal property and may, notwithstanding anything in this Act, hold, administer, expend or dispose of any such property, subject to the terms, if any, upon which it is given, bequeathed or otherwise made available to the Corporation.

Disposition of objects in collections.

18. (1) Subject to subsection (2), the Board may sell, exchange, give away or otherwise dispose of any object in the collections of the Corporation if in the opinion of the director of the museum responsible for the object, it is not fit to be retained in the collections of the Corporation or the disposal of the object would further the purposes of the Corporation.

Limitation on disposition.

(2) The Board shall not dispose of any object in the collections of the Corporation contrary to the terms on which the object was given, bequeathed or otherwise made available to the Corporation.

Surplus Crown Assets Act not applicable.

19. The *Surplus Crown Assets Act* does not apply to the Corporation or to the property of the Corporation.

Corporation deemed charitable organization.

20. The Corporation shall be deemed to be a charitable organization in Canada

(*a*) as described in paragraph (*e*) of subsection (1) of section 62 of the *Income Tax Act*, for the purposes of that Act; and

(*b*) as described in subparagraph (i) of paragraph (*d*) of subsection (1) of section 7 of the *Estate Tax Act*, for the purposes of that Act.

Audit.

21. The accounts and financial transactions of the Corporation shall be audited annually by the Auditor General and a report of the audit shall be made to the Chairman of the Board.

REPORT TO PARLIAMENT.

Report to Parliament.

22. The Chairman of the Board shall, within three months after the termination of each fiscal year, submit to the Minister a report of all proceedings under this Act for that fiscal year, including the financial statement of the Corporation, and the Auditor General's report thereon, and the Minister shall cause such 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.

TRANSITIONAL.

Corporation successor to National Gallery of Canada.

23. (1) The National Museums of Canada established by this Act is hereby declared to be the successor to the National Gallery of Canada, and all property, rights, obligations and liabilities of the National Gallery of Canada existing immediately before the day on which this Act comes into force shall be deemed to be the property, rights, obligations and liabilities of the National Museums of Canada on and from that day.

Balances in certain C.R.F. Accounts transferred.

(2) The credit balances in the National Gallery Purchase Account and the National Gallery Special Operating Account in the Consolidated Revenue Fund at the coming into force of this Act shall be transferred to the National Museums Purchase Account and the National Museums Special Account, respectively, in the Consolidated Revenue Fund.

REPEAL.

1966-67, c. 25, s. 34.

R.S. c. 186.

24. (1) Subsection (2) of section 4 of the *Department of State Act* is repealed.

(2) The *National Gallery Act* is repealed.

COMING INTO FORCE.

Coming into force.

25. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

S-58.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE SENATE OF CANADA

BILL S-58.

An Act respecting interprovincial and international teleferries.

Read a first time, Thursdays 16th March, 1967.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25969

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE SENATE OF CANADA

BILL S-58.

An Act respecting interprovincial and international teleferries.

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 *Teleferry Act*.

INTERPRETATION.

Definitions.

2. In this Act,

"Commission."

(*a*) "Commission" means the Canadian Transport Commission;

"Licence."

(*b*) "licence" means a teleferry licence or any renewal thereof;

"Licensee."

(*c*) "licensee" means the holder of a teleferry licence; and

"Teleferry."

(*d*) "teleferry" means a device for the conveyance of passengers or chattels above water or land, otherwise than vertically, by means of vehicles supported by cables and more commonly referred to as a gondola lift, aerial cable-car, suspension line or aerial passenger tramway, and includes the land, structures, machinery and approaches necessary to the operation of the device.

APPLICATION.

Application.

3. This Act applies to every teleferry connecting a province with any other province or connecting Canada and the United States.

Explanatory Notes.

The purpose of this Bill is to provide authority to regulate those suspension line devices (known as aerial cable-cars) that connect provinces or Canada and the United States.

A licence would be required similar to the licence required under the *Ferries Act* while safety would be regulated under the *Bridges Act*. Tolls would be governed in the same manner as tolls on international bridges in case any such device becomes a significant mode of transport. The requirements of the *Navigable Waters Protection Act* are unaffected where the device is carried across a navigable water. At the present time, that Act is the only federal statute having any clear application to these devices.

For the purposes of this Bill, the device is defined under the term "teleferry", which is borrowed from the French designation "téléférique".

The Bill would require a teleferry that is in operation or being constructed when the Bill comes into force to be temporarily licensed to enable the operator to qualify for an ordinary licence if he needs time for that purpose.

Teleferry Licence.

Licence required.

4. (1) No teleferry shall be constructed or operated except in accordance with the terms and conditions of a licence issued in respect thereof pursuant to this Act.

To whom issued.

(2) Subject to section 7, a licence may be issued only to a company incorporated under the laws of Canada or any province thereof.

Teleferry licence.

5. The Governor in Council may from time to time authorize the issue of licences under this Act for any period not exceeding fifty years, as the exigencies of the case require.

