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Sessional Paper No. 100, 1967

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## THE SENATE OF CANADA

### BILL S-2

An Act to establish a corporation for the administration of  
the National Museum of Canada.

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Read a first time, Tuesday, 31st May, 1967

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Honourable Senator DICKSON, P.C.





THE SENATE OF CANADA

**BILL S-2.**

An Act to establish a corporation for the administration of  
the National Museums of Canada.

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Read a first time, Tuesday, 9th May, 1967.

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Honourable Senator DESCHATELETS, P.C.



## THE SENATE OF CANADA

### BILL S-2.

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*. 5

#### 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; 10  
"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 15 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, 20  
and ten other members, to be appointed as provided in section 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.

(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.

(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.

(4) A vacancy in the membership of the Board does not impair the right of the remaining members to act.

PURPOSES AND POWERS.

(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.

(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, reports 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

Chairman and Vice-Chairman

Appointment of other members

Eligibility for re-appointment

Vacancy in membership

Purposes of the Corporation

Powers

Non-Profits

25

35

40

45



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.

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.

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.

(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.

(3) Subject to the by-laws of the Corporation, the director of a museum has, on behalf of the Board, the direction of the activities of the museum for which he is appointed director.

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.

(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 the Act or the by-laws specifically reserved to the Board, a committee of the Board or a director of a museum.

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.

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



- (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 5
- (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 10
  - (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. 15

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, 20 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 25 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, 30 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 35 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 40 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.

(2) There shall be established in the Council-dated Revenue Fund a special account to be known as the National Museum 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.

(3) There shall be established in the Council-dated Revenue Fund a special account to be known as the National Museum Special Account to which shall be

- (a) All moneys appropriated by Parliament for the acquisition by the Corporation for the acquisition or purchase 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),

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.

(2) There shall be established in the Council-dated Revenue Fund a special account to be known as the National Museum 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.

Trust Account

Special Account



- (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 5
- (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, 10

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. 15

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, 20
- (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 25
- (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, 30

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. 35

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 40

- (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 45
- (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 purchase of materials described in paragraph (a).

(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.

11. All expenditures for salaries, travelling expenses and other expenses of administration shall be paid out of moneys appropriated by Parliament for the purpose.

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.

13. The Board, with the approval of the Minister, may make by-laws

- (a) for the regulation of its proceedings, including the establishment of quorum and standing committees of the Board, the delegation to such committees of any of its duties and the fixing of quorum 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 as 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.

Establishment of payments out of Consolidated Revenue Fund

Administration expenses

Remuneration of members of Board

By-laws



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. 5

Administra-  
tion 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. 10

Remunera-  
tion 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. 15 20

#### 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; 25
- (b) for the establishment of consultative committees consisting of members of the Board or persons other than members or both; 30
- (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 35
- (e) generally, for the conduct and management of its activities. 40

GENERAL

14. The Head Office of the Corporation shall be at the City of Ottawa.

15. (1) The Corporation is, for all purposes of the Act, an agent of Her Majesty and its powers under this Act may be exercised only as an agent of Her Majesty.

(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.

(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.

(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.

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.

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.

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.

(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.



## 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. 5
- 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 10 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 15 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 20 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, not- 25 withstanding 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 30 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 35 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. 40

19. The Heritage Commission shall not apply to the Corporation or to the property of the Corporation.

Heritage Commission  
not apply to the Corporation or to the property of the Corporation

20. The Corporation shall be deemed to be a charitable organization in Canada

Charitable organization in Canada

(a) as described in paragraph (a) of subsection (1) of section 67 of the Income Tax Act, for the purposes of that Act; and

(b) as described in paragraph (i) of subsection (1) of section 7 of the Whistle-blower Act, for the purposes of that Act.

(a) as described in paragraph (a) of subsection (1) of section 67 of the Income Tax Act, for the purposes of that Act; and  
(b) as described in paragraph (i) of subsection (1) of section 7 of the Whistle-blower Act, for the purposes of that Act.

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.

Auditor General and a report of the audit shall be made to the Chairman of the Board.

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.

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.

23. (1) The National Museum 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 Museum of Canada on and from that day.

National Museum 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 Museum of Canada on and from that day.

(2) The credit balance 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 Museum Purchase Account and the National Museum Special Account, respectively, in the Consolidated Revenue Fund.

The credit balance 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 Museum Purchase Account and the National Museum Special Account, respectively, in the Consolidated Revenue Fund.



*Surplus  
Crown  
Assets Act*  
not applic-  
able.

**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 5

(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. 10

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. 15 20

#### 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. 25 30

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. 35

Bill 3, introduced in the House of Commons, 1957

(1) Subsection (3) of section 4 of the Depart-	24	195-47
ment of State Act is repealed.		2 36 x 34
(2) The National Gallery Act is repealed.		1 2 x 130

THE SENATE OF CANADA

This Act shall come into force on a day to be	25	195-47
fixed by proclamation of the Governor in Council.		2 36 x 34

BILL S-3.

An Act respecting the armed forces of countries visiting Canada.

Read a first time, Tuesday, 9th May, 1957

Honorable Senator Deschamps, P.C.



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.

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Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

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## THE SENATE OF CANADA

### BILL S-3.

An Act respecting the armed forces of countries  
visiting Canada.

---

Read a first time, Tuesday, 9th May, 1967.

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Honourable Senator DESCHATELETS, P.C.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967



## THE SENATE OF CANADA

### BILL S-3.

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*.      5

#### INTERPRETATION.

- 2.**      In this Act,  
Definitions.      (a) "Canadian Forces" means the armed forces of  
"Canadian Her Majesty raised by Canada;  
Forces."      (b) "civil court" means a court of ordinary criminal  
"Civil jurisdiction in Canada and includes a court of 10  
court."      (c) "civil prison" means any prison, gaol or other  
"Civil place in Canada in which offenders sentenced  
prison."      (d) "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;      15  
"Depen- (d) "dependant" means, with reference to a member  
dant."      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;      20  
"Designated (e) "designated state" means a state, other than  
state."      Canada, that is designated under section 4;  
"Detention (f) "detention barrack" means a place designated  
barrack."      as such under the *National Defence Act*;  
"Peniten- (g) "penitentiary" means a penitentiary within 25  
tiary."      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; 5
- “Service prison.” (i) “service prison” means a place designated as such under the *National Defence Act*; and 10
- “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. 15

## 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. 20
- 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; 25
  - (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. 35

(1) 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.

(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.

**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.

(1) Where under section 2 of the Act a member 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.

(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 or was done or omitted in the performance of his duty or was not done or omitted in the performance of his duty or was not done or omitted in the performance of his duty or was not done or omitted in the performance of his duty, shall be admissible as evidence in any proceedings in a court of law.

Clause 5: Section 6 revised to extend to dependants of members of visiting forces.

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 same immunities and privileges as a service witness appearing before a court of law.



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. 5

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 10

(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 15

(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. 20

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. 25

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. 30

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. 35

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. 45

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

5

- (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 with- 10  
in 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 15  
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 sub- 20  
section (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 25  
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 30  
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. 35

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, 40  
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 45  
so arrested to the appropriate authorities of the visiting force.

Clause 9: Section 10 revised to extend to dependants.

10 and men of the Canadian Forces within the meaning of section 2 of the National Defence Act 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 barracks.

15 12. (1) The authority 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.

20 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

Clause 10: Section 11 revised to extend to dependants.

25 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.

30 14. (a) may be authorized to do so by orders of service authorities of the visiting force, peace and entry explosives, ammunition and firearms and (b) are not subject to the provisions of the Criminal Code relating to lawful drilling or the testing or possession of explosives.



Place of incarceration.

**11.** (1) Where a member of a visiting force 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 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. 5

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. 15

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. 20

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*. 25

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. 30 35

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, 40

- (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. 45



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; 5
  - (b) property owned, occupied, possessed or controlled by a visiting force shall be deemed to be owned, occupied, possessed or controlled by 10 the Crown; and
  - (c) a service motor vehicle of a visiting force shall be deemed to be owned by the Crown.

No proceed-  
ings 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 20 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 25 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 30 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 35 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. 5

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. 10 15

#### 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 20

- (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; 25

- (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, dock-yards, 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 30 35 40

- (ii) any place, not belonging to a designated state, where any munitions of war or any sketches, models, plans or documents 45

relating thereto, are being made, repaired,  
or stored under contract with or  
with any person on behalf of a designated  
state, or otherwise on behalf of a designat-

- (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;
- (2): *New.*
- (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.

Section 13 of the Official Languages Act does not apply in respect of a designated state.

**Clause 20: Section 20.**  
**TAXATION**

- 20. (1) Where the individual is a resident in Canada during a period of 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.
- (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.
- (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.
- 21. No tax or fee is payable in respect of a-  
cess or registration of service vehicles of a visiting force or in respect of the use of such vehicles on any road in Canada.



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; 5
- (d) a reference in that Act to "contract made on behalf of Her Majesty" included a contract made on behalf of a designated state; 10
- (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 15
- (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. 20

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. 25

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. 30

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. 35

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. 40

*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. 5

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, 10

(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 15

(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. 20

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. 25

## 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. 30

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 35

(b) subject to anything to the contrary in the conditions applicable to his service, may place any member of the Canadian Forces at the 40

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. 5 10

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. 15

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, 20

(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 25

(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. 30 35

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. 40 45

PART VII.

MISCELLANEOUS.

18. 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.

19. (1) Every person who is a member of the Council shall be deemed to have agreed to the provisions of this Act and to have accepted the duties and responsibilities imposed on him by the provisions of this Act. (2) The Council shall be deemed to have agreed to the provisions of this Act and to have accepted the duties and responsibilities imposed on it by the provisions of this Act.



## 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.           **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. 5
- R.S., c. 283;  
R.S., c. 285;  
R.S., c. 284.
- 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. 10

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*.





THE SENATE OF CANADA

**BILL S-4.**

An Act to amend the Canadian Citizenship Act.

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Read a first time, Tuesday, 9th May, 1967.

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Honourable Senator DESCHATELETS, P.C.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967



## THE SENATE OF CANADA

### BILL S-4.

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. 5

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 10  
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 per- 15  
manent residence and has, since such  
admission, resided in Canada for at least  
five of the eight years immediately pre-  
ceding the date of application, but for the  
purpose of this subparagraph, each full 20  
year of residence in Canada by the appli-  
cant 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 25  
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; 5
- (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, 10
- (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 15
- (iii) he is the spouse, the widow or the widower of a Canadian citizen;” 20

Persons who previously satisfied residence or domiciliary requirements.

(4) Subsection (8) of section 10 of the said Act is repealed and the following substituted therefor:

“(8) Subparagraph (i) of paragraph (c) of subsection (1) does not apply to a person who

- (a) has resided continuously in Canada for a 25 period of one year immediately preceding the 1st day of June, 1956, and had been admitted to Canada for permanent residence prior to the 31st day of December, 1956, and, in addition, has also resided in Canada for a further 30 period of not less than four years during the six years immediately preceding the 1st day of June, 1953; or
- (b) acquired Canadian domicile before the coming 35 into force of this paragraph.”

**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.” 45

(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.*"



(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 out-  
side 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. 5 10

1958, c. 24,  
s. 2.

5. Subsections (1) and (2) of section 19 of the said Act are repealed and the following substituted therefor: 15

Revocation of  
Canadian  
citizenship.

“19. (1) 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.” 25 30

6. Subsection (2) of section 20 of the said Act is repealed and the following substituted therefor: 35

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.” 40



*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.

*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 the law of any country other than Canada, a national or citizen of that country."

This amendment is consequential on the repeal of section 18.



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.

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.



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 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.



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. 5

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. 10

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. 15

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." 20 25

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;" 30

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 35  
(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 40  
oath,  
filed, made, issued, delivered, administered or registered pursuant to this Act and the disposition of any such fee;



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;"



- (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;”

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(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;”

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(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.”

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9. (1) Paragraph (a) of subsection (1) of section 39 of the said Act is repealed and the following substituted therefor:

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- “(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.”

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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;*”

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) 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.” 5

**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 10 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 15 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. 20

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, 25 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 30 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 35 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, 40 1949, and was not, on that date, under order of deportation.



(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.

*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.



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.

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.



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.



Where  
offences  
committed  
outside  
Canada.

Jurisdiction.

**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.

(2) Where a person has committed outside 5  
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 juris-  
diction in respect of similar offences in the place in  
Canada where that person is found in the same manner 10  
as if the offence had been committed in that place,  
or by 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 15  
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.” 20

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”. 25

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.

BILL S-5

*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.

EDWARD S. SHAW, P.C.

MINISTER OF JUSTICE

QUEEN'S PRINTER AND CONTROLLER OF PRINTING

OTTAWA, ONT.





THE SENATE OF CANADA

**BILL S-5.**

An Act to amend the Criminal Code.

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Read a first time, Tuesday, 9th May, 1967.

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Honourable Senator DESCHATELETS, P.C.



## THE SENATE OF CANADA

### BILL S-5.

An Act to amend the Criminal Code.

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

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; 15
- (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 20
- (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

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(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

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(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

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(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.

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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.

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Definitions.

"Public place."

(5) In this section,

(a) "public place" includes any place to which the public have access as of right or by invitation, express or implied;

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"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.

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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.

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Summons to occupier.

(2) Within seven days of the issue of the warrant, the judge shall issue a summons to the

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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.

(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.

(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.

(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.

(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 a court, as the case may be, on a question of law alone under Part XVIII and sections 681 to 691 apply *mutatis mutandis*.

(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 367A or subsection (1) or (2) of section 367A with respect to those or other copies of the same publication without the consent of the Attorney General.

(8) In this section,

(a) "court" means a court or district court or in the Province of Quebec

(i) the court of the session of the peace, or

(ii) where an application has been made to a judge of the provincial court for a warrant under subsection (1), that judge;

Owner and author may appear.

Forfeiture of publication.

Appeal from order.

Appeal.

Consent.

Definition of "court".

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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. 5

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. 10

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. 15

Appeal.

(6) An appeal lies from an order made under subsection (4) or (5) by any person who appeared in the proceedings 20

(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 25

(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*. 30

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. 35

Definitions.

"Court."

(8) In this section, 40  
(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 judge of the provincial court for a warrant under subsection (1), that judge; 45

"Genuine".

(b) "Genuine" has the same meaning as it has in section 2072;

"late propaganda".

(c) "late 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 2072;

"judge".

(d) "judge" means a judge of a court or, in the Province of Quebec, a judge of the provincial court.

### BILL S-6.

An Act to amend the Interpretation Act and to amend certain provisions of the Criminal Code and the Bills of Exchange Act.

Read a first time, Tuesday, 9th May, 1967.

Honorable Senator Deschamps, P.C.

OFFICE OF THE CLERK OF PARLIAMENT  
OTTAWA, ONTARIO



"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 judge of the provincial court.

THE SENATE OF CANADA

**BILL S-6.**

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.

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Read a first time, Tuesday, 9th May, 1967.

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Honourable Senator DESCHATELETS, P.C.



## THE SENATE OF CANADA

### BILL S-6.

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,      5  
"Act."  
"Enact."  
"Enact-      (a) "Act" means an Act of the Parliament of  
ment."  
"Public      (b) "enact" includes to issue, make or establish;  
officer."  
"Regula-      (c) "enactment" means an Act or a regulation or  
tion."  
any portion of an Act or regulation;      10  
"public officer" includes any person in the  
public service of Canada  
    (i) who is authorized by or under an enact-  
    ment to do or enforce the doing of an act  
    or thing or to exercise a power, or      15  
    (ii) upon whom a duty is imposed by or under  
    an enactment;  
    (e) "regulation" includes an order, regulation,  
order in council, order prescribing regulations,  
rule, rule of court, form, tariff of costs or fees, 20  
letters patent, commission, warrant, proclama-  
tion, 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      25  
    (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."  
Expired  
enactment  
deemed  
repealed.

(f) "repeal" includes revoke or cancel.

(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. 5

Application to this Act.

(2) The provisions of this Act apply to the interpretation of this Act. 10

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:" 15

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 unenunciative form. 20

#### 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. 25

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. 30

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. 35



(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. 5

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. 10

*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. 15  
20

*Territorial Operation.*

Enactments apply to all Canada.

Amending enactment.

**8.** (1) Every enactment applies to the whole of Canada, unless it is otherwise expressed therein. 15  
(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. 25

## 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. 30

*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. 35

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. 5

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. 10

*Application of Definitions.*

Application  
of inter-  
pretation  
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. 15

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 20  
(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. 25

*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. 30

*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. 35



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. 5

**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. 10

### *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. 15 20

**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. 20

### *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. 25 30

### *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; 35 40

(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; 5

(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. 10

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. 20

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. 25

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"), 30

(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 35

(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, 40

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 45



(e) 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 Loss of Office.

(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.

(2) New.

(3) Where in any enactment, commission or appointment a person is appointed to a position or office for a period, the instrument of appointment or appointment shall be deemed to be effective as from the day on which it is issued, and the day on which it is so issued shall be deemed to be the day on which the appointment takes effect.

(3) Section 30(2).

(4) Where a person is appointed to a position or office for a period, the instrument of appointment or appointment shall be deemed to be effective as from the day on which it is issued, and the day on which it is so issued shall be deemed to be the day on which the appointment takes effect.

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.

(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.

(6) Words authorizing the appointment of a public officer to hold office during pleasure include the power of terminating his appointment or removing or suspending him.

(7) Appointing or retaining him, and appointing another in his stead or to act in his stead.

(8) In the absence of the authority in whom the power of appointment is vested.



- (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. 5

*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. 10

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. 15

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. 20 25

Remuneration.

(4) Where a person is appointed to an office, the appointing authority may fix, vary or terminate his remuneration. 30

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. 35

Implied powers respecting public officers.

**23.** (1) Words authorizing the appointment of a public officer to hold office during pleasure include the power of 40

(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, 45

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*. 5

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. 10

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. 15

### *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. 20

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. 25

### *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. 30

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. 35

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. 40

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. 5
- 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 10
- (a) the day immediately after or before the specified day, according as the period follows or precedes the specified day; and 15
- (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. 20
- 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. 20
- 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. 25

*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. 30
- 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. 35
- 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. 40
- 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. 45
- Forms. (5) Where a form is prescribed, deviations therefrom, not affecting the substance or calculated to mislead, do not invalidate the form used.



(6) Words importing male persons include female persons and corporations.  
 (7) Words in the singular include the plural and words in the plural include the singular.  
 (8) Where a word is defined, other parts of speech and grammatical forms of the same word have corresponding meanings.

Offences

(1) Where an enactment creates an offence, the offence shall be deemed to be indictable unless the offence is the enactment provides that the offender may be prosecuted for the offence by indictment.  
 (2) 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.  
 (3) If the offence is one for which the offender may be prosecuted by indictment or for which he is punishable on summary conviction, the offence shall be deemed to be an indictable offence unless the context indicates otherwise.

(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 male persons include female persons and corporations.
- 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. 5

### 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 10 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 15 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 20 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. 25 30

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 35
- (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. 40

### DEFINITIONS.

Definitions. "Act."

- 28.** In every enactment, (1) "Act", as meaning an Act of a legislature, includes an ordinance of the Yukon Territory or of the Northwest Territories; 45

(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).*



- "Bank." (2) "bank" or "chartered bank" means a bank to which the *Bank Act* applies;
- "Broadcasting." (3) "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; 5
- "Commencement." (4) "commencement", when used with reference to an enactment, means the time at which the enactment comes into force; 10
- "Commonwealth." (5) "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 15
- (a) by adding thereto the name of any country recognized by such proclamation to be a member of the Commonwealth, or 20
- (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; 25
- "Commonwealth and Dependent Territories." (6) "Commonwealth and Dependent Territories" means the several Commonwealth countries and their colonies, possessions, dependencies, protectorates, protected states, condominiums and trust territories; 30
- "County." (7) "county" includes two or more counties united for purposes to which the enactment relates;
- "County court." (8) "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"; 35
- "Diplomatic or consular officer." (9) "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; 40
- "Fiscal year." (10) "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 45

(2) New.

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

(4) Section 35(3).

(5) 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*.

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

(7) Section 35(4).

(8) Section 35(5).

(9) New.

(10) 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.”

(11) “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; 5

“Governor in Council.”

(12) “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; 15

“Great Seal.”

(13) “Great Seal” means the Great Seal of Canada;

“Herein.”

(14) “herein” used in any section shall be understood to relate to the whole enactment, and not to that section only;

“Her Majesty.”

(15) “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; 20

“Her Majesty’s Realms and Territories.”

(16) “Her Majesty’s Realms and Territories” means all realms and territories under the sovereignty of Her Majesty; 25

“Holiday.”

(17) “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: 30 35

(a) 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-judicial day by virtue of an Act of the legislature of the province; and 45

(11) Section 35(7).

(12) Section 35(8).

(13) Section 35(9).

(14) Section 35(10).

(15) Section 35(11).

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

(17) Section 35(12), revised.



(b) 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; 5

"Legislature."

(18) "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; 10

"Lieutenant governor."

(19) "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; 15 20

"Lieutenant governor in council."

(20) "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; 25

"Local time."

(21) "local time", in relation to any place, means the time observed in that place for the regulation of 30 business hours;

"May."

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

"Military."

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

"Month."

(24) "month" means a calendar month; 35

"Now."

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

"Oath."

(26) "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"; 40

"Person."

(27) "person" or any word or expression descriptive of a person, includes a corporation; 45

"Proclamation."

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

"Province."

(29) "province" means a province of Canada, and includes the Yukon Territory and the Northwest Territories; 50

(18) Section 35(13).

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

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

(21) New.

(22) Section 35(28) in part.

(23) Section 35(17).

(24) Section 35(18).

(25) Section 35(20).

(26) Section 35(21).

(27) Section 35(22) revised.

(28) Section 35(23).

(29) Section 35(24).



"Radio."

(30) "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 force."

(31) "regular force" means the component of the Canadian Forces that is referred to in the *National Defence Act* as the regular force; 5

"Reserve force."

(32) "reserve force" means the component of the Canadian Forces that is referred to in the *National Defence Act* as the reserve force; 10

"Shall."

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

"Standard time."

(34) "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, 15 means

- (a) in relation to the Province of Newfoundland, Newfoundland standard time, being three hours and thirty minutes behind Greenwich time, 20
- (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, 25
- (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, 40
- (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, 45



(30) New.