No exclusive right.

6. The issue of a licence pursuant to this Act does not give the licensee any exclusive right, privilege or franchise to operate a teleferry so as to prevent any other person from acquiring a licence in or adjacent to the area in which a licensed teleferry is being operated.

Temporary licence.

7. Where a teleferry to which this Act applies had been constructed or was under construction or in operation before the commencement of this Act, the owner thereof is entitled to receive a temporary licence in respect of such teleferry if he is unable to qualify otherwise for a licence under this Act, but a temporary licence shall be for such period not being less than one year or more than five years as the Governor in Council may determine.

Cancellation.

8. In addition to any other penalty prescribed by law, a licence issued pursuant to this Act is liable to cancellation

(*a*) for any violation by the licensee, or any agent or employee thereof, of the regulations; or

(*b*) for any violation by the licensee, or any agent or employee thereof, of the customs or immigration laws of Canada or the United States if the teleferry connects Canada and the United States.

Saving.

9. Nothing in this Act affects the operation of the *Navigable Waters Protection Act.*

Tolls.

International teleferry tolls.

10. (1) The Commission has jurisdiction and control over tolls to be charged in respect of traffic on any teleferry between Canada and the United States, and the provisions of the *Railway Act* relating to tolls and tariffs in respect of international bridges apply *mutatis mutandis.*

Inter-provincial teleferry tolls.

(2) The Governor in Council may make regulations respecting the tolls or rates at which persons and chattels shall be carried by teleferries connecting a province with any other province and prescribing the manner and places at which such tolls or rates shall be published or made known.

Safety.

Application of *Bridges Act*.

11. The *Bridges Act* applies to a teleferry with like effect as if the teleferry were a bridge to which that Act applies.

Regulations.

Regulations.

12. The Governor in Council may make regulations for carrying out the purposes of this Act and in particular, but without limiting the generality of the foregoing, may make regulations

(*a*) prescribing the terms and conditions of licences under this Act and the manner in which and the period for which and by whom licences are to be issued and the fees therefor;

(*b*) respecting the size, strength and description of the cars, cables, pylons, anchors and other components of a teleferry, and respecting the nature of the accommodation and facilities to be provided and maintained at the expense of the licensee for the carrying out of any necessary customs or immigration services;

(*c*) governing the inspection of a teleferry during construction and thereafter by competent engineers and safety inspectors and the making of periodical reports of such inspections;

(*d*) regulating the conduct of licensees in respect of teleferries and, where necessary to do so for the public convenience, regulating the times and frequencies of trips by the vehicles of the teleferries;

(*e*) respecting the nature and amount of insurance to be carried by licensees in respect of teleferries operated by them and assuring, by the provision of sureties or otherwise, the availability of funds to defray the removal costs of teleferries upon abandonment thereof or the cancellation of the licence therefor;

(*f*) respecting the cancellation of a teleferry licence, in consequence of the conditions thereof or any of them not having been fulfilled, or in consequence of such licence having been obtained by fraud or misrepresentation or through error; and

(*g*) respecting the charges that may be made for any inspection and other services provided pursuant to this Act.

OFFENCE.

Offence.

13. A licensee who violates any of the provisions of this Act or the regulations is guilty of an offence punishable on summary conviction.

COMMENCEMENT.

Commencement.

14. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE SENATE OF CANADA

BILL S-59.

An Act to amend the Canadian Citizenship Act.

Read a first time, Monday, 20th March, 1967.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26002

1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE SENATE OF CANADA

BILL S-59.

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; 1966-67, c. 25.

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 9 of the *Canadian Citizenship Act* is repealed.

1952-53, c. 23, s. 17(1).

2. (1) Paragraph (*b*) of subsection (1) of section 10 of the said Act is repealed and the following substituted therefor:

"(*b*) he has resided in Canada for at least twelve of the eighteen months immediately preceding the date of his application;"

1952-53, c. 23, s. 17(1).

(2) Subparagraph (i) of paragraph (*c*) of subsection (1) of section 10 of the said Act is repealed and the following substituted therefor:

"(i) been lawfully admitted to Canada for permanent residence and has, since such admission, resided in Canada for at least five of the eight years immediately preceding the date of application, but for the purpose of this subparagraph, each full year of residence in Canada by the applicant prior to his lawful admission to Canada for permanent residence is deemed to be one-half year of residence in Canada within the eight year period referred to in this subparagraph,"

Explanatory Notes.

Clause 1: The subsection being repealed provides dates on which persons, other than natural born citizens, were deemed for the purposes of section 19 to have become Canadian citizens. The parts of section 19 for which the dates provided in this subsection are relevant have been repealed and therefore this subsection no longer has any application.