(31) Section 35(26).

(32) Section 35(27).

(33) Section 35(28).

(34) 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, 5
- (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 10
- (g) in relation to the Yukon Territory, Yukon standard time, being nine hours behind Greenwich time;
- (35) "statutory declaration" means a solemn declaration made by virtue of the *Canada Evidence Act*; 15
- (36) "superior court" means
- (a) in the Province of Ontario, Nova Scotia, New Brunswick, Alberta or Newfoundland, the Supreme Court of the Province; 20
- (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; 25
- (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; 30
- (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; 35
- (37) "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;
- (38) "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; 40
- (39) "two justices" means two or more justices of the peace, assembled or acting together; 45
- (40) "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland;
- (41) "United States" means the United States of America;
- "Statutory declaration."
- "Superior court."
- "Sureties."
- "Telecommunication."
- "Two justices."
- "United Kingdom."
- "United States."



(35) Section 35(29).

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

(37) Section 35(31).

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

(39) Section 35(32).

(40) Section 35(33).

(41) Section 35(34).



- "Writing." (42) "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 5
- "Year." (43) "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 10 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 15 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 20 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, 25 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. 30
- 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 35 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 40  
(a) an Act may be cited by reference to its chapter number in the Revised Statutes, by reference



(42) Section 35(35).

(43) 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. 10

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. 15

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. 20

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. 25

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. 30

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. 35

#### 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. 40



Amendment  
to  
Section 40  
of  
the  
Act  
of  
1952

Section 40  
of  
the  
Act  
of  
1952

Section 41  
of  
the  
Act  
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Section 41  
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Section 18  
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1952

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

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

(5) Where an enactment is repealed in whole or in part, the repeal does not—

(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).

(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 to maintain in force and all books, papers, forms and things made or used 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 tenor thereof;



Amendment  
or repeal at  
same session.

Amendment  
part of  
enactment.

Effect of  
repeal.

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

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

5

**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; 10
- (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; 15
- (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; 20  
or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment; 25

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; 35
- (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; 40
- (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; 45

(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.

Enacted  
and  
enacted  
was  
enacted

Enacted  
and  
enacted  
was  
enacted



- (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; 5
- (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; 10
- (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; 15 20
- (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 25
- (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. 30 35

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. 40

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. 45



(3) The repeal or amendment of an enactment in whole or in part shall not be deemed to be or to involve any abrogation of the provisions of the law.

(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.

Enacted in  
the House of  
Parliament  
in the  
10th year  
of the  
reign of  
Her Majesty  
the Queen  
the 23rd day  
of June 1915.

**Power of Crown**

(1) The power of the Crown to make laws for the government of Canada shall not be limited by the provisions of this Act.

(2) No writ, action or other process or proceeding shall be issued in or issued out of any court established by an Act of the Parliament of Canada or by reason of a decision of the Crown, determined, stated, discontinued or affected, but every such writ, action, process or proceeding pending in law courts and not yet disposed of shall be disposed of as if it had been so disposed of otherwise than by any such decision.

Enacted in  
the House of  
Parliament  
in the  
10th year  
of the  
reign of  
Her Majesty  
the Queen  
the 23rd day  
of June 1915.

**Clause 38. Section 21.**

(37) Every person who is appointed to any office or position of honor or trust shall, before entering upon the duties of such office or position, take and subscribe the following oath or affirmation:

"I, \_\_\_\_\_ do hereby swear that I will faithfully and honestly discharge the duties of the office or position to which I am appointed, and that I will not accept any gift or bribe, or any pecuniary advantage, in the discharge of such duties."

Enacted in  
the House of  
Parliament  
in the  
10th year  
of the  
reign of  
Her Majesty  
the Queen  
the 23rd day  
of June 1915.



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. 5

#### 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 10  
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 15  
oath of office or allegiance before such demise,  
he again take such oath.

Continuation  
of pro-  
ceedings.

(2) No writ, action or other process or proceed-  
ing, civil or criminal, in or issuing out of any court established  
by an Act of the Parliament of Canada is, by reason of a 20  
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. 25

#### 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.” 30

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

Time of  
protest.

**“(3)** Every protest for dishonour, either for non-  
acceptance or non-payment, may be made on the day 35  
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.

5

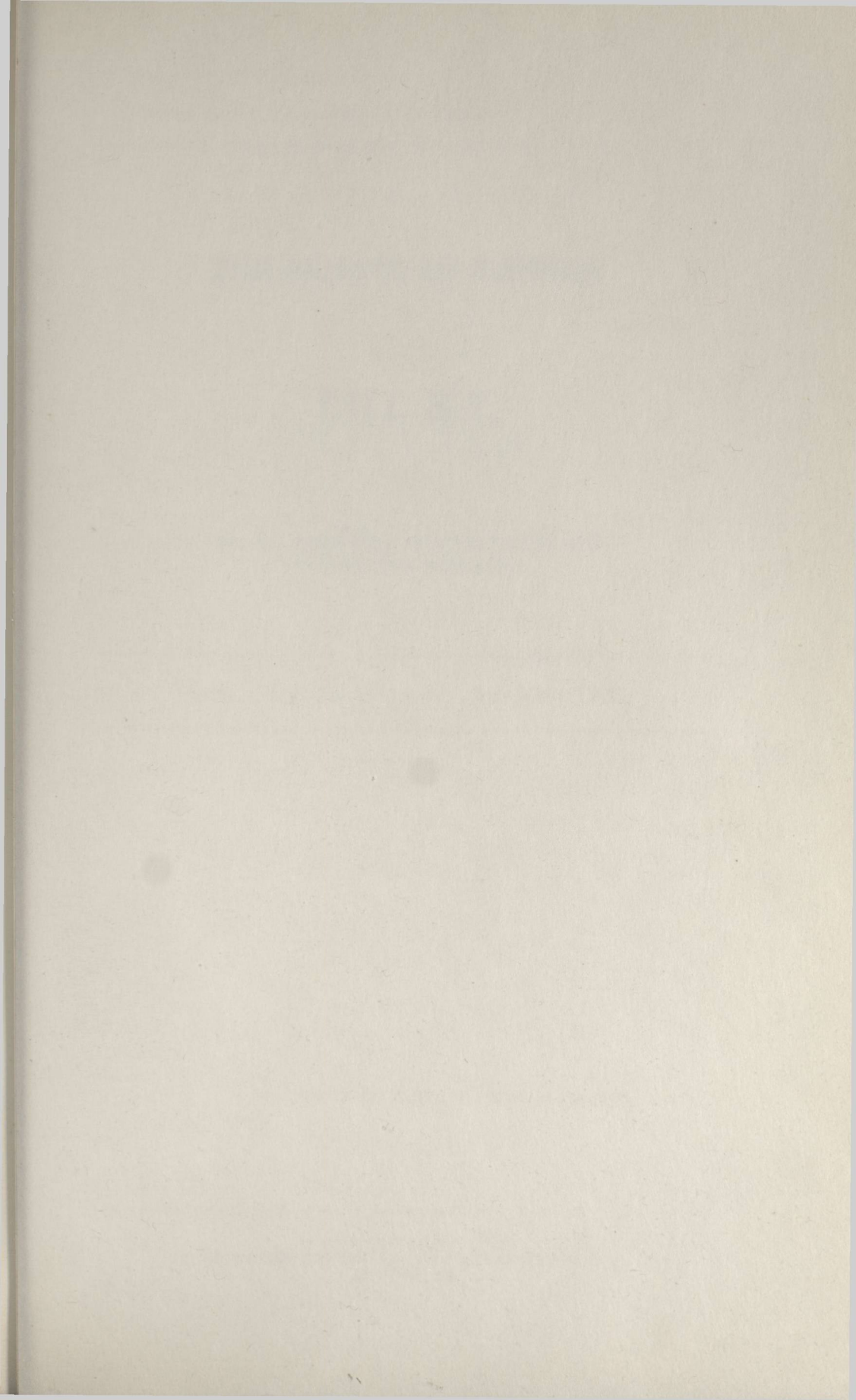
SCHEDULE

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



## SCHEDULE.

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







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Second Session, Twenty-Sixth Parliament, 1st Session, 1967.

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THE SENATE OF CANADA

BILL S-7.

An Act respecting interprovincial and  
international territories.

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Read a first time, Tuesday, 9th May, 1967.

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Honourable Senator Prothonotary, P.C.

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ROGER BURNHAM, P. C. M. P.  
MINISTER OF THE SENATE AND CONTROLLER OF PRINTING  
OTTAWA, ONT.





THE SENATE OF CANADA

**BILL S-7.**

An Act respecting interprovincial and  
international teleferries.

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Read a first time, Tuesday, 9th May, 1967.

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Honourable Senator DESCHATELETS, P.C.



2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

## THE SENATE OF CANADA

### BILL S-7.

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, 5  
"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 10  
"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 15 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. 20

#### 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. 5

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. 10

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. 15

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. 20

Cancellation.

**8.** In addition to any other penalty prescribed by law, a licence issued pursuant to this Act is liable to cancellation 25

- (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. 30

Saving.

**9.** Nothing in this Act affects the operation of the *Navigable Waters Protection Act*. 35

## 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*. 40



(3) The Governor in Council may make regulations respecting the tolls or rates at which persons and chattels shall be carried by ferries 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.

Inter-  
provincial  
ferries  
tolls.

SAFETY.

XI. The Bridge Act applies to a ferry with the effect as if the ferry were a bridge to which that Act applies.

Application  
of Bridge  
Act.

REGULATIONS.

XII. 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

Regulations.

- (a) prescribing the terms and conditions of licenses under this Act and the manner in which and the period for which and by whom licenses are to be issued and the fees therefor;
- (b) respecting the size, strength and description of the cars, cables, piers, anchors and other components of a ferry, 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 ferry during construction and thereafter by competent engineers and safety inspectors and the making of periodical reports of such inspections;
- (d) regulating the conduct of business in respect of ferries and where necessary to do so for the purposes of this Act, regulating the times and manner of operation of the ferries;
- (e) respecting the nature and amount of insurance to be carried by licensees in respect of ferries operated by them and requiring the provision of evidence or otherwise, the availability of funds to defray the removal costs of ferries upon abandonment thereof or the cancellation of the license therefor;
- (f) respecting the cancellation of a ferry license in consequence of the conditions thereof or any of them not having been fulfilled, or in consequence of such license having been obtained by fraud or misrepresentation or through error;

and



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. 5

#### 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 10

- (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; 15
- (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; 20
- (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; 25
- (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; 30
- (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; 40
- (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; 45  
and

And it is hereby enacted that any person who...  
(b) respecting the charges that may be made for  
any inspection and other services provided  
pursuant to this Act.

OFFENSES.

13. All persons who violate any of the provisions  
of this Act or the regulations is guilty of an offense punishable  
on summary conviction.

COMMENCEMENT.

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

Enacted at Ottawa, this 17th day of May, 1907.

1907, May 17th

Honourable Senator Laurier

PRINTED AND BOUND BY THE  
QUEEN'S PRINTER, OTTAWA



- (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. 5

#### COMMENCEMENT.

**Commence-  
ment.** **14.** This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

THE SENATE OF CANADA

**BILL S-8.**

An Act respecting The Excelsior Life Insurance Company.

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Read a first time, Wednesday, 17th May, 1967.

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Honourable Senator LEONARD.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967



## THE SENATE OF CANADA

### BILL S-8.

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: 5

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. 10

Powers,  
privileges  
and  
liabilities.

**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. 15

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. 20

Change in  
number and  
composition  
of board of  
directors.

**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*. 25

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. 30



EXPLANATORY NOTE.

The Excelsior Life Insurance Company, an Ontario company incorporated by letters patent dated August 7, 1889, is one of several provincial life insurance companies registered with the federal Department of Insurance under Part IX of the *Canadian and British Insurance Companies Act*. Non-conformity of the Ontario legislation with the federal legislation respecting the operation of a life insurance company and the inconvenience and hardship resulting from the dual jurisdiction of the laws governing the affairs of the Company make it desirable for the Company to achieve the status of a company incorporated by Special Act of Parliament. Due to the size of the Company, continuation as a federal company and not a federal re-incorporation has been applied for.



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:

5

- (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 10 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.

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 15 been incorporated by Special Act of the Parliament of Canada passed after the 4th day of May, 1910.

THE SENATE OF CANADA

**BILL S-9.**

An Act respecting The Empire Life Insurance Company.

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Read a first time, Wednesday, 17th May, 1967.

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Honourable Senator LEONARD.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967



## THE SENATE OF CANADA

### BILL S-9.

An Act respecting The Empire Life Insurance Company.

Preamble.

**W**HEREAS The Empire Life Insurance Company, and, in French, L'Empire, Compagnie d'Assurance-Vie, a company incorporated under the laws of the province of Ontario by letters patent dated January 11, 1923, 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: 5

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. 10

Powers, privileges and liabilities.

**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. 15

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. 20

Share capital.

**4.** The authorized capital of the Company shall continue to be \$2,000,000 divided into 2,000,000 shares of the par value of \$1.00 each. 25

Head office.

**5.** The head office of the Company shall continue to be in the city of Kingston, in the province of Ontario.

### EXPLANATORY NOTE.

The Empire Life Insurance Company, an Ontario company incorporated by letters patent dated January 11, 1923, proposes to obtain registration with the Federal Department of Insurance under the provisions of the *Canadian and British Insurance Companies Act*. Non-conformity of the Ontario legislation with the federal legislation respecting the operation of a life insurance company and the inconvenience and hardship which would result from the dual jurisdiction of the laws governing the affairs of the Company make it desirable for the Company to achieve the status of a company incorporated by Special Act of Parliament. Due to the size of the Company continuation as a federal company and not a federal re-incorporation has been applied for.



Classes of insurance.

**6.** 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 5
- (c) sickness insurance.

Rights of shareholders, policyholders and creditors unimpaired.

**7.** 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. 10

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 as if the Company had been incorporated by Special Act of the Parliament of Canada passed after the 4th day of May, 1910. 15

THE SENATE OF CANADA

**BILL S-10.**

An Act to amend the Canada Corporations Act.

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Read a first time, Tuesday, 6th June, 1967.

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Honourable Senator CONNOLLY, P.C.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967



## THE SENATE OF CANADA

### BILL S-10.

An Act to amend the Canada Corporations Act.

R.S., c. 53;  
1964-65, c. 52;  
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:

1964-65, c. 52,  
s. 5(1);  
1966-67, c. 25,  
s. 38. **1.** Paragraph (d) of subsection (1) of section 5 of the *Canada Corporations Act* is repealed and the following substituted therefor: 5

“(d) the business of a loan company or money lender within the meaning of the *Loan Companies Act* or the *Small Loans Act*; and”

**2.** Subsection (3) of section 12 of the said Act is 10 repealed and the following substituted therefor:

When series to be issued.

“(3) No shares of any series of such class shall be issued until supplementary letters patent have been issued setting forth the designation, rights, restrictions, conditions and limitations attaching to the shares of 15 such series except in the case of any such series in respect of which such designation, rights, restrictions, conditions and limitations have been set forth in the letters patent or previous supplementary letters patent.”

1964-65, c. 52,  
s. 15.

**3.** Subsection (4) of section 21 of the said Act is 20 repealed and the following substituted therefor:

Filing by-law.

“(4) A copy of the by-law certified under the seal of the company shall be forthwith filed with the Registrar General and shall be available for inspection at the office thereof during normal business hours. 25

Notice of by-law.

“(5) A notice of the by-law shall be forthwith published in the *Canada Gazette*.”



## EXPLANATORY NOTES.

The amendments to the *Canada Corporations Act* proposed by this Bill are for the purpose of removing discrepancies resulting from the amendments made by 1964-65, c. 52 and for clarification of provisions affected by those amendments and other similar matters brought to notice as a result of those amendments.

*Clause 1:* The *Small Loans Act* was later in time than the *Canada Corporations Act* and a reference is required to that later Act in this clause to accord with the intent of that Act.

The relevant portion of section 5 at present reads as follows:

"5. (1) The Registrar General may, by letters patent under his seal of office, grant a charter to any number of persons, not less than three, being twenty-one years of age or over and having power under law to contract, who apply therefor, constituting such persons, and such other persons as thereafter become shareholders in the company thereby created, a body corporate and politic for any of the objects to which the legislative authority of the Parliament of Canada extends, except

.....  
(d) the business of a loan company within the meaning of the *Loan Companies Act*; and"

*Clause 2:* As letters patent and supplementary letters patent may specifically provide the particulars of more than one series of a class of shares, this amendment is proposed to reflect those circumstances more clearly.

Subsection (3) at present reads as follows:

"(3) No shares of any series of such class shall be issued *unless and* until supplementary letters patent have been issued setting forth the designation, rights, restrictions, conditions and limitations attaching to the shares of such series except in the case of *the first series if* such designation, rights, restrictions, conditions and limitations have been set forth in the letters patent or previous supplementary letters patent."

*Clause 3:* The amendment made to this section in 1965 required that a copy of a by-law changing the head office of a company be published in the *Canada Gazette*. The publication of the by-law imposes an unnecessary expense since notice of the change of head office is all that is required. The amended provision will require that the by-law be available for inspection at the office of the Registrar General and that notice only of the change of head office be published in the *Canada Gazette*.

Subsection (4) at present reads as follows:

"(4) A copy of the by-law certified under the seal of the company shall be forthwith filed with the Registrar General and *published in the Canada Gazette*."



4. Paragraph (a) of subsection (1) of section 107 of the said Act is repealed and the following substituted therefor:

“(a) a copy of the letters patent, all by-laws of the company and any supplementary letters patent issued to the company and a copy of the memorandum of agreement of the company, if any;”

1964-65, c. 52,  
s. 39.

5. Subsection (4) of section 116 of the said Act is repealed and the following substituted therefor: 10

Exception for  
private  
companies.

“(4) Each year, with the consent in writing of all shareholders, a private company that is not a subsidiary of a public company or of a company incorporated otherwise than by or under an Act of the Parliament of Canada may dispense with the requirements of sections 117 to 121A, in respect of any particular financial statement specified in the consent, but the financial statement shall be drawn up so as to present fairly the results of the operation of the company for the period covered by the statement.” 20

1964-65, c. 52,  
39.

6. Section 121B of the said Act is amended by adding thereto the following subsection:

“Another  
company”  
defined.

“(5) In this section “another company” means any company wheresoever or howsoever incorporated.”

1964-65, c. 52,  
s. 40(3);  
1966-67, c. 25,  
s. 38.

7. (1) Subsection (10) of section 125 of the said Act is repealed and the following substituted therefor: 25

Failure to  
file for two  
consecutive  
years.

“(10) Where a company has for two consecutive years failed to file in the Department of the Registrar General the summary required under subsection (1), the Registrar General may, notwithstanding paragraph (c) of subsection (1) of section 140A, give notice to the company that an order dissolving the company will be issued unless within one year after the publication of the notice in the *Canada Gazette* the company files a summary in respect of those two years.” 35

1964-65, c. 52,  
s. 40(3);  
1966-67, c. 25,  
s. 38.

(2) Subsection (12) of section 125 of the said Act is repealed and the following substituted therefor:

Dissolution  
of company.

“(12) One year after the publication of notice in the *Canada Gazette*, if the company has not filed a summary for the two years in respect of which it was in 40



*Clause 4:* This amendment is intended to reflect the situation occasioned by the removal of the memorandum of agreement for new incorporations.

The relevant portion of section 107 at present reads as follows:

"107. (1) The company shall cause a book or books to be kept by the secretary, or some other officer specially charged with that duty, wherein shall be kept recorded

(a) a copy of the letters patent and of any supplementary letters patent issued to the company and of the memorandum of agreement and of all by-laws of the company;"

*Clause 5:* This corrects a printing omission. Subsection (4) at present reads as follows:

"(4) Each year, with the consent in writing of all shareholders, a private company that is not a subsidiary of a public company or a company incorporated otherwise than by or under an Act of the Parliament of Canada may dispense with the requirements of sections 117 to 121A, in respect of any particular financial statement specified in the consent, but the financial statement shall be drawn up so as to present fairly the results of the operation of the company for the period covered by the statement."

*Clause 6:* Section 121B, when enacted in 1965, used language devised for uniform use and failed to adapt "another company" to "any other company" as defined in paragraph (c) of subsection (1) of section 3 of the Act. The purpose of this amendment is to make the two expressions synonymous.

*Clause 7:* (1) and (2). As a result of the additional year provided by section 125(12) in 1965, the dissolution of a company for failure to file annual returns requires four years rather than the three years originally provided by the Act. The three-year period is the more desirable period and the relevant subsections are amended to re-introduce that period.

Subsections (10) and (12) at present read as follows:

"(10) Where a company has for *three* consecutive years failed to file in the Department of the Registrar General the summary required under subsection (1), the Registrar General may, notwithstanding paragraph (c) of subsection (1) of section 140A, give notice to the company that an order dissolving the company will be issued unless within one year after the publication of the notice in the *Canada Gazette* the company files a summary in respect of those *three* years."

"(12) One year after the publication of notice in the *Canada Gazette*, if the company has not filed a summary for the *three* years in respect of which it was in default, the Registrar General may, by order published in the *Canada Gazette*, declare the company dissolved, and thereupon the company is dissolved, and section 30 applies *mutatis mutandis* thereto."



default, the Registrar General may, by order published in the *Canada Gazette*, declare the company dissolved, and thereupon the company is dissolved, and section 30 applies *mutatis mutandis* thereto."

1964-65, c. 52,  
s. 41.

**8.** (1) Subsection (1) of section 128A of the said Act is repealed and the following substituted therefor:

Amalgama-  
tion of  
companies.

**"128A.** (1) Any two or more companies to which this Part applies may amalgamate and continue as one company."

(2) This section shall be deemed to have been 10 in force at all times after the 30th day of June, 1965.

1966-67, c. 25,  
s. 38.

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

Fees to  
be paid.

**"(3)** No steps shall be taken in the Department of the Registrar General towards the issue of any letters 15 patent or supplementary letters patent under this Part, and no by-law, return, prospectus or other document may be filed or deposited in that Department and no certificate may issue therefrom under this Part, until after all fees therefor are duly paid." 20

1964-65, c. 52,  
s. 45(1).