Clause 2: (1) The purpose of this amendment is to allow for flexibility in the residence requirement related to an application for Canadian citizenship. Paragraph (*b*) and the opening words of subsection (1) of section 10 at present read as follows:

"**10.** (1) The Minister may, in his discretion, grant a certificate of citizenship to any person who is not a Canadian citizen and who makes application for that purpose and satisfies the Court that,

(*a*) .....

(*b*) he has resided in Canada *for a period of* at least *one year* immediately preceding the date of his application;"

(2) Subparagraph (i) of paragraph (*c*) at present requires that an applicant for Canadian citizenship satisfy a Court that he has "acquired Canadian domicile". This amendment would substitute a requirement that the applicant satisfy the Court that he has been a resident in Canada for the period specified in the amendment. This would not affect the requirement contained in paragraph (*g*) of subsection (1) of section 10 that an applicant satisfy a Court that "he intends to have his place of domicile permanently in Canada".

1958, c. 24, s. 1.

(3) Paragraphs (*d*) and (*e*) of subsection (1) of section 10 of the said Act are repealed and the following substituted therefor:

"(*d*) he is of good character and not under order of deportation;

(*e*) he has an adequate knowledge of either the English or French language, or, if he has not such an adequate knowledge

(i) he was forty years of age or more at the time of his lawful admission to Canada for permanent residence and has resided continuously in Canada for more than ten years,

(ii) he was less than forty years of age at the time of his lawful admission to Canada for permanent residence and has resided continuously in Canada for more than twenty years, or

(iii) he is the spouse, the widow or the widower of a Canadian citizen;"

3. (1) Section 12 of the said Act is repealed and the following substituted therefor:

Certificate not effective unless oath of allegiance taken.

"**12.** A certificate of citizenship granted to any person under this Part, other than to a minor under the age of fourteen years, shall not take effect unless that person has taken the oath of allegiance set forth in the Second Schedule, and that person shall become a Canadian citizen upon the granting to him of the certificate of citizenship or on his taking the oath of allegiance, whichever later occurs."

(2) This section shall be deemed to have come into force on January 1, 1947.

1952-53, c. 23, s. 19(1).

4. (1) Section 18 of the said Act is repealed.

Resumption of citizenship lost through residence outside Canada.

(2) A person who before the coming into force of this section ceased to be a Canadian citizen by reason of his having resided outside of Canada for a period of ten consecutive years may, in accordance with the regulations, file a petition for resumption of Canadian citizenship and shall, if the petition is approved by the Minister, be deemed to have resumed Canadian citizenship as of the date of such approval or as of such earlier or later date as the Minister may fix in any special case, and the Minister may issue a certificate of citizenship accordingly.

(3) The purpose of this amendment is to provide that a person under order of deportation may not be granted a certificate of citizenship and to facilitate the acquisition of Canadian citizenship by persons 40 years of age or more at the time of lawful admission to Canada for permanent residence and by the spouse, widow or widower of a Canadian citizen. Paragraphs (*d*) and (*e*) at present read as follows:

"(*d*) he is of good character;

(*e*) he has an adequate knowledge of either the English or the French language, or, if he has not such an adequate knowledge, he has resided continuously in Canada for more than *twenty* years;"

Clause 3: (1) The purpose of this amendment is to clarify the requirement that the oath of allegiance must be sworn by the person to whom a certificate of citizenship is granted if that person is 14 years of age or over. The amendment would also clarify the effective date of citizenship where the oath of allegiance is sworn on a day other than the day on which the certificate of citizenship is issued.

Section 12 at present reads as follows:

"12. A certificate of citizenship granted to any person under this Part, other than to a minor under the age of fourteen years, shall not take effect *until the applicant* has taken the oath of allegiance set forth in the Second Schedule, and *thereupon the said* person shall become a Canadian citizen."

Clause 4: (1) The section of the Act being repealed provides for the loss of citizenship by a person who was not a natural-born Canadian citizen and who had resided outside of Canada for a period of ten consecutive years. There is no similar provision with respect to natural-born citizens. Consequently, the repeal of this section will remove this distinction between natural-born and other citizens.

(2) The purpose of this clause is to continue the procedure presently set out in subsection (4) of section 18 of the Act whereby a person who has lost his Canadian citizenship by reason of his residence abroad for a period of ten consecutive years may apply to resume that citizenship.

1958, c. 24, s. 2.

5. Subsections (1) and (2) of section 19 of the said Act are repealed and the following substituted therefor:

Revocation of Canadian citizenship.

"**19.** The Governor in Council may, in his discretion, order that any person shall cease to be a Canadian citizen if, upon a report from the Minister, he is satisfied that such person has

(*a*) obtained Canadian citizenship by false representation or fraud or by concealment of material circumstances; or

(*b*) when not under a disability,

(i) while in Canada and at any time after the 1st day of January, 1947, acquired the nationality or citizenship of a foreign country by any voluntary and formal act other than marriage,

(ii) taken or made an oath, affirmation or other declaration of allegiance to a foreign country, or

(iii) made a declaration renouncing his Canadian citizenship."

6. Subsection (2) of section 20 of the said Act is repealed and the following substituted therefor:

Child of a parent ceasing to be a Canadian citizen under section 19.

"(2) Where the responsible parent of a minor child ceases to be a Canadian citizen under section 19, the Governor in Council may, in his discretion, direct that the said child shall cease to be a Canadian citizen if the said child is or thereupon becomes, under the law of any country other than Canada, a national or citizen of that country."

1956, c. 6, s. 6.

7. Sections 30 and 31 of the said Act are repealed and the following substituted therefor:

Copy of decision transmitted to Minister.

"**30.** (1) Upon the disposition by a Court of an application for a certificate of citizenship,

(*a*) the decision of the Court as to whether the applicant is or is not a fit and proper person to be granted such a certificate and as to whether the applicant possesses the required qualifications shall be endorsed on a form provided by the Minister; and

(*b*) the Clerk of the Court shall forthwith transmit the application together with the form on which has been endorsed the decision of the Court in respect thereof to the Minister in accordance with the regulations.

Clause 5: Subsections (1) and (2) at present read as follows:

"**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; or

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

(2) The Governor in Council may, in his discretion, order that any person shall cease to be a Canadian citizen if, upon a report from the Minister, he is satisfied that such person has, when not under a disability,

(*a*) when in Canada and at any time after the 1st day of January, 1947, acquired the nationality or citizenship of a foreign country by any voluntary and formal act other than marriage;

(*b*) taken or made an oath, affirmation or other declaration of allegiance to a foreign country; or

(*c*) made a declaration renouncing his Canadian citizenship."

Natural-born Canadian citizens are not liable to loss of citizenship by reason of their having been charged with the offences mentioned in paragraph (*a*) of subsection (1). This amendment would delete that paragraph and thus place citizens other than natural-born citizens in the same position in this respect as natural-born citizens. In addition this amendment would provide for revocation of Canadian citizenship obtained by false representation, fraud or concealment of material circumstances rather than for revocation of such citizenship where a certificate of naturalization or of citizenship is obtained by false representation, fraud or concealment of material circumstances.

Clause 6: Subsection (2) at present reads as follows:

"(2) Where the responsible parent of a minor child ceases to be a Canadian citizen under section *18 or* 19, the Governor in Council may, in his discretion, direct that the said child shall cease to be a Canadian citizen if he is or thereupon becomes, under thel aw of any country other than Canada, a national or citizen of that country."

This amendment is consequential on the repeal of section 18.

Clause 7: Section 30 at present reads as follows:

"**30.** If the Court decides that the applicant for a certificate of citizenship is a fit and proper person to be granted such certificate and possesses the required qualifications, the decision shall be transmitted by the Clerk of the Court to the Minister in accordance with the regulations."

The amendment to subsection (1) of section 30 requires the Clerk of a Citizenship Court to transmit to the Minister applications for citizenship together with the form on which has been endorsed the decision of the Court where the application is refused as well as where the Court is of opinion that the applicant is a fit and proper person to be granted a certificate of citizenship and possesses the required

Right of appeal.

(2) An appeal lies from a decision of a Court that an applicant is not a fit and proper person to be granted a certificate of citizenship, or does not possess the required qualifications to be granted such a certificate, to the Citizenship Appeal Court in accordance with section 30A.

Minister shall notify applicant.

(3) The Minister shall, forthwith upon receipt of an application together with the form on which has been endorsed a decision of the Court in respect thereof that the applicant is not a fit and proper person to be granted a certificate of citizenship or does not possess the required qualifications to be granted such a certificate, give notice to the applicant of his right of appeal from such decision.

Citizenship Appeal Court established.

30A. (1) There shall be a Citizenship Appeal Court, consisting of one or more judges of the Exchequer Court of Canada to be designated by the President of the Exchequer Court of Canada from time to time.

Appeals to Court.

(2) The Citizenship Appeal Court is a superior court of record and shall hear and determine all appeals from final decisions of Courts that an applicant is not a fit and proper person to be granted a certificate of citizenship or does not possess the required qualifications to be granted such a certificate.

Time for bringing appeal.

(3) Every appeal to the Citizenship Appeal Court shall be brought within thirty days from the day notice is given to the applicant in accordance with subsection (2) of section 30, by Notice of Appeal filed with the Registrar of the Citizenship Appeal Court.

Registrar.

(4) The Registrar of the Exchequer Court is *ex officio* the Registrar of the Citizenship Appeal Court.

Powers of Court.

(5) Upon the hearing of an appeal brought pursuant to this section, the Citizenship Appeal Court may confirm or reverse the decision of the Court appealed from and a decision confirming a decision of the Court appealed from is final and conclusive.

Sittings and hearings; expenses.

(6) The Citizenship Appeal Court may sit and hear appeals at any place within Canada and at such times as may be required, and a judge of the Citizenship Appeal Court is entitled to be paid travelling allowances under the *Judges Act* as for attendance as a judge of the Exchequer Court.