**10.** Paragraph (e) of subsection (1) of section 147 of the said Act is repealed and the following substituted therefor:

**"(e)** sections 110, 111 and 113 to 115, sections 122 to 125, and sections 129 to 142." 25

*Clause 8:* The description of the companies that may amalgamate under the provisions inserted in 1965 is too narrow; it would comprehend only companies incorporated under the Act since 1934. The purpose of this amendment is to apply the provisions to all companies to which Part I applies, for which see section 2 of the Act.

Subsection (1) at present reads as follows:

"128A. (1) Any two or more companies *incorporated under this Act, including holding and subsidiary companies*, may amalgamate and continue as one company."

*Clause 9:* The purpose of this amendment is to ensure that fees are paid before instruments are filed in the Department.

Subsection (3) at present reads as follows:

"(3) No steps shall be taken in the Department of the Registrar General towards the issue of any letters patent or supplementary letters patent under this Part, until after all fees therefor are duly paid."

*Clause 10:* This amendment corrects a proof-reading oversight in 1964-65, c. 52.

Paragraph (e) at present reads as follows:

"(e) sections 110, 111 and 113 to 115, sections 122 to 125A, and sections 129 to 142."

Honourable Senator Cattanach





THE SENATE OF CANADA

**BILL S-11.**

An Act respecting Principal Life Insurance  
Company of Canada.

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Read a first time, Tuesday, 6th June, 1967.

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Honourable Senator CAMERON.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967



2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE SENATE OF CANADA

BILL S-11.

An Act respecting Principal Life Insurance Company of Canada.

Preamble.      WHEREAS Principal Life Insurance Company of Canada, and, in French, La Principale du Canada, Compagnie d'Assurance Vie, a corporation incorporated by chapter 21 of the statutes of 1965, 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: 5

R.S., c. 31;  
1956, c. 28;  
1957-58, c. 11;  
1960-61, c. 13;  
1964-65, c. 40.      1.      Notwithstanding anything in the *Canadian and British Insurance Companies Act* or in chapter 21 of the statutes of 1965, an *Act to incorporate Principal Life Insurance Company of Canada*, the said chapter 21 of the statutes of 1965 shall be deemed not to have expired and not to have ceased to be in force after the thirtieth day of June, 1967, but to have continued and to be in force for all its purposes whatsoever until the thirtieth day of June, 1969, and the Minister of Finance may at any time not later than the thirtieth day of June, 1969, and, subject to all other provisions of the *Canadian and British Insurance Companies Act*, grant to the Company a certificate of registry. 15 20

Extension of time.

Limitation.      2.      If the Company has not obtained the said certificate of registry before the thirtieth day of June, 1969, chapter 21 of the statutes of 1965 shall then expire and cease to be in force thereafter, except for the sole purpose of winding up the Company's business, but otherwise it shall remain in full force and effect for all its purposes whatsoever. 25

THE SENATE OF CANADA

BILL S-12

EXPLANATORY NOTE.

The sole purpose of the bill is to ensure that chapter 21 of the statutes of 1965 will be deemed not to have expired or to have ceased to be in force after the thirtieth day of June, 1967, and to extend the expiry date to the thirtieth day of June, 1969.

Read a first time, Tuesday, 6th June, 1967.

Honourable Senator Wilton, P.C.





THE SENATE OF CANADA

**BILL S-12.**

An Act to incorporate Western Farmers Mutual Insurance Company.

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Read a first time, Tuesday, 6th June, 1967.

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Honourable Senator WALKER, P.C.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967



THE SENATE OF CANADA

BILL S-12.

An Act to incorporate Western Farmers Mutual 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: 5

Incorporation.

1. Vernon John Kaufman, farmer, of the township of East Zorra, William Moffat Sutherland, farmer, and James Alexander Murray, farmer, both of the township of West Zorra, Robert Murray Holmes, merchant, of the township of South Norwich, Elmer Frederick Klopp, retired apiarist, of the township of Hay, Arthur Lee Benner, farmer, of the township of Malahide, James Freeman Hodgins, retired farmer, of the town of Parkhill, Samuel Webster Alton, farmer, of the township of Ashfield, and Beverley James Wilks, manager, of the city of Woodstock, all in the province of Ontario, together with such persons as become policyholders on the mutual system in the company, are incorporated under the name of Western Farmers Mutual Insurance Company, and, in French, La Compagnie d'Assurance Mutuelle des Fermiers de l'Ouest, hereinafter called "the Company". 10 15 20

Corporate name.

Provisional directors.

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

Head office.

3. The head office of the Company shall be at the city of Woodstock, in the province of Ontario. 25

4. The Company may make contracts in any one or more of the following classes of insurance upon either the cash premium or the mutual system:

- 5 (a) accident insurance;
- (b) afloat insurance;
- (c) automobile insurance;
- (d) boiler insurance;
- (e) fire insurance;
- (f) earthquake insurance;
- (g) explosion insurance;
- (h) falling article insurance;
- (i) fire insurance;
- (j) fire insurance;
- (k) fire insurance;
- (l) fire insurance;
- (m) fire insurance;
- (n) fire insurance;
- (o) fire insurance;
- (p) fire insurance;
- (q) fire insurance;
- (r) fire insurance;
- (s) fire insurance;
- (t) fire insurance;
- (u) fire insurance;
- (v) fire insurance;
- (w) fire insurance;
- (x) fire insurance;
- (y) fire insurance;
- (z) fire insurance;

5. (1) The Company shall not commence any business of insurance until such time as applications have been received for fire insurance or windstorm insurance on the mutual system to an amount of at least two million dollars or, in lieu thereof, until an agreement has been entered into between the Company and the provincial Company as provided in section 18 of this Act. Upon a certificate of rating being issued to the Company it may then transact the business of fire insurance and windstorm insurance and, in addition thereto, earth and explosion insurance, earthquake insurance, limited or unlimited explosion insurance, falling article insurance, impact by vehicle insurance, hail insurance, water damage insurance, water damage insurance, sprinkler leakage insurance, theft insurance, weather insurance, and windstorm insurance.

(2) The Company shall not commence business in any of the other classes of insurance authorized by section 4 of this Act until the surplus of the Company

Continued  
Part of  
Continued



Classes of insurance authorized.

4. The Company may make contracts in any one or more of the following classes of insurance upon either the cash premium or the mutual system:

- |                                      |    |
|--------------------------------------|----|
| (a) accident insurance;              |    |
| (b) aircraft insurance;              | 5  |
| (c) automobile insurance;            |    |
| (d) boiler insurance;                |    |
| (e) credit insurance;                |    |
| (f) earthquake insurance;            |    |
| (g) explosion insurance;             | 10 |
| (h) falling aircraft insurance;      |    |
| (i) fire insurance;                  |    |
| (j) forgery insurance;               |    |
| (k) guarantee insurance;             |    |
| (l) hail insurance;                  | 15 |
| (m) impact by vehicles insurance;    |    |
| (n) inland transportation insurance; |    |
| (o) live stock insurance;            |    |
| (p) machinery insurance;             |    |
| (q) marine insurance;                | 20 |
| (r) personal property insurance;     |    |
| (s) plate glass insurance;           |    |
| (t) real property insurance;         |    |
| (u) sickness insurance;              |    |
| (v) sprinkler leakage insurance;     | 25 |
| (w) theft insurance;                 |    |
| (x) water damage insurance;          |    |
| (y) weather insurance;               |    |
| (z) windstorm insurance.             |    |

Commencement of business.

5. (1) The Company shall not commence any 30  
 business of insurance until bona fide applications have been  
 received for fire insurance or windstorm insurance on the  
 mutual system to an amount of at least two million dollars  
 or, in lieu thereof, until an agreement has been entered into  
 between the Company and the provincial Company as 35  
 provided in section 18 of this Act. Upon a certificate of  
 registry being issued to the Company it may then transact  
 the business of fire insurance and windstorm insurance and,  
 in addition thereto, civil commotion insurance, earthquake  
 insurance, limited or inherent explosion insurance, falling 40  
 aircraft insurance, impact by vehicles insurance, hail  
 insurance, sprinkler leakage insurance, water damage in-  
 surance, and weather insurance, limited to the insurance of  
 the same property as is insured against the risk of fire under  
 a policy of the Company. 45

(2) The Company shall not commence business  
 in any of the other classes of insurance authorized by  
 section 4 of this Act until the surplus of the Company

exceeds five hundred and fifty thousand dollars by an amount or amounts depending upon the nature of the additional class or class of business as follows: that is to say:—for accident insurance, the said excess shall not be less than eighty thousand dollars; for aircraft insurance, not less than forty thousand dollars; for boiler insurance, not less than forty thousand dollars; for credit insurance, not less than forty thousand dollars; for earthquake insurance, not less than twenty thousand dollars; for explosion in-10-15-20-25-30-35-40-45-50-55-60-65-70-75-80-85-90-95-100-105-110-115-120-125-130-135-140-145-150-155-160-165-170-175-180-185-190-195-200-205-210-215-220-225-230-235-240-245-250-255-260-265-270-275-280-285-290-295-300-305-310-315-320-325-330-335-340-345-350-355-360-365-370-375-380-385-390-395-400-405-410-415-420-425-430-435-440-445-450-455-460-465-470-475-480-485-490-495-500-505-510-515-520-525-530-535-540-545-550-555-560-565-570-575-580-585-590-595-600-605-610-615-620-625-630-635-640-645-650-655-660-665-670-675-680-685-690-695-700-705-710-715-720-725-730-735-740-745-750-755-760-765-770-775-780-785-790-795-800-805-810-815-820-825-830-835-840-845-850-855-860-865-870-875-880-885-890-895-900-905-910-915-920-925-930-935-940-945-950-955-960-965-970-975-980-985-990-995-1000

"Surplus"  
defined

Director  
or  
Director

annual meetings until otherwise changed by law.

number of directors to be elected at that and at subsequent annual meetings after the passing of this Act, determine the less than three months prior to the holding of its second (2) The Company shall, by by-law passed not single for re-election.

one director, who shall hold office for one year but shall be meeting a board of not less than nine nor more than twenty- (1) There shall be elected at the first annual 40-45-50-55-60-65-70-75-80-85-90-95-100-105-110-115-120-125-130-135-140-145-150-155-160-165-170-175-180-185-190-195-200-205-210-215-220-225-230-235-240-245-250-255-260-265-270-275-280-285-290-295-300-305-310-315-320-325-330-335-340-345-350-355-360-365-370-375-380-385-390-395-400-405-410-415-420-425-430-435-440-445-450-455-460-465-470-475-480-485-490-495-500-505-510-515-520-525-530-535-540-545-550-555-560-565-570-575-580-585-590-595-600-605-610-615-620-625-630-635-640-645-650-655-660-665-670-675-680-685-690-695-700-705-710-715-720-725-730-735-740-745-750-755-760-765-770-775-780-785-790-795-800-805-810-815-820-825-830-835-840-845-850-855-860-865-870-875-880-885-890-895-900-905-910-915-920-925-930-935-940-945-950-955-960-965-970-975-980-985-990-995-1000



exceeds three hundred and fifty thousand dollars by an amount or amounts depending upon the nature of the additional class or classes of business as follows, that is to say:—for accident insurance, the said excess shall not be less than eighty thousand dollars; for aircraft insurance, not less than forty thousand dollars; for automobile insurance, not less than forty thousand dollars; for boiler insurance, not less than forty thousand dollars; for credit insurance, not less than forty thousand dollars; for earthquake insurance, not less than twenty thousand dollars; for explosion insurance, not less than forty thousand dollars; for falling aircraft insurance, not less than ten thousand dollars; for forgery insurance, not less than forty thousand dollars; for guarantee insurance, not less than one hundred thousand dollars; for hail insurance, not less than fifty thousand dollars; for impact by vehicles insurance, not less than ten thousand dollars; for inland transportation insurance, not less than twenty thousand dollars; for live stock insurance, not less than forty thousand dollars; for machinery insurance, not less than forty thousand dollars; for marine insurance, not less than one hundred thousand dollars; for personal property insurance, not less than twenty thousand dollars; for plate glass insurance, not less than twenty thousand dollars; for real property insurance, not less than twenty thousand dollars; for sickness insurance, not less than twenty thousand dollars; for sprinkler leakage insurance, not less than ten thousand dollars; for theft insurance, not less than forty thousand dollars; for water damage insurance, not less than twenty thousand dollars; for weather insurance, not less than twenty thousand dollars.

(3) Notwithstanding anything to the contrary contained in this section, the Company may transact all or any of the classes of insurance business authorized by section 4 of this Act when the surplus amounts to at least one million dollars.

(4) In this section, the word "surplus" means the excess of assets over liabilities, including the reserve of unearned premiums calculated *pro rata* for the unexpired term of all policies of the Company in force.

"Surplus" defined.

Election of directors.

**6.** (1) There shall be elected at the first annual meeting a board of not less than nine nor more than twenty-one directors, who shall hold office for one year but shall be eligible for re-election.

(2) The Company shall, by by-law passed not less than three months prior to the holding of its second annual meeting after the passing of this Act, determine the number of directors to be elected at that and at subsequent annual meetings until otherwise changed by by-law.

(3) At any annual meeting after the second the Company may by by-law change or authorize the board of directors to change from time to time the number of directors, but the board shall at all times consist of not less than nine nor more than twenty-one directors, and in the event of any increase in the number of directors having been made by the directors, the vacancy or vacancies in the board thereby created may be filled by the directors from among the qualified policyholders to hold office until the next annual meeting.

(4) The Company may by by-law provide that all of the directors shall be elected for one, two or three years, and if the by-law provides for a term of two or of three years, it may also provide that the term of office of each director shall be for the whole of that term, or that, as nearly as may be, one-half the directors shall retire each year if the term is two years, and, as nearly as may be, one-third of the directors shall retire each year if the term is three years; but a director who has completed his term of office shall be eligible for re-election.

Term of office

7. Any policyholder on the mutual system who holds a policy or policies to the amount of at least one thousand dollars and who is not in default in respect of his premium note or any installment or assessment on his premium note and who has paid in cash all liabilities incurred by him to the Company shall be eligible to be elected as a director, but he shall cease to be such director if the amount of his insurance as stated becomes reduced below the sum of one thousand dollars.

Qualification of directors

8. At all meetings of the Company each policyholder on the mutual system who is not in default in respect of his premium note or any installment or assessment on his premium note shall be entitled to the number of votes on the basis of the amount of insurance held by him on the mutual system according to the following scale: under fifteen hundred dollars, one vote; fifteen hundred dollars to three thousand dollars, two votes; and three thousand dollars or over, three votes. Each policyholder may not vote by proxy unless the proxy himself is a policyholder on the mutual system and entitled to vote. The instrument appointing a proxy shall be in writing and shall not be valid unless executed within three months of the date of the meeting at which it is to be used, and unless filed with the secretary of the Company at least ten days before such meeting, and shall be used at such meeting or any adjournment thereof, and may be revoked at any time prior to such meeting.

Votes at meetings



(3) At any annual meeting after the second the Company may by by-law change, or authorize the board of directors to change from time to time, the number of directors, but the board shall at all times consist of not less than nine nor more than twenty-one directors, and in the event of any increase in the number of directors having been made by the directors, the vacancy or vacancies in the board thereby created may be filled by the directors from among the qualified policyholders to hold office until the next annual meeting.

Term of office.

(4) The Company may by by-law provide that all of the directors shall be elected for one, two or three years, and if the by-law provides for a term of two or of three years, it may also provide that the term of office of each director shall be for the whole of that term, or that, as nearly as may be, one-half the directors shall retire each year if the term is two years, and, as nearly as may be, one-third of the directors shall retire each year if the term is three years; but a director who has completed his term of office shall be eligible for re-election.

Qualifications of directors.

7. Any policyholder on the mutual system who holds a policy or policies to the amount of at least one thousand dollars and who is not in default in respect of his premium note or any instalment or assessment on his premium note and who has paid in cash all liabilities incurred by him to the Company shall be eligible to be elected as a director, but he shall cease to be such director if the amount of his insurance as aforesaid becomes reduced below the sum of one thousand dollars.

Voting at meetings.

8. At all meetings of the Company each policyholder on the mutual system who is not in default in respect of his premium note or any instalment or assessment on his premium note shall be entitled to the number of votes on the basis of the amount of insurance held by him on the mutual system according to the following scale: under fifteen hundred dollars, one vote; fifteen hundred dollars to three thousand dollars, two votes; and three thousand dollars or over, three votes. Such policyholder may not vote by proxy unless the proxy himself is a policyholder on the mutual system and entitled to vote. The instrument appointing a proxy shall be in writing and shall not be valid unless executed within three months of the date of the meeting at which it is to be used, and unless filed with the secretary of the Company at least ten days before such meeting, and shall be used at such meeting or any adjournment thereof, and may be revoked at any time prior to such meetings.

(1) Notice of every annual or special general meeting of the Company shall be sent by post to every policyholder on the mutual system and shall be published in two or more daily newspapers published at or near the place where the head office is located at least fifteen days prior to the day of the meeting.

(2) The directors shall at least seven days prior to the date of the annual meeting send to every policyholder on the mutual system by post the annual statement for the year ending on the last previous thirty-first day of December, which statement shall be certified by the auditors of the Company.

14. All the assets of the Company, including the premium notes given by policyholders, shall be liable for losses occurring on all the policies of the Company. A policyholder of the Company on the mutual system shall be liable in respect of any loss or other claim or demand against the Company to the extent of the amount repaid upon his premium note and no more.

15. In the event of the winding-up of the Company if the assets on hand at the date of winding-up, exclusive of the unearned portion of the premium notes of the policyholders on the mutual system, are insufficient to pay all the liabilities of the Company in full, an assessment shall be made on the said policyholders in respect of their premium notes to an amount not exceeding the unpaid balance of each note.

16. All premium notes and undertakings belonging to the Company shall be assessed under the direction of the board of directors at such intervals from time to time as the board, and for such sums, as the directors shall determine; and every policyholder on the mutual system who has given a premium note or undertaking shall pay the sum from time to time payable by him to the Company during the continuance of his policy in accordance with such assessment.

17. If the assessment on the premium note or undertaking upon any policy is not paid within thirty days after the day on which the said assessment shall become due the policy of insurance for which the said assessment shall have been made shall be null and void as respects all claims for losses occurring during the time of such non-payment; Provided, always, that the said policy shall be reinstated when such assessment shall have been paid, unless the secretary give notice to the contrary to the assured party; but nothing shall relieve the policyholder from his liability to pay such assessment or any subsequent assessments.

Notice of meeting

Annual statement

Liability of policyholder

Winding-up

Assessment

Effect of non-payment of assessment

Policy



Notice of meetings.

**9.** (1) Notice of every annual or special general meeting of the Company shall be sent by post to every policyholder on the mutual system and shall be published in two or more daily newspapers published at or near the place where the head office is located at least fifteen days prior to the day of the meeting. 5

Annual statement.

(2) The directors shall at least seven days prior to the date of the annual meeting send to every policyholder on the mutual system by post the annual statement for the year ending on the last previous thirty-first day of December, which statement shall be certified by the auditors of the Company. 10

Liability of assets for losses on policies.

**10.** All the assets of the Company, including the premium notes given by policyholders, shall be liable for losses occurring on all the policies of the Company. A policyholder of the Company on the mutual system shall be liable in respect of any loss or other claim or demand against the Company to the extent of the amount unpaid upon his premium note and no more. 15

Provision for meeting deficiency of assets on winding-up.

**11.** In the event of the winding-up of the Company if the assets on hand at the date of winding-up, exclusive of the unearned portion of the premium notes of the policyholders on the mutual system, are insufficient to pay all the liabilities of the Company in full, an assessment shall be made on the said policyholders in respect of their premium notes to an amount not exceeding the unpaid balance of such notes. 20 25

Assessment of premium notes and undertakings.

**12.** All premium notes and undertakings belonging to the Company shall be assessed under the direction of the board of directors at such intervals from their respective dates, and for such sums, as the directors shall determine; and every policyholder on the mutual system who has given a premium note or undertaking shall pay the sums from time to time payable by him to the Company during the continuance of his policy in accordance with such assessment. 30 35

Effect of non-payment of assessment.

**13.** If the assessment on the premium note or undertaking upon any policy be not paid within thirty days after the day on which the said assessment shall become due the policy of insurance for which the said assessment shall have been made shall be null and void as respects all claim for losses occurring during the time of such non-payment: Provided, always, that the said policy shall be reinstated when such assessment shall have been paid, unless the secretary give notice to the contrary to the assessed party; but nothing shall relieve the policyholder from his liability to pay such assessment or any subsequent assessments. 40 45

Proviso.

14. If any member or other person who has given a premium note or undertaking shall, for thirty days after the date mentioned in the notice of assessment, neglect or refuse to pay said assessment the Company may sue for and recover the same with costs of suit and such proceedings shall not be a waiver of any forfeiture incurred by such non-payment.

Rights to amount of assessment

15. If there be any loss on property insured by the Company, the board of directors may deduct the amount of the premium note, less any paid assessments thereon, from the payment due under the loss and retain the amount so deducted until the time has expired for which insurance has been made, and at the expiration of the said time the insured shall have the right to demand and receive such part of the retained sum as shall not have been assessed against.

Power of Company to deduct from payments due under a loss

16. No insurance on the cash pile shall make the insured a member of the Company or liable to contribute or pay any sum to the Company or to its fund or to any other member thereof beyond the cash premium agreed upon or give him any right to participate in the profits or surplus funds of the Company.

Insurance on cash pile

17. The directors may from time to time out of the earnings of the Company distribute equitably to the holders of policies issued by the Company on the mutual system such sums as in the judgment of the directors are proper and justifiable.

Distribution to policy holders

18. (1) The Company may acquire by agreement to insure or otherwise the whole or any part of the rights and property and may assume the obligations and liabilities of Western Farmers' Weather Insurance Mutual Company, incorporated in the year 1905 by Certificate of Incorporation issued on the 17th day of November, 1905 by the Attorney-General of Ontario and Minister in Charge of Insurance pursuant to the provisions of The Ontario Insurance Act and of the Act respecting Weather Insurance, in this Act 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.

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

Notice in event of

(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.

Approval Treasury Board



Right to  
sue for  
amount of  
assessment.