Rules of Court.

(7) Subject to the approval of the Governor in Council, the judges of the Citizenship Appeal Court may make such rules respecting the conduct of appeals and the procedure for the bringing of appeals as they deem necessary.

qualifications. The new subsection (2) confers a right of appeal on an applicant from a decision of a Court described in the subsection and subsection (3) requires the Minister to give notice to the applicant of his right of appeal from a decision of a Citizenship Court in all cases where an appeal lies to the Citizenship Appeal Court established by the proposed new section 30A.

Section 30A is new. The purpose of this section is to establish a Citizenship Appeal Court with power to hear appeals from final decisions of Citizenship Courts refusing applications for citizenship.

Grant and delivery of certificates.

31. When a Court decides that an applicant for a certificate of citizenship is a fit and proper person to be granted such a certificate, or the Citizenship Appeal Court reverses the decision of a Court in respect of an application, a certificate of citizenship may, in the discretion of the Minister, be granted to the applicant and the certificate shall be delivered to the applicant and the oath of allegiance taken by him as prescribed by regulation."

1952-53, c. 23, s. 20(2).

8. (1) Paragraph (*b*) of subsection (1) of section 34 of the said Act is repealed and the following substituted therefor:

"(*b*) the time within which the oath of allegiance is to be taken before or after the grant of a certificate of citizenship;"

1952-53, c. 23, s. 20(2).

(2) Paragraphs (*f*), (*g*) and (*h*) of subsection (1) of section 34 of the said Act are repealed and the following substituted therefor:

"(*f*) the fixing and payment of fees in respect of
(i) the filing or making of any application, petition or declaration,
(ii) the issue or delivery of any copy whether certified or not, and
(iii) the administration or registration of any oath,
filed, made, issued, delivered, administered or registered pursuant to this Act and the disposition of any such fee;

(*g*) the procedure to be followed in the conduct of proceedings before the Court;

(*h*) the manner of proof of any qualification required for the grant or issue of a certificate of citizenship under this Act;"

(3) Paragraph (*j*) of subsection (1) of section 34 of the said Act is repealed and the following substituted therefor:

"(*j*) the registration of births of persons born outside of Canada;"

Section 31 at present reads as follows:

"**31.** When a Court has made a decision under section 30, a certificate of citizenship may in the discretion of the Minister be granted to the applicant, and the certificate shall be delivered to the applicant and the oath of allegiance taken by him as prescribed by regulation."

The amendment to section 31 is consequential on the proposed amendment to section 30 and on the establishment of the proposed Citizenship Appeal Court.

Clause 8: (1) The purpose of this amendment is to clarify the time when the oath of allegiance may be taken and to remove the implication presently contained in the paragraph that the oath of allegiance is to be taken on the issuance of a certificate of citizenship to a Canadian citizen. Paragraph (*b*) at present reads as follows:

"(*b*) the time within which the oath of allegiance is to be taken after the grant *or issue* of a certificate of citizenship;"

(2) The purpose of the amendment to paragraph (*f*) is to extend the authority to make regulations with respect to the imposition and disposition of fees.

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

"(*f*) the imposition and application of fees in respect of any registration authorized to be made by this Act or any Act heretofore in force in Canada and in respect of the making of any declaration or the grant or issue of any certificate authorized to be made, granted or issued by this Act or any Act heretofore in force in Canada, and in respect of the administration or registration of any oath;"

Paragraph (*g*) of subsection (1) of section 34 at present reads as follows:

"(*g*) the *expedient* and *fitting* procedure to be followed in the conduct of proceedings before the Court to *impress upon applicants the responsibilities and privileges of Canadian citizenship;*"

The purpose of this amendment is to provide authority to the Governor in Council to make general procedural regulations applicable to Citizenship Courts.

The amendment to paragraph (*h*), which would add the underlined words, would extend the authority under the paragraph to cases where a certificate is issued rather than granted.

(3) Paragraph (*j*) at present reads as follows:

"(*j*) the registration of births of persons born outside of Canada *and the extension of certificates of citizenship;*"

(4) Paragraph (*l*) of subsection (1) of section 34 of the said Act is repealed and the following substituted therefor:

"(*l*) for the delivery up and retention of certificates of citizenship, certificates of naturalization or any other certificates issued pursuant to this Act or the regulations for the purpose of determining whether the holder thereof is entitled thereto or has violated any provision of this Act, and where it is determined that such person is not entitled thereto, for the cancellation or other disposition of such certificate."

9. (1) Paragraph (*a*) of subsection (1) of section 39 of the said Act is repealed and the following substituted therefor:

"(*a*) was born in Newfoundland or on a ship registered in Newfoundland,"

(2) Subsection (1) of section 39 of the said Act is further amended by striking out the word "or" at the end of paragraph (*b*) thereof, by adding the word "or" at the end of paragraph (*c*) thereof and by adding thereto the following paragraph:

"(*d*) being a woman other than a woman who comes within paragraph (*a*), (*b*) or (*c*),

(i) before the 1st day of April, 1949, was married to a man who, if this section had come into force immediately before the marriage, would have been a Canadian citizen, and

(ii) on the 1st day of April, 1949, had been lawfully admitted to Canada or Newfoundland for permanent residence."

(3) Section 39 of the said Act is further amended by adding thereto the following subsection:

Foundlings.

"(6) Every foundling who was first found as a deserted infant in Newfoundland shall, until the contrary is proved, be deemed to have been born in Newfoundland."

With the repeal of section 18 there will be no need for the Governor in Council to make regulations to provide for the extension of certificates of citizenship.

(4) The purpose of this amendment is to broaden the purposes for which delivery up of a certificate may be required and to provide for cancellation of certificates.

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

"(*l*) for the delivery up and retention of certificates of citizenship or certificates of naturalization for the purpose of determining whether the holder thereof is entitled thereto."

Clause 9: (1) The purpose of this amendment is to make it clear that persons born on a ship registered in Newfoundland are Canadian citizens.

(2) New. The purpose of this amendment is to provide that the wives of those persons who, by virtue of section 39, became Canadian citizens on the first day of April, 1949, are also Canadian citizens if they were British subjects on that date and had been admitted to Newfoundland for permanent residence. A similar provision is found in section 9(1) of the Act with respect to the wives of those persons who became Canadian citizens in 1947 on the coming into force of the *Canadian Citizenship Act.*

(3) New. The purpose of this amendment is to provide that infants found deserted in Newfoundland shall, until the contrary is proved, be deemed for the purposes of the Act to have been born in Newfoundland.

10. The said Act is further amended by adding thereto, immediately after section 39 thereof, the following sections:

Grant of citizenship to persons in Newfoundland who lost status of British subject for reasons other than marriage.

"**39A.** The Minister may, in his discretion, grant a certificate of citizenship to a person described in paragraph (*a*) or (*b*) of subsection (1) of section 39 or subsection (1) of section 39B who, before the 1st day of April, 1949, ceased to be a British subject by reason of his naturalization outside of Newfoundland or for any reason other than marriage, if such person applies for a certificate of citizenship and satisfies the Minister that he possesses the qualifications prescribed by paragraphs (*b*), (*d*), (*e*), (*f*) and (*g*) of subsection (1) of section 10.

British subjects born outside of Newfoundland.

39B. (1) A person who was a British subject on the 1st day of April, 1949 is a natural-born Canadian citizen if he was born outside of Newfoundland elsewhere than on a ship registered in Newfoundland and either was a minor on the 1st day of April, 1949 or had, before that date, been lawfully admitted to Canada or Newfoundland for permanent residence and his father, or in the case of a person born out of wedlock, his mother

(*a*) was born in Newfoundland or on a ship registered in Newfoundland and was a British subject at the time of that person's birth;

(*b*) was at the time of that person's birth a British subject who had Newfoundland domicile;

(*c*) was at the time of that person's birth a person who had been naturalized under the laws of Newfoundland; or

(*d*) was a British subject who had his place of domicile in Newfoundland for at least twenty years immediately before the 1st day of April, 1949, and was not, on that date, under order of deportation.

Conditions for retention of citizenship by persons born outside of Newfoundland.

(2) A person who is a Canadian citizen under subsection (1) and was a minor on the 1st day of April, 1949, ceases to be a Canadian citizen upon the date of the expiration of three years after the day on which he attained the age of twenty-one or on the 1st day of July, 1968, whichever is the later date, unless

(*a*) he has his place of domicile in Canada at such date; or

(*b*) he has, before such date and after attaining the age of twenty-one years, filed in accordance with the regulations, a declaration of retention of Canadian citizenship.

Clause 10: The new section 39A provides for the acquisition of Canadian citizenship by persons born in Newfoundland or outside Newfoundland to Newfoundland parents and who ceased to be British subjects, for any reason other than marriage, before the first day of April, 1949.

The new section 39B provides that persons born outside Newfoundland to Newfoundland parents and who meet the requirements of this section are natural-born Canadian citizens. However, by subsection (2) such citizenship can be lost if upon a day three years after the day that person attained the age of twenty-one years or on the first day of July, 1967, whichever is the later day, that person is not domiciled in Canada or has not, after attaining the age of twenty-one years, filed a declaration of his retention of Canadian citizenship. Where such person has not complied with the requirements of this section he may petition the Minister for resumption of his citizenship.

Resumption of citizenship.

(3) A person who has ceased to be a Canadian citizen by virtue of subsection (2) may, in accordance with the regulations, file a petition for resumption of Canadian citizenship and shall, if the petition is approved by the Minister, be deemed to have resumed Canadian citizenship as of the date of such approval or as of such earlier or later date as the Minister may fix in any special case and the Minister may issue a certificate of citizenship accordingly.