**14.** If any member or other person who has given a premium note or undertaking shall, for thirty days after the due date mentioned in the notice of assessment, neglect or refuse to pay said assessment the Company may sue for and recover the same with costs of suit and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment. 5

Power of  
Company to  
deduct from  
payment due  
under a loss.

**15.** If there be any loss on property insured by the Company, the board of directors may deduct the amount of the premium note, less any paid assessments thereon, from the payment due under the loss and retain the amount so deducted until the time has expired for which insurance has been made, and at the expiration of the said time the insured shall have the right to demand and receive such part of the retained sum as shall not have been assessed against. 15

Insurance on  
cash plan.

**16.** No insurance on the cash plan shall make the insured a member of the Company or liable to contribute or pay any sum to the Company or to its fund or to any other member thereof beyond the cash premium agreed upon or give him any right to participate in the profits or surplus funds of the Company. 20

Distribution  
to policy-  
holders.

**17.** The directors may from time to time out of the earnings of the Company distribute equitably to the holders of policies issued by the Company on the mutual system such sums as in the judgment of the directors are proper and justifiable. 25

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

**18.** (1) The Company may acquire by agreement to insure or otherwise the whole or any part of the rights and property and may assume the obligations and liabilities of Western Farmers' Weather Insurance Mutual Company, incorporated in the year 1905 by Certificate of Incorporation issued on the 17th day of November, 1905 by the Attorney-General of Ontario and Minister in Charge of Insurance, pursuant to the provisions of The Ontario Insurance Act and of the Act respecting Weather Insurance, in this Act 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. 30 35 40

Duties in  
such event.

(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. 45

Approval of  
Treasury  
Board.

19. 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 members 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 do business or will cease to do business forthwith upon a certificate of registry being issued to the Company.

20. The Canadian and British Insurance Companies Act shall apply to the Company except as otherwise provided in this Act.



Coming into  
force.

**19.** 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 members 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 do business or will cease to do business forthwith upon a certificate of registry being issued to the Company. 5 10

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

**20.** The *Canadian and British Insurance Companies Act* shall apply to the Company except as otherwise provided in this Act. 15

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Second Reading, Twenty-Seventh Parliament, 26 November 1967.

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THE SENATE OF CANADA

BILL S-13.

An Act to incorporate Farmers Central Mutual  
Insurance Company.

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Read a first time, Tuesday, 6th June, 1967.

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Honourable Senator WALKER, P.C.

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LOUIS DUNDAS, P.C.  
CLERK OF PARLIAMENT AND CHIEF CLERK OF SENATE  
OTTAWA, ONT.



Consolidated  
1907

19. 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 members of the provincial Company present or represented by proxy at a meeting duly called for that purpose. 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 agreed to do business or will cease to do business forthwith upon a certificate of registry being issued to the Company.

20. The *Canadian and British Insurance Companies Act* shall apply to the Company except as otherwise provided in this Act.

R.S. c. 27  
1907, c. 26  
1917, c. 111  
1920, c. 18  
1924, c. 49

THE SENATE OF CANADA

**BILL S-13.**

**An Act to incorporate Farmers Central Mutual  
Insurance Company.**

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Read a first time, Tuesday, 6th June, 1967.

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Honourable Senator WALKER, P.C.

---

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967



THE SENATE OF CANADA

BILL S-13.

An Act to incorporate Farmers Central Mutual Insurance Company.

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:— 5

Incorporation.

**1.** William Patterson Oswald, inspector, of the town of Chesley, Archibald Arthur McKinnon, retired farmer, of the town of Port Elgin, Elmer William Perschbacher, retired farmer, of the village of Mildmay, Edward Samuel Lanktree, municipal clerk, of the township of Euphrasia, William George Sherman, farmer, of the township of Derby, and John Walter Chisholm, farmer, of the township of Brant, all in the province of Ontario, together with such persons as become policyholders on the mutual system in the company, are incorporated under the name of Farmers Central Mutual Insurance Company, and, in French, La Compagnie d'Assurance Centrale Mutuelle des Fermiers, hereinafter called "the Company". 15

Corporate name.

Provisional directors.

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

Head office.

**3.** The head office of the Company shall be at the town of Walkerton, in the province of Ontario.

Classes of insurance authorized.

**4.** The Company may make contracts in any one or more of the following classes of insurance upon either the cash premium or the mutual system:— 25

- (a) accident insurance;
- (b) aircraft insurance;

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

8. (1) The Company shall not commence any business of insurance until such time as the applications have been received for the insurance on the mutual system to an amount of at least two million dollars or, in lieu thereof, until an agreement has been entered into between the Company and the provincial Company as provided in section 18 of this Act. Upon a certificate of registry being issued to the Company it may then transact the business of the insurance and, in addition thereto, civil commotion insurance, earthquake insurance, limited or inherent explosion insurance, falling aircraft insurance, impact by vehicles insurance, hail insurance, sprinkler leakage insurance, water damage insurance, weather insurance and windstorm insurance limited to the insurance of the same property as is insured against the risk of fire under a policy of the Company.

(2) The Company shall not commence business in any of the other classes of insurance authorized by section 4 of this Act until the surplus of the Company exceeds five hundred thousand dollars by an amount or amounts depending upon the nature of the additional class or classes of business as follows: that is to say:—for accident insurance, the said excess shall not be less than eighty thousand dollars; for aircraft insurance, not less than forty thousand dollars; for automobile insurance, not less than forty thousand

11  
12  
13



(c) automobile insurance;	
(d) boiler insurance;	
(e) credit insurance;	
(f) earthquake insurance;	
(g) explosion insurance;	5
(h) falling aircraft insurance;	
(i) fire insurance;	
(j) forgery insurance;	
(k) guarantee insurance;	
(l) hail insurance;	10
(m) impact by vehicles insurance;	
(n) inland transportation insurance;	
(o) live stock insurance;	
(p) machinery insurance;	
(q) marine insurance;	15
(r) personal property insurance;	
(s) plate glass insurance;	
(t) real property insurance;	
(u) sickness insurance;	
(v) sprinkler leakage insurance;	20
(w) theft insurance;	
(x) water damage insurance;	
(y) weather insurance;	
(z) windstorm insurance.	

Commence-  
ment of  
business.

**5.** (1) The Company shall not commence any 25  
business of insurance until bona fide applications have been  
received for fire insurance on the mutual system to an  
amount of at least two million dollars or, in lieu thereof, until  
an agreement has been entered into between the Company  
and the provincial Company as provided in section 18 of 30  
this Act. Upon a certificate of registry being issued to the  
Company it may then transact the business of fire insurance  
and, in addition thereto, civil commotion insurance, earth-  
quake insurance, limited or inherent explosion insurance,  
falling aircraft insurance, impact by vehicles insurance, hail 35  
insurance, sprinkler leakage insurance, water damage in-  
surance, weather insurance and windstorm insurance,  
limited to the insurance of the same property as is insured  
against the risk of fire under a policy of the Company.

(2) The Company shall not commence business 40  
in any of the other classes of insurance authorized by section  
4 of this Act until the surplus of the Company exceeds three  
hundred thousand dollars by an amount or amounts de-  
pending upon the nature of the additional class or classes of  
business as follows, that is to say:—for accident insurance, 45  
the said excess shall not be less than eighty thousand dollars;  
for aircraft insurance, not less than forty thousand dollars;  
for automobile insurance, not less than forty thousand



dollars; for boiler insurance, not less than forty thousand  
 dollars; for marine insurance, not less than forty thousand  
 dollars; for earthquake insurance, not less than twenty  
 thousand dollars; for explosion insurance, not less than  
 5 forty thousand dollars; for falling aircraft insurance, not less  
 than ten thousand dollars; for cargo insurance, not less than  
 forty thousand dollars; for guarantee insurance, not less  
 than one hundred thousand dollars; for hail insurance, not  
 less than fifty thousand dollars; for impact of vehicles in-  
 10 surance, not less than ten thousand dollars; for inland trans-  
 portation insurance, not less than twenty thousand dollars;  
 for fire stock insurance, not less than forty thousand  
 dollars; for machinery insurance, not less than forty thousand  
 dollars; for marine insurance, not less than one hundred  
 15 thousand dollars; for personal property insurance, not less  
 than twenty thousand dollars; for plate glass insurance, not  
 less than twenty thousand dollars; for real property in-  
 surance, not less than twenty thousand dollars; for sprink-  
 20 ler leakage insurance, not less than ten thousand dollars;  
 for theft insurance, not less than forty thousand dollars;  
 for water damage insurance, not less than twenty thousand  
 dollars; for weather insurance, not less than fifty thousand  
 25 dollars; for windstorm insurance, not less than fifty thousand  
 dollars.

(3) Notwithstanding anything to the contrary  
 contained in this section, the Company may transact all or  
 any of the classes of insurance business authorized by section  
 4 of this Act when the capital amounts to at least one  
 30 million dollars.

(4) In this section, the word "surplus" means  
 the excess of assets over liabilities, including the reserve of  
 unearned premiums calculated as set by the unexpired  
 term of all policies of the Company in force.

4. (1) There shall be elected at the first annual  
 meeting a board of not less than nine nor more than twenty-  
 one directors, who shall hold office for one year but shall be  
 eligible for re-election.

(2) The Company shall, by by-law passed not  
 less than three months prior to the holding of its second  
 annual meeting after the passing of this Act, determine the  
 number of directors to be elected at that and at subsequent  
 annual meetings until otherwise changed by by-law.

(3) At any annual meeting after the second the  
 Company may, by by-law change or authorize the board  
 45 of directors to change from time to time the number of  
 directors, but the board shall at all times consist of not less



dollars; for boiler insurance, not less than forty thousand dollars; for credit insurance, not less than forty thousand dollars; for earthquake insurance, not less than twenty thousand dollars; for explosion insurance, not less than forty thousand dollars; for falling aircraft insurance, not less than ten thousand dollars; for forgery insurance, not less than forty thousand dollars; for guarantee insurance, not less than one hundred thousand dollars; for hail insurance, not less than fifty thousand dollars; for impact by vehicles insurance, not less than ten thousand dollars; for inland transportation insurance, not less than twenty thousand dollars; for live stock insurance, not less than forty thousand dollars; for machinery insurance, not less than forty thousand dollars; for marine insurance, not less than one hundred thousand dollars; for personal property insurance, not less than twenty thousand dollars; for plate glass insurance, not less than twenty thousand dollars; for real property insurance, not less than twenty thousand dollars; for sickness insurance, not less than twenty thousand dollars; for sprinkler leakage insurance, not less than ten thousand dollars; for theft insurance, not less than forty thousand dollars; for water damage insurance, not less than twenty thousand dollars; for weather insurance, not less than twenty thousand dollars; for windstorm insurance, not less than fifty thousand dollars.

(3) Notwithstanding anything to the contrary contained in this section, the Company may transact all or any of the classes of insurance business authorized by section 4 of this Act when the surplus amounts to at least one million dollars.

“Surplus”  
defined.

(4) In this section, the word “surplus” means the excess of assets over liabilities, including the reserve of unearned premiums calculated *pro rata* for the unexpired term of all policies of the Company in force.

Election  
of  
directors.

**6.** (1) There shall be elected at the first annual meeting a board of not less than nine nor more than twenty-one directors, who shall hold office for one year but shall be eligible for re-election.

(2) The Company shall, by by-law passed not less than three months prior to the holding of its second annual meeting after the passing of this Act, determine the number of directors to be elected at that and at subsequent annual meetings until otherwise changed by by-law.

(3) At any annual meeting after the second the Company may by by-law change, or authorize the board of directors to change from time to time, the number of directors, but the board shall at all times consist of not less

than one more than twenty-one directors, and in the event of any increase in the number of directors having been made by the directors, the vacancy or vacancies in the board thereby created may be filled by the directors from among the qualified policyholders to hold office until the next annual meeting.

Term of office

(4) The Company may by by-law provide that all of the directors shall be elected for one, two or three years, and if the by-law provides for a term of two or of three years, it may also provide that the term of office of each director shall be for the whole of that term, or that as nearly as may be one-half the directors shall retire each year if the term is two years, and as nearly as may be one-third of the directors shall retire each year if the term is three years; but a director who has completed his term of office shall be eligible for re-election.

7. Any policyholder on the mutual system who holds a policy or policies to the amount of at least one thousand dollars and who is not in default in respect of his premium note or any installment or assessment on his premium note and who has paid in cash all liabilities incurred by him to the Company shall be eligible to be elected as a director, but he shall cease to be such director if the amount of his insurance as insured becomes reduced below the sum of one thousand dollars.

Qualification to hold office

8. At all meetings of the Company each policyholder on the mutual system who is not in default in respect of his premium note or any installment or assessment on his premium note shall be entitled to the number of votes on the basis of the amount of insurance held by him on the mutual system according to the following scale: under fifteen hundred dollars, one vote; fifteen hundred dollars to five thousand dollars, two votes; and five thousand dollars or over, three votes. Such policyholder may not vote by proxy unless the proxy himself is a policyholder on the mutual system and entitled to vote. The instrument appointing a proxy shall be in writing and shall not be valid unless presented within three months of the date of the meeting at which it is to be used, and unless filed with the secretary of the Company at least ten days before such meeting, and shall be read at such meeting or any adjournment thereof, and may be revised at any time prior to such meeting.

Voting at meetings

(1) Notice of every annual or special general meeting of the Company shall be sent by post to every policyholder on the mutual system and shall be published at

Notice of meetings



than nine nor more than twenty-one directors, and in the event of any increase in the number of directors having been made by the directors, the vacancy or vacancies in the board thereby created may be filled by the directors from among the qualified policyholders to hold office until the next annual meeting. 5

Term of office.

(4) The Company may by by-law provide that all of the directors shall be elected for one, two or three years, and if the by-law provides for a term of two or of three years, it may also provide that the term of office of each director shall be for the whole of that term, or that, as nearly as may be, one-half the directors shall retire each year if the term is two years, and, as nearly as may be, one-third of the directors shall retire each year if the term is three years; but a director who has completed his term of office shall be eligible for re-election. 15

Qualifications of directors.

7. Any policyholder on the mutual system who holds a policy or policies to the amount of at least one thousand dollars and who is not in default in respect of his premium note or any instalment or assessment on his premium note and who has paid in cash all liabilities incurred by him to the Company shall be eligible to be elected as a director, but he shall cease to be such director if the amount of his insurance as aforesaid becomes reduced below the sum of one thousand dollars. 20 25

Voting at meetings.

8. At all meetings of the Company each policyholder on the mutual system who is not in default in respect of his premium note or any instalment or assessment on his premium note shall be entitled to the number of votes on the basis of the amount of insurance held by him on the mutual system according to the following scale: under fifteen hundred dollars, one vote; fifteen hundred dollars to three thousand dollars, two votes; and three thousand dollars or over, three votes. Such policyholder may not vote by proxy unless the proxy himself is a policyholder on the mutual system and entitled to vote. The instrument appointing a proxy shall be in writing and shall not be valid unless executed within three months of the date of the meeting at which it is to be used, and unless filed with the secretary of the Company at least ten days before such meeting, and shall be used at such meeting or any adjournment thereof, and may be revoked at any time prior to such meetings. 30 35 40

Notice of meetings.

9. (1) Notice of every annual or special general meeting of the Company shall be sent by post to every policyholder on the mutual system and shall be published 45

in two or more daily newspapers published at or near the place where the head office is located at least fifteen days prior to the day of the meeting.

(2) The directors shall at least seven days prior to the date of the annual meeting send to every policyholder on the mutual system by post the annual statement for the year ending on the last previous thirty-first day of December, which statement shall be certified by the auditors of the Company.

Annual Meeting

Liability of members for losses

10. All the assets of the Company, including the premium notes given by policyholders shall be liable for losses occurring on all the policies of the Company. A policyholder of the Company on the mutual system shall be liable in respect of any loss or other claim or demand against the Company to the extent of the amount unpaid upon his premium note and no more.

11. In the event of the winding-up of the Company if the assets on hand at the date of winding-up, exclusive of the amount of the premium notes of the policyholders on the mutual system, are insufficient to pay all the liabilities of the Company in full, an assessment shall be made on the said policyholders in respect of their premium notes to an amount not exceeding the unpaid balance of such notes.

Provision for winding-up of assets on winding-up

12. All premium notes and undertakings belonging to the Company shall be assessed under the direction of the board of directors at such intervals from their respective dates and for such sums as the directors shall determine; and every policyholder on the mutual system who has given a premium note or undertaking shall pay the sum from time to time payable by him to the Company during the continuance of his policy in accordance with such assessment.

Assessment of premium notes and undertakings

13. If the assessment on the premium note or undertaking upon any policy be not paid within thirty days after the day on which the said assessment shall become due the policy of insurance for which the said assessment shall have been made shall be null and void as respects all claims for losses occurring during the time of such non-payment. Provided always that the said policy shall be reinstated when such assessment shall have been paid, unless the secretary give notice to the contrary to the assessed party; but nothing shall relieve the policyholder from his liability to pay such assessment or any subsequent assessments.

Effect of non-payment of assessment

Proviso



in two or more daily newspapers published at or near the place where the head office is located at least fifteen days prior to the day of the meeting.

Annual statement.

(2) The directors shall at least seven days prior to the date of the annual meeting send to every policyholder on the mutual system by post the annual statement for the year ending on the last previous thirty-first day of December, which statement shall be certified by the auditors of the Company.

Liability of assets for losses on policies.

**10.** All the assets of the Company, including the premium notes given by policyholders, shall be liable for losses occurring on all the policies of the Company. A policyholder of the Company on the mutual system shall be liable in respect of any loss or other claim or demand against the Company to the extent of the amount unpaid upon his premium note and no more.

Provision for meeting deficiency of assets on winding-up.

**11.** In the event of the winding-up of the Company if the assets on hand at the date of winding-up, exclusive of the unearned portion of the premium notes of the policyholders on the mutual system, are insufficient to pay all the liabilities of the Company in full, as assessment shall be made on the said policyholders in respect of their premium notes to an amount not exceeding the unpaid balance of such notes.

Assessment of premium notes and undertakings.

**12.** All premium notes and undertakings belonging to the Company shall be assessed under the direction of the board of directors at such intervals from their respective dates, and for such sums, as the directors shall determine; and every policyholder on the mutual system who has given a premium note or undertaking shall pay the sums from time to time payable by him to the Company during the continuance of his policy in accordance with such assessment.

Effect of non-payment of assessment.

**13.** If the assessment on the premium note or undertaking upon any policy be not paid within thirty days after the day on which the said assessment shall become due the policy of insurance for which the said assessment shall have been made shall be null and void as respects all claim for losses occurring during the time of such non-payment: Provided, always, that the said policy shall be reinstated when such assessment shall have been paid, unless the secretary give notice to the contrary to the assessed party; but nothing shall relieve the policyholder from his liability to pay such assessment or any subsequent assessments.

Proviso.

14. If any member or other person who has given a premium note or undertaking shall, for thirty days after the date mentioned in the notice of assessment, neglect or refuse to pay said assessment the Company may sue for and recover the same with costs of suit and such proceedings shall not be a waiver of any forfeiture incurred by such non-payment.

Right to  
sue for  
assessment

15. If there be any loss on property insured by the Company, the board of directors may deduct the amount of the premium note less any paid assessments thereon from the payment due under the loss and retain the amount so deducted until the time has expired for which insurance has been made, and at the expiration of the said term the insured shall have the right to demand and receive back part of the retained sum as shall not have been retained against.

Amount of  
Company to  
deduct from  
payment due  
under a loss

16. No insurance on the cash plan shall make the insured a member of the Company or liable to contribute or pay any sum to the Company or to its funds or to any other member thereof beyond the cash premium agreed upon or give him any right to participate in the profits or surplus funds of the Company.

Insurance on  
cash plan

17. The directors may from time to time out of the earnings of the Company distribute equally to the holders of policies issued by the Company on the mutual system such sums as in the judgment of the directors are proper and just-ly

Distribution  
to policy  
holders

18. (1) The Company may acquire by agreement to insure or otherwise the whole or any part of the rights and property and may assume the obligations and liabilities of Farmers' Central Mutual Fire Insurance Company, incorporated on the 22nd day of March in the year 1884 under and pursuant to the provisions of An Act respecting Insurance Companies, being Chapter 107 of the Revised Statutes of Ontario, 1887, in law set 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.

Power to  
acquire  
rights and  
property  
of a company  
incorporated  
in Ontario

(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.

Power to  
acquire  
rights and  
property

Approval of  
Treasury  
Board



Right to  
sue for  
amount of  
assessment.

**14.** If any member or other person who has given a premium note or undertaking shall, for thirty days after the due date mentioned in the notice of assessment, neglect or refuse to pay said assessment the Company may sue for and recover the same with costs of suit and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment. 5

Power of  
Company to  
deduct from  
payment due  
under a loss.

**15.** If there be any loss on property insured by the Company, the board of directors may deduct the amount of the premium note, less any paid assessments thereon, from the payment due under the loss and retain the amount so deducted until the time has expired for which insurance has been made, and at the expiration of the said time the insured shall have the right to demand and receive such part of the retained sum as shall not have been assessed against. 15

Insurance on  
cash plan.

**16.** No insurance on the cash plan shall make the insured a member of the Company or liable to contribute or pay any sum to the Company or to its funds or to any other member thereof beyond the cash premium agreed upon or give him any right to participate in the profits or surplus funds of the Company. 20

Distribution  
to policy-  
holders.

**17.** The directors may from time to time out of the earnings of the Company distribute equitably to the holders of policies issued by the Company on the mutual system such sums as in the judgment of the directors are proper and justifiable. 25

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

**18.** (1) The Company may acquire by agreement to insure or otherwise the whole or any part of the rights and property and may assume the obligations and liabilities of Farmers' Central Mutual Fire Insurance Company, incorporated on the 22nd day of March in the year 1894 under and pursuant to the provisions of An Act respecting Insurance Companies, being Chapter 167 of the Revised Statutes of Ontario, 1887, in this Act 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. 35

Duties in  
such event.

(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. 40

Approval of  
Treasury  
Board.

18. The 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 the Act has been approved by a resolution adopted by at least two-thirds of the votes of the members of the provincial Company present or represented by proxy at a meeting duly called for that purpose not 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 do business or will cease to do business forthwith upon a certificate of registry being issued to the Company.