Child born after death of his father.

39C. Where a child was born after the death of his father, the child shall, for the purposes of sections 39 to 39B, be deemed to have been born immediately before the death of the father."

11. Section 41 of the said Act is repealed and the following substituted therefor:

Penalty for false representation, improper use of a certificate, etc.

"**41.** A person who

(*a*) for any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular;

(*b*) obtains or uses another person's certificate of citizenship or certificate of naturalization in order to personate that other person;

(*c*) knowingly permits his certificate of citizenship or certificate of naturalization to be used to personate himself; or

(*d*) traffics in certificates of citizenship or has in his possession a certificate of citizenship for the purpose of trafficking,

is guilty of an offence and is liable on summary conviction in respect of each offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Where offences committed outside Canada.

41A. (1) Any act or omission that would if committed in Canada be an offence under this Act is, if committed outside Canada, an offence under this Act.

Jurisdiction.

(2) Where a person has committed outside Canada an act or omission that is an offence under this Act, the offence is within the competence of and may be tried and punished by the court having jurisdiction in respect of similar offences in the place in Canada where that person is found in the same manner as if the offence had been committed in that place, or by any other court to which juridsiction has been lawfully transferred."

The new section 39c is equivalent to section 8 of the Act which is limited in its application to Part I.

Clause 11: The purpose of this amendment is to make it an offence for a person to obtain another person's certificate of citizenship or naturalization for the purpose of personating that person; to make it an offence to traffic in certificates of citizenship or to have certificates of citizenship in one's possession for the purpose of trafficking and to provide that in lieu of the term of imprisonment for committing an offence mentioned in paragraphs (*a*) to (*d*) a court may impose a fine or both a fine and imprisonment.

The new section 41A makes violations of the *Canadian Citizenship Act* committed outside Canada offences under the Act and provides that where an offence is committed outside Canada the offence may be tried and punished in the proper court in the area in which the person committing the offence is found or in any other court to which jurisdiction has been lawfully transferred.

12. The said Act is further amended by adding thereto, immediately after section 42 thereof, the following section:

Limitation.

"**42A.** Any proceedings in respect of an offence under this Act or the regulations that is punishable on summary conviction may be instituted at any time within three years after the offence was committed."

AMENDMENT TO FRENCH VERSION.

13. The French version of the said Act is amended by striking out the expression "vingt années avant" where it occurs in sections 4, 9 and 10 and substituting therefor, in each case, the expression "vingt années immédiatement avant".

Clause 12: New. Offences under the Act are punishable on summary conviction and by virtue of the summary conviction provisions of the *Criminal Code* proceedings must be brought within six months after the offence is alleged to have taken place. The purpose of this amendment is to extend the period in which proceedings may be brought to three years after the offence was committed.

Clause 13: The purpose of this amendment is to correct a discrepancy between the two versions of the *Canadian Citizenship Act* in subparagraph (iv) of paragraph (*b*) of subsection (1) of section 4, paragraph (*c*) of subsection (1) of section 9, subparagraph (iv) of paragraph (*c*) of subsection (1) of section 10 and subparagraph (iv) of paragraph (*c*) of subsection (4) of section 10.

First Session, Twenty-Seventh Parliament, 14-15-16 Elizabeth II, 1966-67.

THE SENATE OF CANADA

BILL S-60.

An Act to amend the Food and Drugs Act.

Read a first time, Tuesday, 18th April, 1967.

Honourable Senator CONNOLLY, P.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

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1st Session, 27th Parliament, 14-15-16 Elizabeth II, 1966-67.

THE SENATE OF CANADA

BILL S-60.

An Act to amend the Food and Drugs Act.

1952-53, c. 38; 1960-61, c. 37; 1962-63, c. 15.

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

1960-61, c. 37, s. 1.

1. Section 30 of the *Food and Drugs Act* is repealed and the following substituted therefor:

Exports.

"**30.** This Act does not apply to any packaged food, drug (other than a drug or other substance defined as a controlled drug by Part III or as a restricted drug by Part IV), cosmetic or device, not manufactured for consumption in Canada and not sold for consumption in Canada, if the package is marked in distinct overprinting with the word "Export", and a certificate that the package and its contents do not contravene any known requirement of the law of the country to which it is or is about to be consigned, has been issued in respect thereof in prescribed form and manner."

2. The said Act is further amended by adding thereto the following Part:

"PART IV.

RESTRICTED DRUGS.

Definitions.

"Possession."

"Regulations."

"Restricted drug."

39. In this Part,

(*a*) "possession" means possession as defined in the *Criminal Code;*

(*b*) "regulations" means regulations made as provided for, by or under section 45;

(*c*) "restricted drug" means any drug or other substance included in Schedule J; and

Explanatory Notes.

Clause 1: This amendment is consequential upon the addition by clause 2 of a new Part IV to the *Food and Drugs Act*.

Section 30 at present reads as follows:

"**30.** This Act does not apply to any packaged food, drug other than a drug defined as a controlled drug by Part III, cosmetic or device, not manufactured for consumption in Canada and not sold for consumption in Canada, if the package is marked in distinct overprinting with the word "Export", and a certificate that the package and its contents do not contravene any known requirement of the law of the country to which it is or is about to be consigned, has been issued in respect thereof in prescribed form and manner."

Clause 2: The purpose of this amendment is to add a new Part to the *Food and Drugs Act* in order to make it an offence for any person, except under the authority of the new Part or the regulations thereunder, to have a restricted drug in his possession or to traffic in a restricted drug or to have it in his possession for the purpose of trafficking.

"Traffic."

(*d*) "traffic" means to manufacture, sell, export from or import into Canada, transport or deliver, otherwise than under the authority of this Part or the regulations.

Possession of restricted drug.

40. (1) Except as authorized by this Part or the regulations, no person shall have a restricted drug in his possession.

Offence.

(2) Every person who violates subsection (1) is guilty of an offence and is liable

(*a*) upon summary conviction for a first offence to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment, and for a subsequent offence to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment; or

(*b*) upon conviction on indictment to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years or to both fine and imprisonment.

Trafficking in restricted drug.

41. (1) No person shall traffic in a restricted drug or any substance represented or held out by him to be a restricted drug.

Possession for the purpose of trafficking.

(2) No person shall have in his possession any restricted drug for the purpose of trafficking.

Offence.

(3) Every person who violates subsection (1) or (2) is guilty of an offence and is liable

(*a*) upon summary conviction, to imprisonment for eighteen months; or

(*b*) upon conviction on indictment, to imprisonment for ten years.

Procedure in prosecution for possession for trafficking.

42. (1) In any prosecution for a violation of subsection (2) of section 41, if the accused does not plead guilty, the trial shall proceed as if the issue to be tried is whether the accused was in possession of a restricted drug contrary to subsection (1) of section 40.

Idem.

(2) If, pursuant to subsection (1), the court finds that the accused was not in possession of a restricted drug contrary to subsection (1) of section 40, he shall be acquitted, but, if the court finds that the accused was in possession of a restricted drug contrary to subsection (1) of section 40, he shall be given an opportunity of establishing that he was not in posses-

sion of the restricted drug for the purpose of trafficking and thereafter the prosecutor shall be given an opportunity of adducing evidence to the contrary.

Idem.

(3) If, pursuant to subsection (2), the accused

(*a*) establishes that he was not in possession of the restricted drug for the purpose of trafficking, he shall be acquitted of the offence as charged but he shall be convicted of an offence under subsection (1) of section 40 and sentenced accordingly; or

(*b*) fails to establish that he was not in possession of the restricted drug for the purpose of trafficking, he shall be convicted of the offence as charged and sentenced accordingly.

Burden of proving exception, etc.

43. (1) No exception, exemption, excuse or qualification prescribed by law is required to be set out or negatived, as the case may be, in an information or indictment for an offence under this Part or under section 406, 407 or 408 of the *Criminal Code* in respect of an offence under this Part.

Idem.

(2) In any prosecution under this Part the burden of proving that an exception, exemption, excuse or qualification prescribed by law operates in favour of the accused is on the accused, and the prosecutor is not required, except by way of rebuttal, to prove that the exception, exemption, excuse or qualification does not operate in favour of the accused, whether or not it is set out in the information or indictment.

Certificate of analyst.

44. In any prosecution for an offence mentioned in subsection (1) of section 43, a certificate of an analyst stating that he has analyzed or examined a substance and stating the result of his analysis or examination is admissible in evidence and in the absence of any evidence to the contrary is proof of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

Application of sections 36 and 37.

45. (1) The provisions of sections 36 and 37 apply in respect of this Part.

Idem.

(2) For the purposes of subsection (1),

(*a*) there shall be substituted for the expression "controlled drug", wherever it appears in section 36 or 37, the expression "restricted drug"; and

(*b*) a reference in section 36 or 37

(i) to "Schedule G" shall be deemed to be a reference to Schedule J, and

(ii) to "this Part" shall be deemed to be a reference to Part IV.

Additional regulations.

(3) In addition to the regulations provided for by subsection (1), the Governor in Council may make regulations authorizing the possession or export of restricted drugs and prescribing the circumstances and conditions under which and the persons by whom restricted drugs may be had in possession or exported.

Sections not applicable.

46. Sections 25, 28 and 29 are not applicable in any proceedings in respect of an offence under this Part or the regulations."

3. The said Act is further amended by adding thereto the following Schedule:

"SCHEDULE J.

1. Lysergic acid diethylamide."

Coming into force.

4. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Clause 3: The purpose of this amendment is to make lysergic acid diethylamide (commonly referred to as "LSD") a restricted drug.