19. The Canadian and British Insurance Companies Act shall apply to the Company except as otherwise provided in this Act.

R. S. C. 1907, c. 28  
1907, c. 28, s. 11  
1907, c. 28, s. 11  
1907, c. 28, s. 11  
1907, c. 28, s. 11



Coming into  
force.

**19.** 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 members 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 do business or will cease to do business forthwith upon a certificate of registry being issued to the Company. 5 10

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

**20.** The *Canadian and British Insurance Companies Act* shall apply to the Company except as otherwise provided in this Act. 15

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Second Session, Twenty-Seventh Parliament, 18 Elizabeth II, 1957.

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THE SENATE OF CANADA

BILL S-14.

An Act respecting British Northwestern  
Insurance Company.

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Read a first time, Wednesday, 7th June, 1957.

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Honourable Senator McCreach.

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OTTAWA, ONT.





THE SENATE OF CANADA

**BILL S-14.**

An Act respecting British Northwestern  
Insurance Company.

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Read a first time, Wednesday, 7th June, 1967.

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Honourable Senator MOLSON.



# THE SENATE OF CANADA

## BILL S-14.

### An Act respecting British Northwestern Insurance Company.

Preamble.  
1910, c. 70;  
1952, c. 58.

WHEREAS British Northwestern Insurance Company, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 5

Name  
changed.

1. The name of the Company is hereby changed to Eagle Star Insurance Company of Canada.

Name in  
French.

2. The Company may use, in the transaction of its business, either the name Eagle Star Insurance Company of Canada or the name Eagle Star Compagnie d'Assurance 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 Company in the name British Northwestern Insurance Company, and any transaction, contract or obligation hereafter entered into or incurred by the Company in either the name Eagle Star Insurance Company of Canada or the name Eagle Star Compagnie d'Assurance du Canada, or both of such names, shall be 15  
20  
valid and binding on the Company.

Existing  
rights  
saved.

3. Nothing contained in sections 1 and 2 of this Act shall in any way impair, alter or affect the rights or liabilities of the Company, except as therein expressly provided, or in any way affect any suit or proceeding now 25  
pending or judgment existing, either by or in favour of or against the Company, which, notwithstanding the provisions of section 2 of this Act, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Section 1 of chapter 70 of the Statutes of 1910 is repealed and the following substituted therefor:

"2. The capital stock of the Company shall be five million dollars divided into one hundred and twenty-five thousand shares of forty dollars each."

THE SENATE OF CANADA

### EXPLANATORY NOTES.

The purposes of clauses 1, 2 and 3 of this bill are to change the name of the Company from British Northwestern Insurance Company to Eagle Star Insurance Company of Canada, and to add a French version to its name.

The purpose of clause 4 is to change the capital stock of the Company from \$2,000,000, divided into 50,000 shares of \$40.00 each, to \$5,000,000, divided into 125,000 shares of \$40.00 each.

Read a first time, Thursday 8th June, 1917.

Honourable Senator McDonald

Printed and Published by the Queen's Printer, Ottawa, 1917.



4. Section 2 of chapter 70 of the statutes of 1910 is repealed and the following substituted therefor:—

“2. The capital stock of the Company shall be five million dollars divided into one hundred and twenty-five thousand shares of forty dollars each.”

Capital stock change.

BILL S-14

EXPLANATORY NOTES

The purpose of this bill is to change the name of the Company from British North-western Insurance Company to Eagle Star Insurance Company of Canada and to amend the provisions of the Act in relation to the capital stock of the Company from \$2,000,000 divided into 50,000 shares of \$40.00 each, to \$5,000,000 divided into 125,000 shares of \$40.00 each.

Section 2 of chapter 70 of the statutes of 1910 is repealed and the following substituted therefor:—

Capital stock change.

“2. The capital stock of the Company shall be five million dollars divided into one hundred and twenty-five thousand shares of forty dollars each.”

Section 2 of chapter 70 of the statutes of 1910 is repealed and the following substituted therefor:—

The purpose of this bill is to change the name of the Company from British North-western Insurance Company to Eagle Star Insurance Company of Canada and to amend the provisions of the Act in relation to the capital stock of the Company from \$2,000,000 divided into 50,000 shares of \$40.00 each, to \$5,000,000 divided into 125,000 shares of \$40.00 each.

Section 2 of chapter 70 of the statutes of 1910 is repealed and the following substituted therefor:—

The purpose of this bill is to change the name of the Company from British North-western Insurance Company to Eagle Star Insurance Company of Canada and to amend the provisions of the Act in relation to the capital stock of the Company from \$2,000,000 divided into 50,000 shares of \$40.00 each, to \$5,000,000 divided into 125,000 shares of \$40.00 each.

THE SENATE OF CANADA

**BILL S-15.**

An Act to incorporate Seaboard Finance Company  
of Canada.

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Read a first time, Thursday 8th June, 1967.

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Honourable Senator McDONALD.



THE SENATE OF CANADA

BILL S-15.

An Act to incorporate Seaboard Finance Company  
of Canada.

Preamble. **W**HEREAS 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: 5

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 10 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 Seaboard Finance Company of Canada, hereinafter called 15 "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 hundred thousand dollars. 20

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 25 stock has been subscribed and two hundred and fifty thousand dollars paid thereon.

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

Head Office

The Company is incorporated pursuant to Part II of the Small Business Act and to all the provisions of that Act shall extend and apply.

R.S.C. 1985, c. 32

THE SENATE OF CANADA

BILL S-16.

An Act to incorporate Cable Pipe Lines Ltd.

Read a first time, Thursday 28th June, 1967.

Honourable Senator Power.



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.

BILL 3-15

An Act to incorporate Federal Finance Company of Canada

Whereas the persons hereinafter named have by their written prayer 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. William Lee Paxon, executive, and Thomas Harold Paxon, Jr., executive, both of the city of Toronto, Donald Bruce MacFarlane, executive, of the township of South York, in the county of York, and Dean Campbell 10 Esq., barrister, and Hugh Rodrick 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 Federal Finance Company of Canada, hereinafter called "the Company".

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

3. The capital stock of the Company shall in five hundred thousand dollars.

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.

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.

THE SENATE OF CANADA

**BILL S-16.**

An Act to incorporate Cabri Pipe Lines Ltd.

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Read a first time, Thursday 8th June, 1967.

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Honourable Senator PROWSE.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967



## THE SENATE OF CANADA

### BILL S-16.

#### An Act to incorporate Cabri Pipe Lines Ltd.

Preamble.

**W**HEREAS 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: 5

Incorporation.

**1.** Stanley Albert Milner, petroleum executive, William Norman Grace, petroleum executive, Gerald Winfield Youell, petroleum engineer, William Dawson Grace, chartered accountant, and Douglas Randolph Matheson, solicitor, all of the city of Edmonton, in the province of Alberta, together with such other persons as become shareholders in the company, are incorporated under the name of Cabri Pipe Lines Ltd., hereinafter called "the Company". 15

Corporate name.

Directors.

**2.** (1) The persons named in section 1 shall be the first directors of the Company.  
(2) No person shall be elected as a director unless he is a shareholder owning shares absolutely in his own right, and not in arrear in respect of any call thereon; and the majority of the directors of the Company so chosen shall, at all times, be persons resident in Canada and Canadian citizens. 20

Capital stock.

**3.** The capital stock of the Company shall consist of four million shares without nominal or par value. 25

Head office and other offices.

**4.** (1) The head office of the Company shall be in the city of Edmonton, in the province of Alberta, which head office shall be the domicile of the Company in Canada,

and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

(2) The Company may, by by-law, change the place where the head office is to be situate to any other place in Canada.

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the by-law, and a copy of the by-law certified under the seal of the Company has been filed with the Registrar General of Canada and published in the Canada Gazette.

4. 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.

5. 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 international pipelines and all appurtenances relative thereto for the gathering, processing, refining, treating, transmitting, transporting, storing and delivering of gases, liquids and solids or any of them including, without limiting the generality of the foregoing, any natural and artificial gas and oil and hydrocarbons and related substances or any of them and any products or by-products thereof and all works relative thereto for use in connection with the said pipe lines; and buy or otherwise acquire, process, refine, treat, transmit, transport and sell or otherwise dispose of and distribute any natural and artificial gas and oil and hydrocarbons and related substances or any of them and any products or by-products thereof; and own, lease, sell, operate and maintain aircraft and aeroplanes for the purpose of its undertaking together with the facilities required for the

The lines  
 legislation  
 to apply  
 1972, c. 40;  
 1977, c. 9;  
 1980-81, c. 17;  
 1982-83, c. 11;  
 R.S.C.  
 1985, c. 28;  
 R.S.C.  
 1986-87, c. 58;  
 c. 24;  
 1987-88, c. 24;  
 R.S.C.  
 Power to  
 construct  
 and operate  
 pipe lines



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. 5

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the by-law, and a copy of the by-law certified under the seal of the Company has been filed with the Registrar General of Canada and published in the *Canada Gazette*. 10

Pipe lines  
legislation  
to apply.

1959, c. 46;  
1960, c. 9;  
1960-61, c. 52;  
1963-64, c. 41,

s. 5.

1966, c. 25,  
s. 41;

1966-67, c. 69,  
s. 94;

1966-67, c. 84,  
s. 3.

Power to  
construct  
and operate  
pipe lines.

**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. 15

**6.** The Company, subject to the provisions of any general legislation relating to pipe lines enacted by Parliament, may 20

(a) within or outside Canada construct, purchase, lease or otherwise acquire and hold, develop, operate, maintain, control, lease, mortgage, hypothecate, create liens or other security upon, sell, convey or otherwise dispose of and turn to account any and all interprovincial, extra-provincial and/or international pipe lines and all appurtenances relative thereto for the gathering, processing, refining, treating, transmitting, transporting, storing and delivering of gases, liquids and solids or any of them including, without limiting the generality of the foregoing, any natural and artificial gas and oil and hydrocarbons and related substances or any of them and any products or by-products thereof and all works relative thereto for use in connection with the said pipe lines; and buy or otherwise acquire, process, refine, treat, transmit, transport and sell or otherwise dispose of and distribute any natural and artificial gas and oil and hydrocarbons and related substances or any of them and any products or by-products thereof; and own, lease, sell, operate and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the 25 30 35 40 45

operation of such wires and accessories; and own, lease, operate and maintain installation telephons, telegraph or microwave or television communication systems; and subject to the Act, and any other statute relating to radio, microwave or television, own, lease, operate and maintain installation, microwave or television communication facilities;

R.S., c. 380:  
1987-88, c. 28;  
1985-86, c. 21;  
1983-84, c. 27.

Power to hold land.

(b) purchase, hold, lease, sell, improve, exchange or otherwise deal in any property, real or personal, movable or immovable, or any interest and rights therein, legal or equitable or otherwise howsoever, and deal with any portion of the lands and property so acquired, and may subdivide the same into lots, streets and building sites for residential purposes or otherwise, and may construct streets, sewers and necessary sewerage and drainage systems and build upon the same for residential purposes or otherwise and supply any buildings so erected, or other buildings erected upon any lands with electric light, heat, gas, water or other requisites, and lease or sell the same, upon such terms and subject to such conditions as appear requisite, either to its employees or to others; and

Acquiring power.

(c) exercise, as auxiliary and incidental to the purpose 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 Corporation Act.

R.S., c. 38:  
1987-88, c. 28;  
1985-86, c. 21;  
1983-84, c. 27.

7. The provisions of subsection (2) of section 14, sections 30, 40, 63, 64, 65, 86, 87, 91, 94 and 110 of Part I of the Canada Corporation 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.

Sections of the Canada Corporation Act to apply.

Proviso.

8. Sections 153, 185, 187, 188, 190, 193 and 194 of Part III of the Canada Corporation Act shall not be incorporated with this Act.

Sections of the Canada Corporation Act not to apply.

9. The Company is authorized with respect to its any fully paid shares to issue under the seal of the Company a warrant stating that the bearer of the warrant is entitled

Share.



R.S., c. 233;  
1952-53, c. 48;  
1953-54, c. 31;  
1955, c. 57.

Power to  
hold land.

operation of such aircraft and aerodromes; and  
own, lease, operate and maintain interstation  
telephone, teletype, telegraph or 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, microwave  
or television communication facilities;

- (b) purchase, hold, lease, sell, improve, exchange  
or otherwise deal in any property, real or  
personal, movable or immovable, or any  
interest and rights therein, legal or equitable or  
otherwise howsoever, and deal with any portion  
of the lands and property so acquired, and may  
subdivide the same into building lots and  
generally lay the same out into lots, streets and  
building sites for residential purposes or other-  
wise, and may construct streets thereon and  
necessary sewerage and drainage systems and  
build upon the same for residential purposes  
or otherwise, and supply any buildings so  
erected, or other buildings erected upon such  
lands, with electric light, heat, gas, water or  
other requisites, and lease or sell the same,  
upon such terms and subject to such conditions  
as appear requisite, either to its employees or  
to others; and

Ancillary  
powers.

- (c) exercise, as ancillary and incidental to the  
purposes or objects set forth in this Act, the  
powers following, unless such powers or any  
of them are expressly excluded by this Act,  
namely, the powers set forth in paragraphs (a)  
to (bb) inclusive of subsection (1) of section 14  
of the *Canada Corporations Act*.

R.S., c. 53;  
1964-65, c. 52;  
1966-67, c. 25;  
1966-67, c. 66.

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:  
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.

**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.

Share.

**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

in the case of shares then specified which the board is authorized and empowered to issue by and subject to all the provisions and provisions of section 22 of Part I of the Canada Corporation Act.

10. For the amount of any dividend that the directors may lawfully declare payable in money they may issue further shares of the Company as fully paid up or they may credit the amount of such dividend on the shares of the Company already issued but not fully paid up, and the liability of the holders of such shares thereon shall be reduced by the amount of such dividend, if the directors have been authorized to do so by a by-law that has been sanctioned by at least two-thirds of the vote cast at a special general meeting of the shareholders of the Company duly called for considering the same.

Share  
dividend

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 thereon.

Commission  
on shares  
subscribed

Proviso

Share, bonds, debentures

THE CANADIAN PACIFIC RAILWAY COMPANY  
INCORPORATED IN CANADA  
BY CHARTER



to the share or shares therein specified with all the powers, privileges and immunities conferred by but subject to all the limitations and provisions of section 35 of Part I of the *Canada Corporations Act*.

Stock  
dividends.

**10.** For the amount of any dividend that the directors may lawfully declare payable in money they may issue therefor shares of the Company as fully paid up, or they may credit the amount of such dividend on the shares of the Company already issued but not fully paid up, and the liability of the holders of such shares thereon shall be reduced by the amount of such dividend, if the directors have been authorized to do so by a by-law that has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the same. 5  
10  
15

Commission  
on sub-  
scription.

**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. 20  
25

Proviso.

THE SENATE OF CANADA

**BILL S-17.**

An Act to incorporate Vawn Pipe Lines Ltd.

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Read a first time, Thursday 8th June, 1967.

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Honourable Senator Prowse.



## THE SENATE OF CANADA

### BILL S-17.

An Act to incorporate Vawn Pipe Lines Ltd.

- Preamble. **W**HEREAS 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: 5
- Incorporation. **1.** Dugald McNair Lamb, business executive, Olaf Julius Johanson, business executive, Norman Alexander Lawrence, civil engineer, Donald George Ingram, solicitor, John Norman Swanson, business executive, all of the city of Edmonton, in the province of Alberta, together with such other persons as become shareholders in the company, are incorporated under the name of Vawn Pipe Lines Ltd., hereinafter called "the Company". 10
- Corporate name.
- Directors. **2.** (1) The persons named in section 1 shall be the first directors of the Company. 15  
(2) No person shall be elected as a director unless he is a shareholder owning shares absolutely in his own right, and not in arrear in respect of any call thereon; and the majority of the directors of the Company so chosen shall, at all times, be persons resident in Canada and Canadian citizens. 20
- Capital stock. **3.** The capital stock of the Company shall consist of four million shares without nominal or par value.
- Head office and other offices. **4.** (1) The head office of the Company shall be in the city of Edmonton, in the province of Alberta, which head office shall be the domicile of the Company in Canada, 25

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 situated to any other place in Canada.

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the by-law, and a copy of the by-law certified under the seal of the Company has been filed with the Registrar General of Canada and published in the Canada Gazette.

3. 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 legislative enactments relating to pipe lines enacted by Parliament.

4. The Company, subject to the provisions of any general legislation relating to pipe lines enacted by Parliament, may

- (1) 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 intraprovincial, extra-provincial and/or international pipe lines and all appurtenances relative thereto for the gathering, processing, refining, treating, transmitting, transporting, storing and delivering of gases, liquids and solids or any or them including without limiting the generality of the foregoing any natural and artificial gas and oil and hydrocarbon and related substances or any of them and any products or by-products thereof and all works relative thereto for use in connection with the said pipe lines; and buy or otherwise acquire, process, refine, treat, transmit, transport and sell or otherwise dispose of and distribute any natural and artificial gas and oil and hydrocarbon and related substances or any of them and any products or by-products thereof; and own, lease, self-operate and maintain itself and

Power to  
construct  
and operate  
pipe lines  
1967-68, c. 28  
1969-70, c. 28  
1970-71, c. 28  
1971-72, c. 28  
1972-73, c. 28  
1973-74, c. 28  
1974-75, c. 28  
1975-76, c. 28  
1976-77, c. 28  
1977-78, c. 28  
1978-79, c. 28  
1979-80, c. 28  
1980-81, c. 28  
1981-82, c. 28  
1982-83, c. 28  
1983-84, c. 28  
1984-85, c. 28  
1985-86, c. 28  
1986-87, c. 28  
1987-88, c. 28  
1988-89, c. 28  
1989-90, c. 28  
1990-91, c. 28  
1991-92, c. 28  
1992-93, c. 28  
1993-94, c. 28  
1994-95, c. 28  
1995-96, c. 28  
1996-97, c. 28  
1997-98, c. 28  
1998-99, c. 28  
1999-00, c. 28  
2000-01, c. 28  
2001-02, c. 28  
2002-03, c. 28  
2003-04, c. 28  
2004-05, c. 28  
2005-06, c. 28  
2006-07, c. 28  
2007-08, c. 28  
2008-09, c. 28  
2009-10, c. 28  
2010-11, c. 28  
2011-12, c. 28  
2012-13, c. 28  
2013-14, c. 28  
2014-15, c. 28  
2015-16, c. 28  
2016-17, c. 28  
2017-18, c. 28  
2018-19, c. 28  
2019-20, c. 28  
2020-21, c. 28  
2021-22, c. 28  
2022-23, c. 28  
2023-24, c. 28  
2024-25, c. 28  
2025-26, c. 28  
2026-27, c. 28  
2027-28, c. 28  
2028-29, c. 28  
2029-30, c. 28  
2030-31, c. 28  
2031-32, c. 28  
2032-33, c. 28  
2033-34, c. 28  
2034-35, c. 28  
2035-36, c. 28  
2036-37, c. 28  
2037-38, c. 28  
2038-39, c. 28  
2039-40, c. 28  
2040-41, c. 28  
2041-42, c. 28  
2042-43, c. 28  
2043-44, c. 28  
2044-45, c. 28  
2045-46, c. 28  
2046-47, c. 28  
2047-48, c. 28  
2048-49, c. 28  
2049-50, c. 28



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. 5

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the by-law, and a copy of the by-law certified under the seal of the Company has been filed with the Registrar General of Canada and published in the *Canada Gazette*. 10

**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. 15

**6.** The Company, subject to the provisions of any general legislation relating to pipe lines enacted by Parliament, may 20

(a) within or outside Canada construct, purchase, lease or otherwise acquire and hold, develop, operate, maintain, control, lease, mortgage, hypothecate, create liens or other security upon, sell, convey or otherwise dispose of and turn to account any and all interprovincial, extra-provincial and/or international pipe lines and all appurtenances relative thereto for the gathering, processing, refining, treating, transmitting, transporting, storing and delivering of gases, liquids and solids or any of them including, without limiting the generality of the foregoing, any natural and artificial gas and oil and hydrocarbons and related substances or any of them and any products or by-products thereof and all works relative thereto for use in connection with the said pipe lines; and buy or otherwise acquire, process, refine, treat, transmit, transport and sell or otherwise dispose of and distribute any natural and artificial gas and oil and hydrocarbons and related substances or any of them and any products or by-products thereof; and own, lease, sell, operate and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and 25 30 35 40 45

Pipe lines legislation to apply.  
1959, c. 46;  
1960, c. 9;  
1960-61, c. 52;  
1963, c. 41,  
s. 5.  
1966, c. 25,  
s. 41;  
1966-67, c. 69,  
s. 94;  
1966-67, c. 84,  
s. 3.

Power to construct and operate pipe lines.

own, lease, operate and maintain installation  
 telephone, telegraph or 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 installation, microwave  
 or television communication facilities;

R.S.C. 1985,  
 1985-86, c. 20,  
 1985-86, c. 21,  
 1985, c. 22.

Power to  
 hold land.

(b) purchase, hold, lease, sell, improve, exchange  
 or otherwise deal in any property, real or  
 personal, movable or immovable, or any 10  
 interest and rights therein, local or equitable or  
 otherwise howsoever, and deal with any portion  
 of the lands and property so acquired, and may  
 subdivide the same into building lots and 15  
 generally lay the same out into lots, streets and  
 building sites for residential purposes or other-  
 wise, and may construct streets thereon and  
 necessary sewers and drainage systems and  
 built upon the same for residential purposes 20  
 or otherwise, and supply any buildings so  
 erected or other buildings erected upon such  
 lands with electric light, heat, gas, water or  
 other requisites, and lease or sell the same,  
 upon such terms and subject to such conditions 25  
 as appear requisite, either to its employees or  
 to others; and

Authority  
 power.

(c) exercise, as auxiliary and incidental to the  
 purpose or object set forth in this Act, the  
 powers following, unless such powers or any  
 of them are expressly excluded by the Act. 30  
 namely, the powers set forth in paragraphs (a)  
 to (bb) inclusive of subsection (1) of section 14  
 of the Canada Corporation Act.

R.S.C. 1985,  
 1985-86, c. 20,  
 1985-86, c. 21,  
 1985-86, c. 22.

7. The provisions of subsection (2) of section 14,  
 sections 30, 40, 63, 64, 65, 88, 91, 94 and 110 of Part I 35  
 of the Canada Corporation Act apply to the Company;  
 provided that wherever in the said sections and subsections  
 the words "patent" or "supplementary letters  
 patent" appear, the words "Special Act" shall be substituted 40  
 therefor.

Sections of  
 the Canada  
 Corporation  
 Act to apply.

Proviso.

8. Sections 155, 163, 164, 165, 166 and 167  
 of Part III of the Canada Corporation Act shall not be  
 incorporated with this Act.

Sections of  
 the Canada  
 Corporation  
 Act not to  
 apply.

9. The Company is authorized with respect to  
 any fully paid shares to issue under the seal of the Company 45  
 a warrant stating that the bearer of the warrant is entitled  
 to the share or shares therein specified with all the powers

Power.



R.S., c. 233;  
1952-53, c. 48;  
1953-54, c. 31;  
1955, c. 57.

Power to  
hold land.

own, lease, operate and maintain interstation telephone, teletype, telegraph or 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, microwave or television communication facilities; 5

(b) purchase, hold, lease, sell, improve, exchange or otherwise deal in any property, real or personal, movable or immovable, or any interest and rights therein, legal or equitable or otherwise howsoever, and deal with any portion of the lands and property so acquired, and may subdivide the same into building lots and generally lay the same out into lots, streets and building sites for residential purposes or otherwise, and may construct streets thereon and necessary sewerage and drainage systems and build upon the same for residential purposes or otherwise, and supply any buildings so erected, or other buildings erected upon such lands, with electric light, heat, gas, water or other requisites, and lease or sell the same, upon such terms and subject to such conditions as appear requisite, either to its employees or to others; and 10 15 20 25

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*. 30

R.S., c. 53;  
1964-65, c. 52;  
1966-67, c. 25;  
1966-67, c. 66.

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: 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. 35 40

Proviso.

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.

Shares.

**9.** The Company is authorized with respect to any fully paid shares to issue under the seal of the Company a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified with all the powers, 45

The limitations and provisions of section 25 of Part I of the  
 privileges and immunities conferred by Part I of the  
 Canada Corporations Act.

Book  
dividends.

10. For the amount of any dividend that the  
 directors may lawfully declare payable in money they may  
 issue transferable shares of the Company as fully paid up,  
 or they may credit the amount of such dividend on the  
 shares of the Company already issued but not fully paid  
 up, and the liability of the holders of such shares thereon  
 shall be reduced by the amount of such dividend, if the 10  
 directors have been authorized to do so by a by-law that  
 has been sanctioned by the holders of the votes at a  
 special general meeting of the shareholders of the Company  
 duly called for considering the same.

Commission  
or sub-  
scriptions.

11. The Company may pay a commission to any 15  
 person in consideration of his subscribing or agreeing to  
 subscribe, whether absolutely or conditionally, for any  
 shares, bonds, debentures, debenture stock or other securi-  
 ties of the Company, or procuring or agreeing to procure  
 subscriptions, whether absolute or conditional, for any 20  
 shares, bonds, debentures, debenture stock or other securi-  
 ties of the Company; provided, however, that no commis-  
 sion shall exceed ten per centum  
 of the amount realized thereon.

Provision.

The Corporation of the City of Montreal

THE CORPORATION OF THE CITY OF MONTREAL  
 INCORPORATED BY CHARTER UNDER THE ACT RESPECTING  
 MUNICIPAL CORPORATIONS, 1858.



privileges and immunities conferred by but subject to all the limitations and provisions of section 35 of Part I of the *Canada Corporations Act*.

Stock  
dividends.

**10.** For the amount of any dividend that the directors may lawfully declare payable in money they may issue therefor shares of the Company as fully paid up, or they may credit the amount of such dividend on the shares of the Company already issued but not fully paid up, and the liability of the holders of such shares thereon shall be reduced by the amount of such dividend, if the directors have been authorized to do so by a by-law that has been sanctioned by at least two-thirds of the votes at a special general meeting of the shareholders of the Company duly called for considering the same.

Commission  
on sub-  
scription.

**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.

THE SENATE OF CANADA

**BILL S-18.**

An Act to amend the Publication of  
Statutes Act.

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Read a first time, Tuesday, 27th June, 1967.

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Honourable Senator CONNOLLY, P.C.

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967



## THE SENATE OF CANADA

### BILL S-18.

An Act to amend the Publication of Statutes Act.

R.S., c. 230.

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

1. All that portion of subsection (3) of section 10 of the *Publication of Statutes Act* preceding paragraph (a) thereof is repealed and the following substituted therefor: 5

Distribution.

“(3) Copies of the volume or volumes referred to in subsection (2) shall be printed by the Queen’s Printer, who shall, as soon after the close of each session as practicable, deliver or send by post or otherwise, in the most economical manner, the proper number of copies to” 10

2. Section 11 of the said Act is repealed and the following substituted therefor:

Printing of Statutes.

“11. (1) Subject to this section, the Statutes shall be printed in the English and French languages in such form, on such paper and in such type and shall be bound in such manner as the Governor in Council may prescribe by regulation. 15

Marginal notes.

(2) The marginal notes of the Statutes shall be printed in seven point type and shall refer to the year and chapter of any previous enactment that the text amends, repeals or changes. 20

Binding.

(3) The Statutes of each session shall be bound, if practicable and convenient, in one volume.” 25

## EXPLANATORY NOTES.

The purpose of this Bill is to authorize the Governor in Council to prescribe the form to be used in the printing of the annual Statutes and the manner in which they are to be bound. At the present time, the technical requirements in this regard are as set out in sections 10 and 11 of the Act.

Under section 13 of chapter 48 of the Statutes of 1964-65, the Statute Revision Commission established by Parliament in 1965 to revise and consolidate the public general statutes of Canada, is authorized to direct that the Revised Statutes be printed and bound in such style or form as it deems best suited to the Revised Statutes. It is considered desirable that the annual Statutes should be printed and bound in a style or form corresponding to that of the Revised Statutes to the extent that it is desirable and practicable to do so.

*Clause 1:* The relevant portion of subsection (3) of section 10 at present reads as follows:

“(3) Copies of the volume or volumes referred to in subsection (2) shall be printed *in the English and French languages, respectively*, by the Queen’s Printer, who shall, as soon after the close of each session as is practicable, deliver or send by post or otherwise, in the most economical manner, the proper number of copies of the volume or volumes, *in either or both languages as he is directed, to*”

*Clause 2:* Section 11 at present reads as follows:

“(11) The Statutes shall be printed in *royal octavo* form on *fine* paper, in *eleven point* type, *not more than four and three-quarters inches wide by eight and one-half inches deep*, including marginal notes in seven point, such notes referring to the year and chapter of previous Statutes, whenever the text amends, repeals or changes the enactments of former years; and shall be bound, if practicable and convenient, in one volume in *full buff buckram and lettered in black*, with the exception of a certain number to be specified by the Governor in Council, which shall be bound in *half-calf and gilt-lettered*.”





THE SENATE OF CANADA

**BILL S-19.**

An Act respecting the boundary between the Province of  
British Columbia and the Yukon and Northwest  
Territories.

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Read a first time, Tuesday, 27th June, 1967.

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Honourable Senator CONNOLLY, P.C.



THE SENATE OF CANADA

BILL S-19.

An Act respecting the boundary between the Province of British Columbia and the Yukon and Northwest Territories.

Preamble.

WHEREAS the *British Columbia Act, 1866* of the Parliament of the United Kingdom, 29 and 30 Victoria, chapter 67, declares the northern boundary of the Province of British Columbia to be the sixtieth parallel of North Latitude, the *Northwest Territories Act* declares the said parallel to be the southern boundary of the Northwest Territories and the *Yukon Act* declares that the Yukon Territory is bounded on the south in part by the Province of British Columbia; 5

AND WHEREAS the said boundary was surveyed and marked on the ground between 1899 and 1908 under the direction of the Department of the Interior and between 1943 and 1959 under the direction of the Commissioners appointed therefor, which boundary, as surveyed and marked on the ground, is shown upon thirty-six map-sheets signed by the said Commissioners which map-sheets are recorded as No. 53148 in the Legal Surveys and Aeronautical Charts Division of the Department of Energy, Mines and Resources, Ottawa; 15

AND WHEREAS, the Legislature of the Province of British Columbia having consented thereto, it is desirable that the boundary line so surveyed and marked on the ground be declared the boundary line between the Province of British Columbia and the Yukon Territory and the Northwest Territories; 20 25

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

1. The Act may be cited as the Yukon-Yukon Territory Act, 1907.

2. The boundary line surveyed and marked on the ground under the direction of the Department of the Interior and the Department of the Yukon Territory and the boundary between the Province of British Columbia and the Yukon Territory and the Northwest Territories and is shown on fifty-six maps sheets numbered 1 to 56 signed by the Commissioners and on record as No. 5312 in the Legal Branch and Geographical Office Division of the Department of the Interior at Ottawa. It is hereby declared to be the boundary between the Province of British Columbia and the Yukon Territory and the Northwest Territories and in so far as the boundary so described passes, diminishes or otherwise affects the limits of the Province of British Columbia or the Yukon Territory of the Northwest Territories, their limits are thenceforth diminished or otherwise altered accordingly.

3. The Act shall come into force on a day to be fixed by proclamation in the Gazette of Canada.

ENACTED AND PASSED AS FOLLOWS:

IN WITNESS WHEREOF

THE KING

BY HIS MAJESTY'S COMMAND



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 *British Columbia-Yukon-Northwest Territories Boundary Act, 1967*. 5

Boundary declared.

**2.** The boundary line surveyed and marked on the ground under the direction of the Department of the Interior and the Commissioners appointed to delimit the boundary between the Province of British Columbia and the Yukon Territory and the Northwest Territories and shown on thirty-six map-sheets numbered 1 to 36, signed by the Commissioners and on record as No. 53148 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 British Columbia and the Yukon Territory and the Northwest Territories, and in so far as the boundary so described increases, diminishes or otherwise alters the limits of the Province of British Columbia or the Yukon Territory or the Northwest Territories, their limits are increased, diminished or otherwise altered accordingly. 10 15 20

Coming into force.

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

THE SENATE OF CANADA

**BILL S-20.**

An Act respecting Co-operative Trust Company Limited.

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Read a first time, Thursday, 29th June, 1967.

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Honourable Senator CROLL.



## THE SENATE OF CANADA

### BILL S-20.

An Act respecting Co-operative Trust Company Limited.

Preamble.

WHEREAS Co-operative Trust Company Limited, a company incorporated under the laws of the province of Saskatchewan by an Act of the legislature assented to March 24, 1952, as chapter 114 of the statutes of Saskatchewan of that year, 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.

Change of name.

Existing rights saved.

1. (1) The Company is hereby continued as a body corporate under the new name of Co-operative Trust Company of Canada and shall be deemed to be a company incorporated by Special Act of the Parliament of Canada.  
(2) The foregoing change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by or in favour of or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed, and any suit or legal proceeding that might have been commenced or continued by or against the Company under its former name may be commenced or continued by or against it under its new name.

Powers, privileges and liabilities.

R.S., c. 272;  
1952-53, c. 10;  
1958, c. 42;  
1960-61, c. 55;  
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 *Trust Companies Act*.

## EXPLANATORY NOTE

Co-operative Trust Company Limited is a Saskatchewan company incorporated by Special Act of the legislature of that province on March 24, 1952. The Company, in continuing to serve the co-operative movement, desires to extend its activities into other provinces under the new name of Co-operative Trust Company of Canada. The procedure of continuing the existing Company and of giving it the status of a federal company, as proposed, is a simpler procedure than that involved in the incorporation of an entirely new company and the subsequent transfer of assets, liabilities and trusts from one corporation to the other.



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.

5

Share capital.

**4.** The authorized capital of the Company shall continue to be \$3,000,000 divided into shares of \$10.00 each, which may be increased to \$5,000,000 divided into shares of \$10.00 each.

Head office.

**5.** The head office of the Company shall continue to be in the city of Saskatoon, in the province of Saskatchewan.

Rights of shareholders and creditors unimpaired.

**6.** All rights and interests of the shareholders 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.

Shareholders.

- 7.** Shareholders shall be confined to
- (a) companies, societies, associations or corporations that are incorporated in Canada, or registered under any legislation in Canada, and, in either case, are in the opinion of the directors operating as credit unions or cooperative associations, and
  - (b) individuals who have been duly elected as directors, but in no case shall any director be entitled to hold more than the number of shares required pursuant to the *Trust Companies Act* to qualify as a director, and the holding of such shares shall not entitle the director to any other privilege or benefit than that of being a director.

Voting.

R.S., c. 272;  
1952-53, c. 10;  
1958, c. 42;  
1960-61, c. 55;  
1964-65, c. 40.

**8.** Notwithstanding section 46 of the *Trust Companies Act* each shareholder shall be entitled at all general meetings of the Company to one vote only and no shareholder shall vote except through its representative or representatives in accordance with the by-laws.

Purchase of shares by the Company.

**9.** The Company may buy from the holder or holders thereof for the purpose of redemption or cancellation any of the shares of the Company, provided that any such purchase shall not reduce the paid capital of the Company below the amount thereof that existed as at the commencement of the first day of January of the year in which the purchase is made.

THE SENATE OF CANADA

**BILL S-21**

An Act to amend the Food and Drugs Act

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Read a first time Tuesday, 31st October, 1967

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Honourable Senator CONNOLLY, P.C.



## THE SENATE OF CANADA

### BILL S-21

#### 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:

5

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, 20  
(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 25 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. 5

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 10 a fine of one thousand dollars or to imprisonment for six months or to both fine and imprisonment, and for a subsequent offence, to a fine of two thousand dollars or to imprisonment for one year or to both fine and imprisonment; 15 or

(b) upon conviction on indictment, to a fine of five thousand dollars or to imprisonment for three years or to both fine and imprisonment.

Trafficking in restricted drug

**41.** (1) No person shall traffic in a restricted drug 20 or any substance represented or held out by him to be a restricted drug.

(2) No person shall have in his possession any restricted drug for the purpose of trafficking.

Possession for the purpose of trafficking

(3) Every person who violates subsection (1) 25 or (2) is guilty of an offence and is liable

Offence

(a) upon summary conviction, to imprisonment for eighteen months; or

(b) upon conviction on indictment, to imprisonment for ten years. 30

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. 35

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 40 to subsection (1) of section 40, he shall be given an opportunity of establishing that he was not in posses-

tion of the restricted drug for the purpose of trafficking and thereafter the prosecutor shall be given an opportunity of adducing evidence to the contrary.

(3) If pursuant to subsection (2), the accused 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

(4) If the accused 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.

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 405, 407 or 408 of the Criminal Code in respect of an offence under this Part.

(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.

44. (1) Subject to this section, in any prosecution for an offence mentioned in subsection (1) of section 45 a certificate of an analyst stating that he has analysed 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.

(2) The party against whom a certificate of an analyst is produced pursuant to subsection (1) may require the attendance of the analyst for the purpose of cross-examination.

(3) No certificate shall be received in evidence pursuant to subsection (1) unless the party intending to produce it has before the trial given to the party against whom it is intended to be produced, reasonable notice of such intention together with a copy of the certificate.

(4) The party against whom a certificate of an analyst is produced pursuant to subsection (1) may require the attendance of the analyst for the purpose of cross-examination.

(5) No certificate shall be received in evidence pursuant to subsection (1) unless the party intending to produce it has before the trial given to the party against whom it is intended to be produced, reasonable notice of such intention together with a copy of the certificate.



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.** (1) Subject to this section, 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.

Idem

(2) The party against whom a certificate of an analyst is produced pursuant to subsection (1) may require the attendance of the analyst for the purposes of cross-examination.

Idem

(3) No certificate shall be received in evidence pursuant to subsection (1) unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced, reasonable notice of such intention together with a copy of the certificate.

45. (1) The provisions of sections 26 and 27 apply in respect of this Part.

(2) For the purposes of subsection (1) (a) there shall be substituted for the expression "controlled drug", wherever it appears in section 26 or 27, the expression "restricted drug"; and

(3) a reference in section 26 or 27 (i) to "Schedule C" 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.

(4) In addition to the regulations provided for by subsection (1), the Governor in Council may make regulations authorising 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.

46. Sections 25, 28 and 29 are not applicable in any proceedings in respect of an offence under this Part 20 or the regulations."

The said Act is further amended by adding thereto the following Schedule (to be inserted after section 24) as follows:

SCHEDULE J

1. Lysergic acid diethylamide."

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

Application of sections 26 and 27

Additional regulations

Sections 25, 28 and 29

Coming into force



Application of sections 36 and 37  
Idem

**45.** (1) The provisions of sections 36 and 37 apply in respect of this Part.

- (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.



Application  
of sections  
25 and 27  
where

25. (1) The provisions of sections 26 and 27  
apply in respect of this Part.

(2) For the purposes of subsection (1),

(a) where shall be substituted for the expression  
"restricted drug", wherever it appears in 5  
section 26 or 27, the expression "restricted  
drug", and

(b) a reference in section 26 or 27

(i) to "Schedule G" shall be deemed to be a  
reference to Schedule J, and 10

(ii) to "this Part" shall be deemed to be a  
reference to Part IV.

(3) In addition to the regulations provided  
for by subsection (1), the Governor in Council may  
make regulations authorizing the possession or export of 15  
restricted drugs and prescribing the circumstances and  
conditions under which and the persons by whom  
restricted drugs may be had in possession or exported.

Additional  
regulations

The provisions  
of sections

26. Sections 25, 26 and 27 are not applicable in  
any proceedings in respect of an offence under this Part 20  
or the regulations.

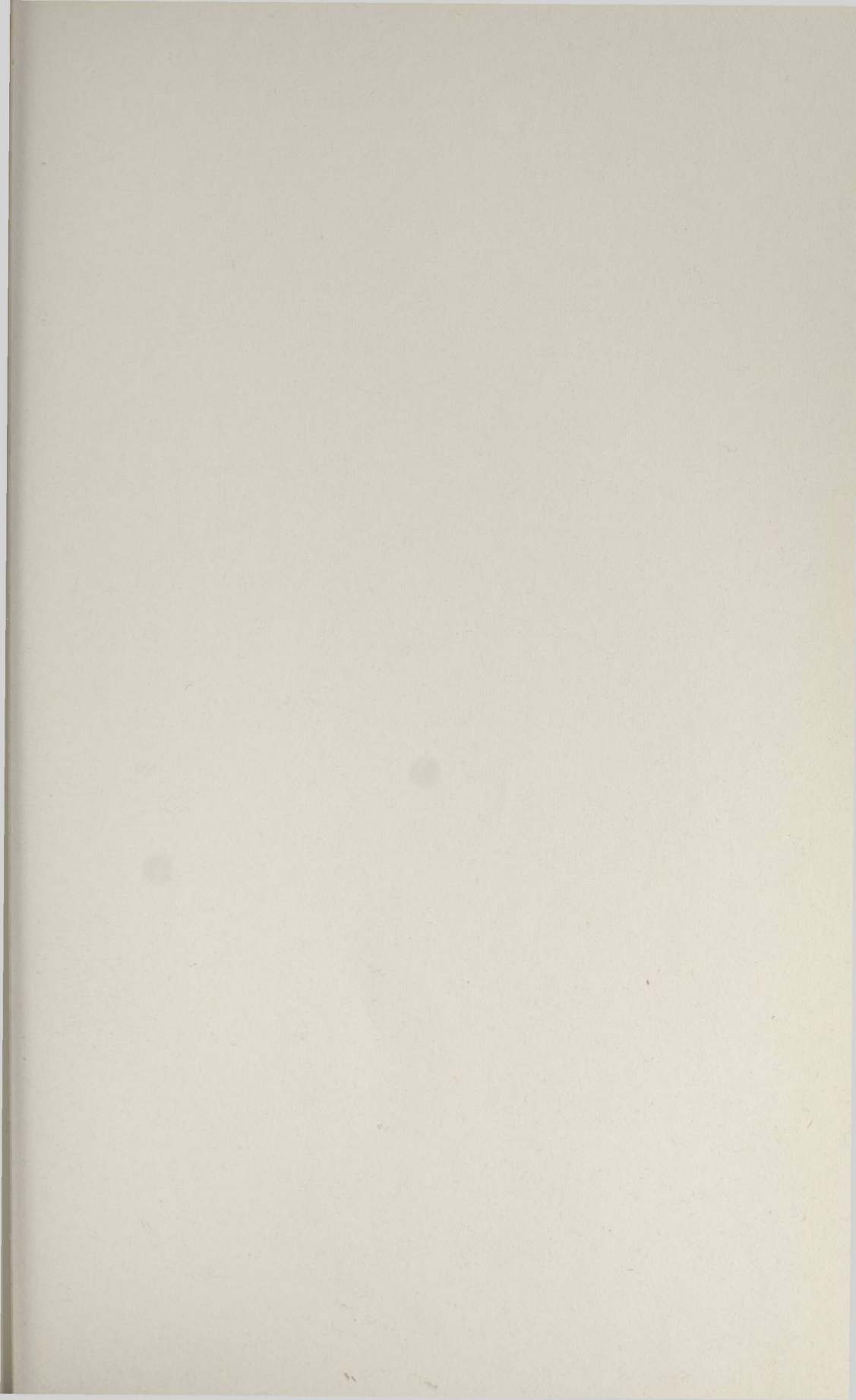
The words "restricted drug" in this amendment is to include  
Lysergic acid diethylamide (commonly referred to as "LSD")  
and derivatives a  
restricted drug.

### "SCHEDULE J

#### 1. Lysergic acid diethylamide."

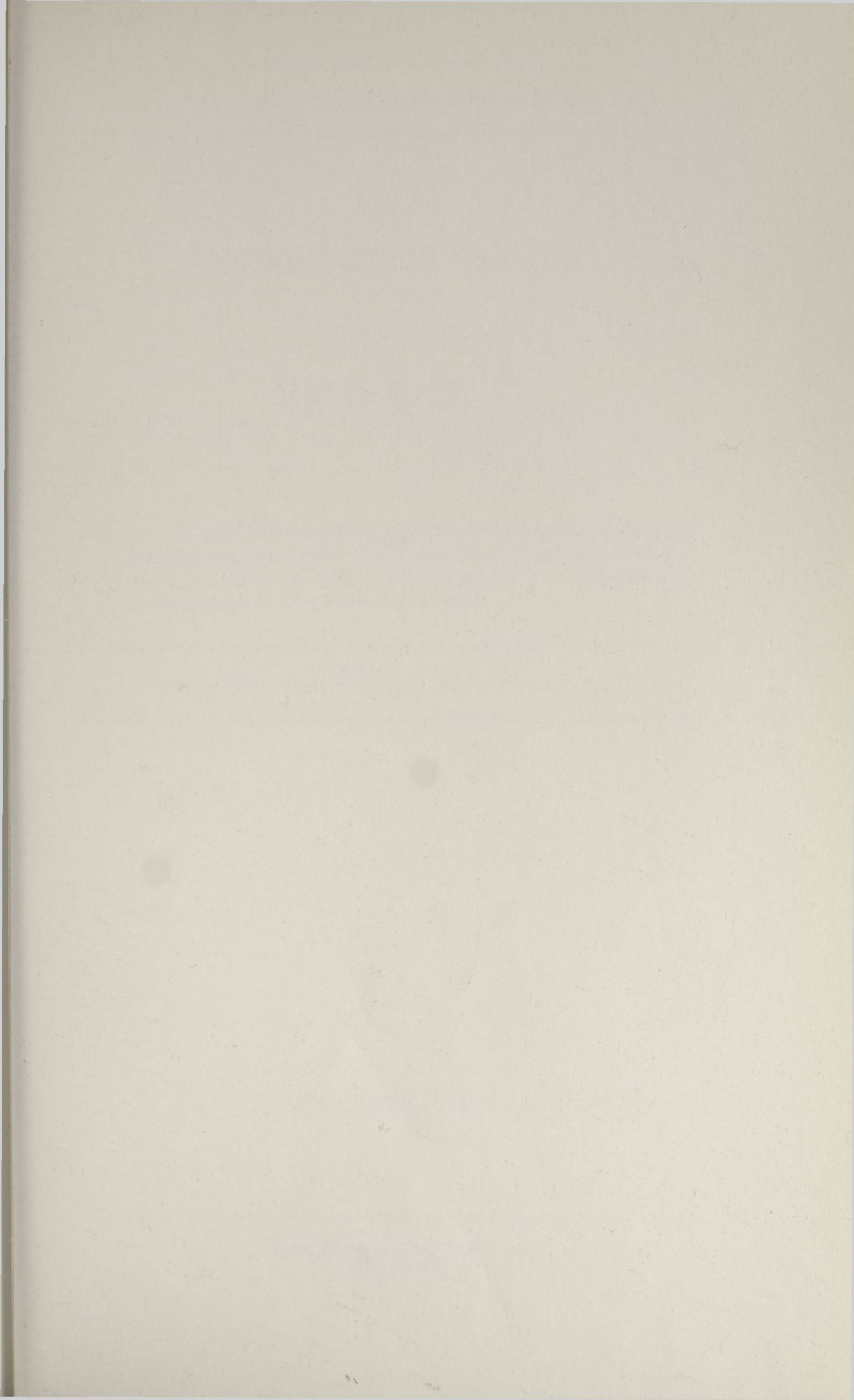
Comm. on 1970  
1970

27. This Act shall come into force on a day to be 25  
fixed by proclamation of the Governor in Council.

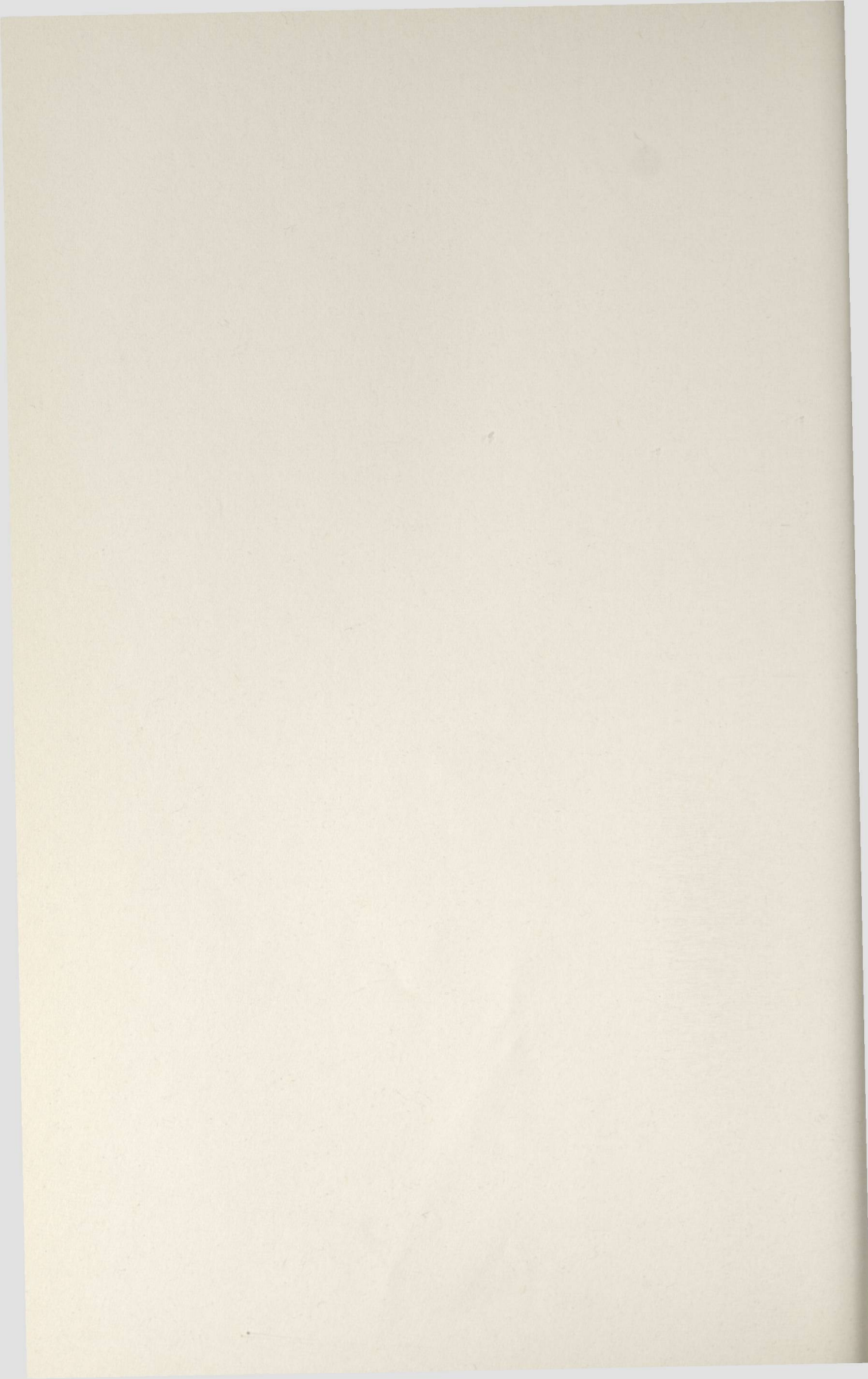












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Sessional Paper, Twenty-Seventh Parliament, 16th Session, II, 1967

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THE SENATE OF CANADA

BILL S-22

An Act to prohibit the sale and advertising of hazardous substances, to amend the Food and Drugs Act and the Narcotic Control Act and to make consequential amendments to the Criminal Code

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Read a first time, Tuesday, 31st October, 1967

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Honourable Senator CURRIE, P.C.

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Printed in Canada, Queen's Printer,  
Ottawa, 1967





THE SENATE OF CANADA

**BILL S-22**

An Act to prohibit the sale and advertising of hazardous substances, to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code

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Read a first time, Tuesday, 31st October, 1967

---

Honourable Senator CONNOLLY, P.C.



## THE SENATE OF CANADA

### BILL S-22

An Act to prohibit the sale and advertising of hazardous substances, to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code

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

#### PART I

##### SHORT TITLE

- Short title      **1.**      This Part may be cited as the *Hazardous Substances Act*.      5

##### INTERPRETATION

- Definitions      **2.**      In this Part,
- “Advertise”      (a)      “advertise” includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale or other disposition of a hazardous substance;      10
- “Analyst”      (b)      “analyst” means a person designated as an analyst under the *Food and Drugs Act*;
- “Hazardous substance”      (c)      “hazardous substance” means any substance or article included in Part I or Part II of the Schedule;      15
- “Inspector”      (d)      “inspector” means any person designated as a hazardous substance inspector under section 4;
- “Minister”      (e)      “Minister” means the Minister of National Health and Welfare; and
- “Sell”      (f)      “sell” includes, sell, offer for sale, expose for sale, have in possession for sale, and distribute.      20

General

3. (1) No person shall advertise or sell a hazardous substance included in Part I of the Schedule or except under the authority of the regulations. A hazardous substance included in Part II of the Schedule.

(2) Every person who violates subsection (1) is guilty of

(a) an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or to both fine and

(b) an indictable offence and liable to imprisonment for two years.

(3) A prosecution under paragraph (a) of subsection (2) may be instituted at any time within twelve months after the time when the subject matter of the prosecution arose.

Hazardous

4. The Minister may designate as a hazardous substance inspector any person on the staff of the Department of National Health and Welfare for such time as that person is employed in the Department or for such time during the period of such employment as the Minister may specify.

SEARCH, SEIZURE AND FORFEITURE

5. (1) An inspector may at any reasonable time enter any place where on reasonable grounds he believes any hazardous substance is manufactured, prepared, stored, packed, sold or stored and

(a) examine any substance or article that he reasonably believes is a hazardous substance and take samples thereof and examine any other thing that he reasonably believes is used or is capable of being used for such manufacture, preparation, preservation, packing, sale or storage;

(b) open and examine any receptacle or package that on reasonable grounds he believes contains any hazardous substance;

(c) examine any books, records or other documents that on reasonable grounds he believes contain any information relevant to the enforcement of this Part and make copies thereof or extracts therefrom; and



## OFFENCE

- Offence **3.** (1) No person shall advertise or sell a hazardous substance included in Part I of the Schedule or, except under the authority of the regulations, a hazardous substance included in Part II of the Schedule.
- Punishment (2) Every person who violates subsection (1) is guilty of 5
- (a) an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or to both fine and imprisonment; or 10
- (b) an indictable offence and liable to imprisonment for two years.
- Time limit (3) A prosecution under paragraph (a) of subsection (2) may be instituted at any time within twelve months after the time when the subject matter of the prosecution arose. 15

## INSPECTORS

- Designating hazardous substance inspector **4.** The Minister may designate as a hazardous substance inspector any person on the staff of the Department of National Health and Welfare for such time as that person is employed in the Department or for such time during the period of such employment as the Minister may specify. 20

## SEARCH, SEIZURE AND FORFEITURE

- Powers of inspectors **5.** (1) An inspector may at any reasonable time enter any place where on reasonable grounds he believes any hazardous substance is manufactured, prepared, prepared, pre- 25 served, packaged, sold or stored and
- (a) examine any substance or article that he reasonably believes is a hazardous substance and take samples thereof, and examine any other thing that he reasonably believes is 30 used or is capable of being used for such manufacture, preparation, preservation, packaging, sale or storage;
- (b) open and examine any receptacle or package that on reasonable grounds he believes contains 35 any hazardous substance;
- (c) examine any books, records or other documents that on reasonable grounds he believes contain any information relevant to the enforcement of this Part and make copies thereof or extracts 40 therefrom; and

- (4) makes any substance or article, or any labeling, advertising material or other thing, by means of or in relation to which he reasonably believes any provision of this Part or the regulations has been violated.
- (5) The owner or person appearing to be in charge of a place entered by an inspector pursuant to subsection (1) and every person found therein shall give the inspector such assistance and furnish him with such information as the inspector may, for the purpose of exercising the powers referred to in paragraphs (a) to (c) of subsection (1), reasonably require him to give or furnish.
- (6) No person shall obstruct an inspector in the exercise of his powers or the carrying out of his duties under this Part or the regulations.
- (7) No person shall knowingly make any false or misleading statement, either verbally or in writing, to any inspector engaged in exercising his powers or carrying out his duties under this Part or the regulations.
- (8) Except with the authority of an inspector, no person shall remove, alter or interfere in any way with anything seized under this Part by an inspector.
- (9) Anything seized under this Part by an inspector may, at the option of an inspector, be kept or stored in the building or place where it was seized or may be removed to any other proper place by or at the direction of an inspector.
- (10) Where any substance, article or other thing has been seized under this Part, any person may, within two months after the date of such seizure, upon prior notice having been given in accordance with subsection (7) to the Minister by registered mail addressed to him at Ottawa, apply to a magistrate within whose territorial jurisdiction the seizure was made for an order of restoration under subsection (2).
- (11) The notice referred to in subsection (10) shall be mailed at least fifteen days prior to the day on which the application is to be made to the magistrate and shall specify:
  - (a) the magistrate to whom the application is to be made;
  - (b) the place where and the time when the application is to be heard;
  - (c) the substance, article or other thing in respect of which the application is to be made; and
  - (d) the evidence upon which the applicant intends to rely to establish that he is entitled to possession of the thing in respect of which the application is to be made.

Other persons to give assistance

Obstruction of inspector

False statement

Interference with evidence

Retention of seized articles

Application for restoration

Notice to Magistrate



(d) seize any substance or article, or any labelling, advertising material or other thing, by means of or in relation to which he reasonably believes any provision of this Part or the regulations has been violated. 5

Owner and other persons to give assistance

(2) The owner or person appearing to be in charge of a place entered by an inspector pursuant to subsection (1) and every person found therein shall give the inspector such assistance and furnish him with such information as the inspector may, for the purpose of exercising the powers referred to in paragraphs (a) to (d) of subsection (1), reasonably require him to give or furnish. 10

Obstructing inspector

(3) No person shall obstruct an inspector in the exercise of his powers or the carrying out of his duties under this Part or the regulations. 15

False statements

(4) No person shall knowingly make any false or misleading statement, either verbally or in writing, to any inspector engaged in exercising his powers or carrying out his duties under this Part or the regulations.

Interference with articles seized

(5) Except with the authority of an inspector, no person shall remove, alter or interfere in any way with anything seized under this Part by an inspector. 20

Storing of seized articles

(6) Anything seized under this Part by an inspector may at the option of an inspector be kept or stored in the building or place where it was seized or may be removed to any other proper place by or at the direction of an inspector. 25

Application for restoration

6. (1) Where any substance, article or other thing has been seized under this Part, any person may, within two months after the date of such seizure, upon prior notice having been given in accordance with subsection (2) to the Minister by registered mail addressed to him at Ottawa, apply to a magistrate within whose territorial jurisdiction the seizure was made for an order of restoration under subsection (3). 30 35

Notice to Minister

(2) The notice referred to in subsection (1) shall be mailed at least fifteen clear days prior to the day on which the application is to be made to the magistrate and shall specify

- (a) the magistrate to whom the application is to be made; 40
- (b) the place where and the time when the application is to be heard;
- (c) the substance, article or other thing in respect of which the application is to be made; and 45
- (d) the evidence upon which the applicant intends to rely to establish that he is entitled to possession of the thing in respect of which the application is to be made.

(3) Subject to subsections (2) and (3), where upon the receipt of an application made under subsection (1), the magistrate is satisfied

- (a) that the applicant is entitled to possession of the substance, article or other thing seized and
  - (b) that the thing seized is not and will not be required as evidence in any proceedings in respect of an offence under this Part,
- he shall order that the thing seized be restored forthwith to the applicant, and where the magistrate is satisfied that the applicant is entitled to possession of the thing seized but it was established as to the matters mentioned in paragraph (b) he shall order that the thing seized be restored to the applicant.

- (c) upon the expiration of four months from the date of such seizure if no proceedings in respect of an offence under section 5 have been commenced before that time, or
- (d) upon the final conclusion of any such proceedings in any other case.

(4) Where no application has been made under subsection (1) for the restoration of any substance, article or other thing seized under this Part within two months from the date of such seizure, or an application therefor has been made but upon the hearing thereof no order of restoration is made, the thing so seized shall be delivered to the Minister who may make such disposition thereof as he thinks fit.

(5) Where a person has been convicted of an offence under section 5, any hazardous substance seized under this Part by means of or in respect of which the offence was committed is forfeited to Her Majesty and shall be disposed of as the Minister directs.

(6) Where an inspector has seized a hazardous substance under this Part and the owner thereof or the person in whose possession the article was at the time of seizure consents in writing to the destruction thereof, the hazardous substance is thereupon forfeited to Her Majesty and shall be disposed of as the Minister may direct.

### Regulations

7. The Governor in Council may make regulations prescribing anything that by this Part is to be prescribed by regulation;

- (b) authorizing the advertising or sale of any hazardous substance included in Part II of the Schedule and prescribing the circumstances and conditions under which and the persons by whom such hazardous substance may be sold or advertised;

Where no application made

Forfeiture of hazardous substances

Disposition of hazardous substances

Regulations



Order of  
restoration

(3) Subject to subsections (5) and (6), where, upon the hearing of an application made under subsection (1), the magistrate is satisfied

(a) that the applicant is entitled to possession of the substance, article or other thing seized, and 5

(b) that the thing seized is not and will not be required as evidence in any proceedings in respect of an offence under this Part,

he shall order that the thing seized be restored forthwith to the applicant, and where the magistrate is satisfied that 10 the applicant is entitled to possession of the thing seized but is not satisfied as to the matters mentioned in paragraph (b), he shall order that the thing seized be restored to the applicant

(c) upon the expiration of four months from the 15 date of such seizure if no proceedings in respect of an offence under section 3 have been commenced before that time, or

(d) upon the final conclusion of any such proceedings in any other case. 20

Where no  
application  
made

(4) Where no application has been made under subsection (1) for the restoration of any substance, article or other thing seized under this Part within two months from the date of such seizure, or an application therefor has been made but upon the hearing thereof no order of restoration 25 is made, the thing so seized shall be delivered to the Minister who may make such disposition thereof as he thinks fit.

Forfeiture  
of hazardous  
substance

(5) Where a person has been convicted of an offence under section 3, any hazardous substance seized 30 under this Part by means of or in respect of which the offence was committed is forfeited to Her Majesty and shall be disposed of as the Minister directs.

Destruction  
with consent

(6) Where an inspector has seized a hazardous substance under this Part and the owner thereof or the 35 person in whose possession the article was at the time of seizure consents in writing to the destruction thereof, the hazardous substance is thereupon forfeited to Her Majesty and shall be disposed of as the Minister may direct.

## REGULATIONS

Regulations

7. The Governor in Council may make regulations 40
- (a) prescribing anything that by this Part is to be prescribed by regulation;
- (b) authorizing the advertising or sale of any hazardous substance included in Part II of the Schedule and prescribing the circumstances 45 and conditions under which and the persons by whom such hazardous substance may be sold or advertised;

- (c) requesting the powers and duties of inspectors and analysts and the taking of samples and the seizure, detention, forfeiture and disposition of substances, articles and other things; and
- (d) generally, for carrying out the purposes and provisions of this Part.

SCHEDULE

2. The Governor in Council may by order amend Part I or Part II of the Schedule by including therein any substance or article that he is satisfied

- (a) is or contains a poisonous, toxic, inflammable, explosive or corrosive substance or other substance of a similar nature, and
- (b) is or is likely to be a danger to the health or safety of the public,

or by deleting therefrom any substance or article the inclusion of which therein is, in his opinion, no longer necessary.

DISPOSURE

3. (1) Where the Minister has reason to believe that a substance or article is a substance or article that may be included in Part I or Part II of the Schedule by any order made pursuant to section 2, he may send a written notice to the manufacturer of the substance or article requesting him to disclose to the Minister the formula, composition or chemical ingredients of the substance or article and such other information in the possession of the manufacturer as the Minister deems necessary for the purpose of determining whether the substance or article is or is likely to be a danger to the health or safety of the public.

(2) Every manufacturer to whom a written notice referred to in subsection (1) is sent shall disclose to the Minister, within the time specified by the Minister in the notice, any information described in subsection (1) that is requested in the notice.

(3) Information received by the Minister from a manufacturer pursuant to subsection (1) is privileged and shall not be disclosed to any other person except as may be necessary for the administration or enforcement of this section or for the purposes of section 8.

Schedule

Information to the Minister

Item

Information privileged



- (c) respecting the powers and duties of inspectors and analysts and the taking of samples and the seizure, detention, forfeiture and disposition of substances, articles and other things; and
- (d) generally, for carrying out the purposes and provisions of this Part. 5

## SCHEDULE

Schedule

**8.** The Governor in Council may by order amend Part I or Part II of the Schedule by including therein any substance or article that he is satisfied

- (a) is or contains a poisonous, toxic, inflammable, explosive or corrosive substance or other substance of a similar nature, and 10
- (b) is or is likely to be a danger to the health or safety of the public,

or by deleting therefrom any substance or article the inclusion of which therein is, in his opinion, no longer necessary. 15

## DISCLOSURE

Disclosure  
to the  
Minister

**9.** (1) Where the Minister has reason to believe that a substance or article is a substance or article that may be included in Part I or Part II of the Schedule by any order made pursuant to section 8, he may send a written notice to the manufacturer of the substance or article requesting him to disclose to the Minister the formula, composition or chemical ingredients of the substance or article and such other information in the possession of the manufacturer as the Minister deems necessary for the purpose of determining whether the substance or article is or is likely to be a danger to the health or safety of the public. 20 25

Idem

(2) Every manufacturer to whom a written notice referred to in subsection (1) is sent shall disclose to the Minister, within the time specified by the Minister in the notice, any information described in subsection (1) that is requested in the notice. 30

Information  
privileged

(3) Information received by the Minister from a manufacturer pursuant to subsection (1) is privileged and shall not be disclosed to any other person except as may be necessary for the administration or enforcement of this section or for the purposes of section 8. 35

Prosecutions

10. (1) No exception, exemption, excuse or qualification prescribed by law is required to be set out or negative, as the case may be, in an information or indictment for an offence under section 8 of this Act or under section 405, 407 or 408 of the Criminal Code in respect of an offence under section 8.

(2) In any prosecution for an offence mentioned in subsection (1) 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.

Notice of  
prosecution, etc.

Idem

11. (1) Subject to this section, a certificate of an analyst stating that he has analysed or examined a substance and stating the result of his analysis or examination is admissible in evidence in any prosecution for an offence mentioned in subsection (1) of section 10 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.

(2) The party against whom a certificate of an analyst is produced pursuant to subsection (1) may require the attendance of the analyst for the purpose of cross-examination.

(3) No certificate shall be received in evidence pursuant to subsection (1) unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced reasonable notice of such intention together with a copy of the certificate.

Certificate  
of analyst

Attendance  
of analyst

Notice

Other Offences

12. Every person who contravenes any provision of this Part other than section 5, or of the regulations in respect of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for three months or to both fine and imprisonment.

Other  
offences



## PROSECUTIONS

Burden of  
proving  
exception, etc.

**10.** (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 section 3 of this Act or under section 406, 407 or 408 of the *Criminal Code* in respect of an offence under section 3. 5

Idem

(2) In any prosecution for an offence mentioned in subsection (1) 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. 10

Certificate  
of analyst

**11.** (1) Subject to this section, 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 in any prosecution for an offence mentioned in subsection (1) of section 10 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. 15 20

Attendance  
of analyst

(2) The party against whom a certificate of an analyst is produced pursuant to subsection (1) may require the attendance of the analyst for the purposes of cross-examination. 25

Notice

(3) No certificate shall be received in evidence pursuant to subsection (1) unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced reasonable notice of such intention together with a copy of the certificate. 30

## OTHER OFFENCES

Other  
offences

**12.** Every person who contravenes any provision of this Part, other than section 3, or of the regulations is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for three months or to both fine and imprisonment. 35

APPLICATION OF PART

Application  
of Part

13.

article that is

This Part does not apply to any substance or

- (a) an explosive within the meaning of the Explosives Act;
- (b) a cosmetic, drug or food within the meaning of the Food and Drugs Act; or
- (c) a pest control product within the meaning of the Pest Control Products Act.

Coming into  
force

14.

fixed by proclamation.

This Part shall come into force on a day to be



## APPLICATION OF PART

Application  
of Part

- 13.** This Part does not apply to any substance or article that is
- (a) an explosive within the meaning of the *Explosives Act*;
  - (b) a cosmetic, device, drug or food within the meaning of the *Food and Drugs Act*; or
  - (c) a pest control product within the meaning of the *Pest Control Products Act*.

Coming into  
force

- 14.** This Part shall come into force on a day to be fixed by proclamation. 10

SCHEDULE

Part I

1. Lead-pigments (above specified) or any substance or article made from or including lead-pigments in whole or in part.
2. Furniture, toys and other articles intended for children, painted with a paint containing lead in excess of 0.1% expressed by weight of lead oxide.
3. Paints for household use having a flash-point of less than 40° F.

Part II

1. Bleaches, cleansers and sanitizers for household use containing chlorine or compounds thereof.
2. Cleansers for household use containing sodium hydroxide, potassium hydroxide, sodium bisulfate, hydrochloric acid or phosphoric acid.
3. Household polishes and cleaning agents containing petroleum distillates or chlorinated aliphatic hydrocarbons.
4. Glues for household or hobby use containing aliphatic or aromatic hydrocarbon solvents or ketone solvents.



## SCHEDULE

## PART I

1. Jecquirity beans (*abrus precatorius*) or any substance or article made from or including jecquirity beans in whole or in part.
2. Furniture, toys and other articles intended for children, painted with a paint containing lead in excess of 0.1% expressed by weight of lead oxide.
3. Paints for household use having a flashpoint of less than 40°F.

## PART II

1. Bleaches, cleansers and sanitizers for household use containing chlorine or compounds thereof.
2. Cleansers for household use containing sodium hydroxide, potassium hydroxide, sodium bisulfate, hydrochloric acid or phosphoric acid.
3. Household polishes and cleaning agents containing petroleum distillates or chlorinated aliphatic hydrocarbons.
4. Glues for household or hobbycraft use containing aliphatic or aromatic hydrocarbon solvents or ketone solvents.

ARTICLE 10

CHAPTER 1

10-10-10

Section 10-10-10. The purpose of this chapter is to provide for the orderly and efficient management of the affairs of the State.

- (1) The State shall be managed in accordance with the provisions of this chapter.
- (2) The State shall be managed in accordance with the provisions of this chapter.

10-10-10

- (3) The State shall be managed in accordance with the provisions of this chapter.
- (4) The State shall be managed in accordance with the provisions of this chapter.

10-10-10

- (5) The State shall be managed in accordance with the provisions of this chapter.
- (6) The State shall be managed in accordance with the provisions of this chapter.

10-10-10

- (7) The State shall be managed in accordance with the provisions of this chapter.
- (8) The State shall be managed in accordance with the provisions of this chapter.

10-10-10

- (9) The State shall be managed in accordance with the provisions of this chapter.
- (10) The State shall be managed in accordance with the provisions of this chapter.

10-10-10

- (11) The State shall be managed in accordance with the provisions of this chapter.
- (12) The State shall be managed in accordance with the provisions of this chapter.

10-10-10



## PART II

## AMENDMENTS TO OTHER ACTS

## FOOD AND DRUGS ACT

1952-53, c. 38;  
1960-61, c. 37;  
1962-63, c. 15

**15.** (1) Section 2 of the *Food and Drugs Act* is amended by adding thereto, immediately after paragraph (b) thereof, the following paragraph:

“Contra-  
ceptive  
device”

“(ba) “contraceptive device” means  
(i) any instrument, apparatus or contrivance, 5  
and  
(ii) any substance not being a drug,  
that is manufactured, sold or represented for  
use in the prevention of conception;”

(2) Paragraph (e) of section 2 of the said Act 10  
is repealed and the following substituted therefor:

“Device”

“(e) “device” means any article, instrument, ap-  
paratus or contrivance, including any compo-  
nent, part or accessory thereof, manufactured,  
sold or represented for use in 15  
(i) the diagnosis, treatment, mitigation or  
prevention of a disease, disorder or ab-  
normal physical state, or the symptoms  
thereof, in man or animal,  
(ii) restoring, correcting or modifying a body 20  
function or the body structure of man or  
animal,  
(iii) the diagnosis of pregnancy in humans or  
animals, or  
(iv) the care of humans or animals during 25  
pregnancy and at and after birth of the  
offspring, including care of the offspring,  
and includes a contraceptive device but does  
not include a drug;”

**16.** Section 3 of the said Act is amended by adding 30  
thereto the following subsection:

Advertising  
of contra-  
ceptive  
device  
prohibited

“(3) Except as authorized by regulation, no person  
shall advertise to the general public any contraceptive  
device or any drug manufactured, sold or represented  
for use in the prevention of conception.” 35

## EXPLANATORY NOTES

*Clause 15:* (1) New. The proposed definition of "contraceptive device" is consequential upon the amendment to section 3 of the *Food and Drugs Act* proposed by clause 16.

(2) This amendment would broaden the general definition of device and specifically include therein a contraceptive device.

Paragraph (e) of section 2 of the *Food and Drugs Act* at present reads as follows:

"(e) "device" means any instrument, apparatus or contrivance, including components, parts, and accessories thereof, manufactured, sold or represented for use in the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal;"

*Clause 16:* New. The purpose of this amendment is to prohibit the advertising of contraceptive devices and drugs to the general public, except as authorized by regulation. The offering for sale, advertising, etc. of means of preventing conception is presently prohibited by paragraph (c) of subsection (2) of section 150 of the *Criminal Code*, which would be amended by clause 23.



1962-63, c. 15,  
s. 3

**17.** Subsection (1) of section 24 of the said Act is amended by striking out the word "and" at the end of paragraph (n) thereof, by adding the word "and" at the end of paragraph (o) thereof, and by adding thereto the following paragraph: 5

"(p) authorizing the advertising to the general public of contraceptive devices and drugs manufactured, sold or represented for use in the prevention of conception and prescribing the circumstances and conditions under which and the persons by whom such contraceptive devices and drugs may be so advertised." 10

**18.** Subsection (1) of section 29 of the said Act is repealed and the following substituted therefor:

Certificate  
of analyst

"**29.** (1) Subject to this section, a certificate of 15  
an analyst stating that he has analyzed or examined  
an article or a sample submitted to him by an inspector  
and stating the result of his examination is admissible  
in evidence in a prosecution for a violation of this  
Act or the regulations and in the absence of any evidence 20  
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.

Attendance  
of analyst

(1a) The party against whom a certificate of 25  
an analyst is produced pursuant to subsection (1) may  
require the attendance of the analyst for the purposes  
of cross-examination.

Notice

(1b) No certificate shall be received in  
evidence pursuant to subsection (1) unless the party 30  
intending to produce it has, before the trial, given to  
the party against whom it is intended to be produced  
reasonable notice of such intention together with a copy  
of the certificate."

1960-61, c. 37,  
s. 1

**19.** Paragraph (a) of section 31 of the said Act is 35  
repealed and the following substituted therefor:

"Controlled  
drug"

"(a) "controlled drug" means any drug or other  
substance included in Schedule G;"

*Clause 17:* New. This amendment is consequential upon the amendment to section 3 of the *Food and Drugs Act* proposed by clause 16.

*Clause 18:* The purpose of this amendment is to provide that the signature and official character of the person appearing to have signed a certificate need not be proved and to bring the section into more modern form.

Subsection (1) of section 29 of the *Food and Drugs Act* at present reads as follows:

"29. (1) A certificate of an analyst stating that he has analyzed or examined an article or a sample submitted to him by an inspector and stating the result of his examination is admissible in evidence in a prosecution for a violation of this Act or the regulations, and is *prima facie* proof of the statements contained in the certificate the party against whom it is produced may require the attendance of the analyst for the purpose of cross-examination; but no such certificate shall be received in evidence unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced, reasonable notice of such intention together with a copy of the certificate."

*Clause 19:* The purpose of this amendment is to correct the definition of controlled drug.

Paragraph (a) at present reads as follows:

"(a) "controlled drug" means any drug included in Schedule G;"



1960-61, c. 37,  
s. 1

**20.** Subsections (2) and (3) of section 33 of the said Act are repealed and the following substituted therefor:

Procedure in  
prosecution  
for possession  
for the  
purpose of  
trafficking

“(2) If, pursuant to subsection (1), the court finds that the accused was not in possession of a controlled drug, he shall be acquitted, but, if the court finds that the accused was in possession of a controlled drug, he shall be given an opportunity of establishing that he was not in possession of the controlled drug for the purposes of trafficking, and thereafter the prosecutor shall be given an opportunity of adducing evidence to the contrary. 5

Idem

(3) If the accused establishes that he was not in possession of the controlled drug for the purposes of trafficking, he shall be acquitted of the offence as charged; and if the accused fails to so establish he shall be convicted of the offence as charged and sentenced accordingly. 15

1960-61, c. 37,  
s. 1

**21.** Section 35 of the said Act is repealed and the following substituted therefor:

Certificate  
of analyst

“**35.** (1) Subject to this section, 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 in any prosecution for an offence mentioned in subsection (1) of section 34 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. 20 25

Attendance  
of analyst

(2) The party against whom a certificate of an analyst is produced pursuant to subsection (1) may require the attendance of the analyst for the purposes of cross-examination. 30

Notice

(3) No certificate shall be received in evidence pursuant to subsection (1) unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced reasonable notice of such intention together with a copy of the certificate. 35

*Clause 20:* At present, it is a defence to a charge of trafficking in a controlled drug that the accused acquired the controlled drug from a person authorized to sell or deal with controlled drugs. This amendment would remove that defence.

Subsections (2) and (3) of section 33 of the *Food and Drugs Act* at present read as follows:

"(2) If, pursuant to subsection (1), the court finds that the accused was not in possession of a controlled drug, he shall be acquitted, but, if the court finds that the accused was in possession of a controlled drug, he shall be given an opportunity of establishing

(a) that he acquired the controlled drug from a person authorized under the regulations to sell or deal with controlled drugs; or

(b) that he was not in possession of the controlled drug for the purposes of trafficking,

and thereafter the prosecutor shall be given an opportunity of adducing evidence to the contrary.

(3) If the accused establishes the facts set forth in paragraph (a) or (b) of subsection (2) he shall be acquitted of the offence as charged; and if the accused fails to so establish he shall be convicted of the offence as charged and sentenced accordingly."

*Clause 21:* The purpose of this amendment is to provide that the party against whom a certificate of an analyst is produced may require the attendance of the analyst for cross-examination.

Section 35 of the *Food and Drugs Act* at present reads as follows:

"35. In any prosecution for an offence mentioned in subsection (1) of section 34 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."



1960-61, c. 35

## NARCOTIC CONTROL ACT

**22.** Section 9 of the *Narcotic Control Act* is repealed and the following substituted therefor:

Certificate  
of analyst

“**9.** (1) Subject to this section, 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 in any prosecution for an offence mentioned in subsection (1) of section 7, 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. 5

Attendance  
of analyst

(2) The party against whom a certificate of an analyst is produced pursuant to subsection (1) may require the attendance of the analyst for the purposes of cross-examination. 15

Notice

(3) No certificate shall be received in evidence pursuant to subsection (1) unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced reasonable notice of such intention together with a copy of the certificate.” 20

1953-54, c. 51

## CRIMINAL CODE

**23.** Paragraph (c) of subsection (2) of section 150 of the *Criminal Code* is repealed and the following substituted therefor:

Offering to  
sell means  
of causing  
abortion

“(c) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a method of causing abortion or miscarriage, or” 25

*Clause 22:* The purpose of this amendment is to provide that the party against whom a certificate of an analyst is produced may require the attendance of the analyst for cross-examination.

Section 9 of the *Narcotic Control Act* at present reads as follows:

"9. In any prosecution for an offence mentioned in subsection (1) of section 7, 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."

*Clause 23:* This amendment would remove from paragraph (c) of subsection (2) of section 150 of the *Criminal Code* the present prohibition against the offering for sale, advertising, etc. of means of preventing conception. Provisions relating to the advertising of contraceptive devices and drugs to the general public are contained in clauses 15 to 17.

The relevant portion of subsection (2) of section 150 of the *Criminal Code* at present reads as follows:

"(2) Every one commits an offence who knowingly, without lawful justification or excuse,

.....  
.....

(c) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a method of *preventing conception* or causing abortion or miscarriage, or"



The Commission has received information that the above-named person has been engaged in the sale of certain securities to the public in violation of the provisions of the Securities Act of 1933.

The Commission has also received information that the above-named person has been engaged in the sale of certain securities to the public in violation of the provisions of the Securities Act of 1933.

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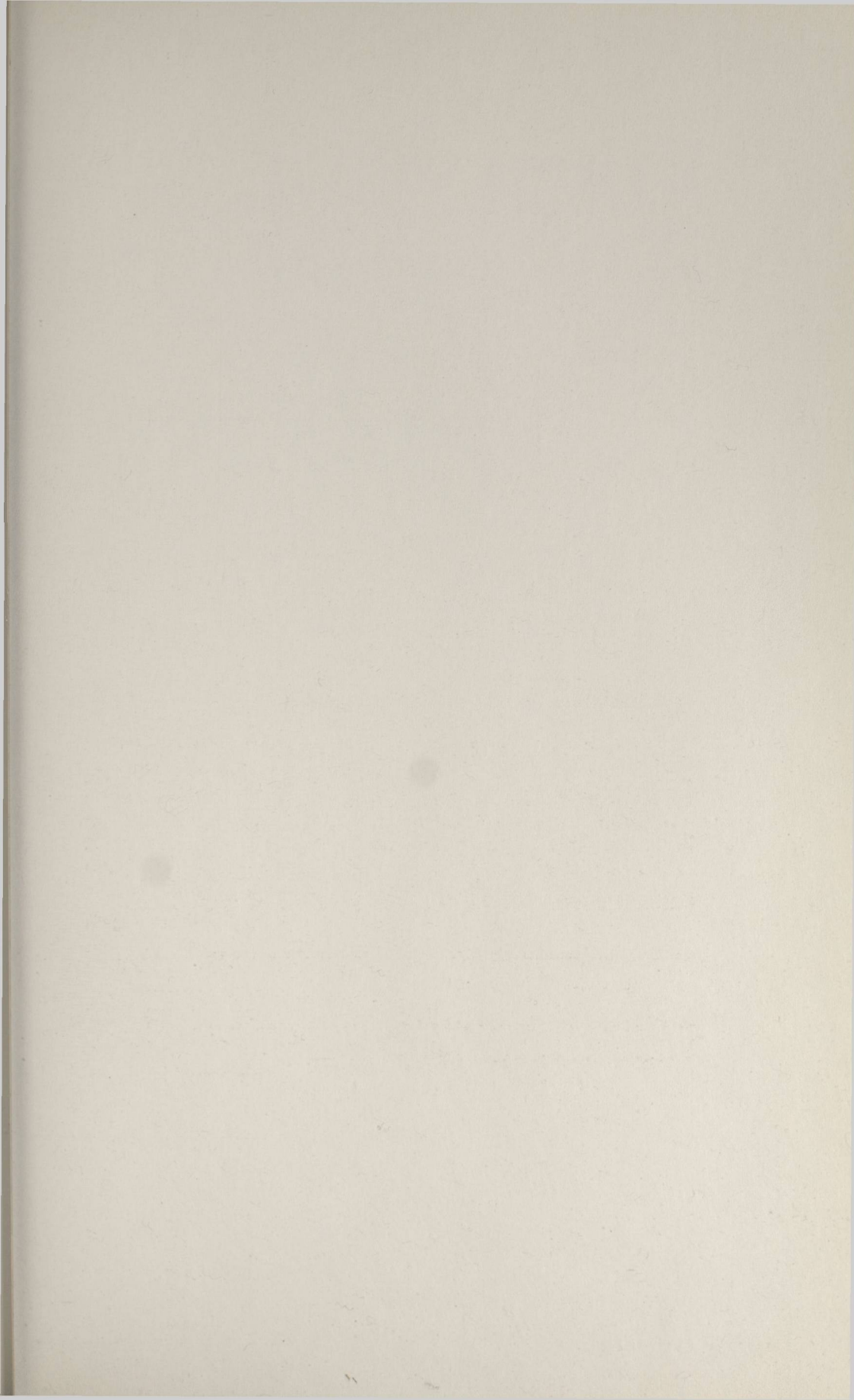
The Commission has also received information that the above-named person has been engaged in the sale of certain securities to the public in violation of the provisions of the Securities Act of 1933.

It is the Commission's policy to bring to the attention of the public any person who has been engaged in the sale of securities to the public in violation of the provisions of the Securities Act of 1933.

The Commission has also received information that the above-named person has been engaged in the sale of certain securities to the public in violation of the provisions of the Securities Act of 1933.

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Printed and Published by the Government Printer, Ottawa, 1911.

THE SENATE OF CANADA

BILL S-73

An Act to amend the Customs, Mail and Exchange  
Acts and to amend the Customs Act

Enacted by the Senate on the 22nd day of May 1911.

Approved by the Senate on the 22nd day of May 1911.

Printed and Published by the Government Printer, Ottawa, 1911.





THE SENATE OF CANADA

**BILL S-23**

An Act to amend the Currency, Mint and Exchange  
Fund Act and the Criminal Code

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Read a first time, Tuesday 31st October, 1967

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Honourable Senator CONNOLLY, P.C.



**3.** The heading preceding section 10 and subsection (1) of section 10 of the said Act are repealed and the following substituted therefor:

“Melting Coins

Melting  
down coins

**10.** (1) Except under and in pursuance of a licence granted by the Minister, no person shall melt down, break up or use otherwise than as currency any coin that is for the time being current and legal tender in Canada.” 5

**4.** Section 14 of the said Act is repealed and the following substituted therefor:

Royal  
Canadian  
Mint

“**14.** (1) There shall be a branch, within the National Capital Region described in the Schedule to the National Capital Act, of the Department of Finance called the Royal Canadian Mint, at which there shall be provided facilities for 10

(a) making coins of the currency of Canada; 15

(b) making coins of the currency of countries other than Canada; and

(c) melting, assaying and refining gold.

Assay office

(2) The Governor in Council may establish outside the National Capital Region referred to in subsection (1), a branch of the Mint to provide facilities for melting and assaying gold or performing any other function of the Mint other than making coins.” 20

1963, c. 34,  
s. 1(1)

**5.** Subsection (2) of section 22 of the said Act is amended by striking out the word “and” at the end of paragraph (d) thereof, by adding the word “and” at the end of paragraph (e) thereof and by adding thereto the following paragraph: 25

“(f) securities of the International Bank for Reconstruction and Development, maturing not later than two years from the date of issue thereof.” 30

**6.** Section 24 of the said Act is repealed and the following substituted therefor:

Earnings

“**24.** The amount of any 35

(a) interest or discount on securities credited to the Exchange Fund Account in a calendar year,



*Clause 3:* The purpose of this amendment is to prohibit the melting down of any coin that is current and used as legal tender. Subsection (1) at present reads as follows:

“MELTING *Gold* COINS

10. (1) Except under and in pursuance of a licence granted by the Minister, no person shall melt down, break up or use otherwise than as currency any *gold* coin that is for the time being current and legal tender in Canada.”

*Clause 4:* The purpose of this amendment is to permit the removal of the Royal Canadian Mint to a location outside Ottawa but within the National Capital Region, when the need arises, and to authorize the Royal Canadian Mint to make coins of currencies of other countries, if it contracts to do so. Section 14 at present reads as follows:

“14. (1) There shall be a branch *in Ottawa* of the Department of Finance called the Royal Canadian Mint, at which there shall be provided facilities for making coins of the currency of Canada, and for melting, assaying and refining gold.

(2) The Governor in Council may establish outside of *Ottawa* a branch of the Mint to provide facilities for melting and assaying gold or performing any other function of the Mint other than making coins.”

*Clause 5:* The purpose of this amendment is to permit the Minister of Finance to purchase or acquire securities of the International Bank for Reconstruction and Development with money in the Exchange Fund Account. Subsection (2) at present reads as follows:

“(2) The Minister may from time to time purchase or acquire, or cause to be purchased or acquired, with money in the Exchange Fund Account,

- (a) gold;
- (b) currency of the United States; deposits in currency of the United States held in the name of the Minister with the Bank of Canada or any bank designated by the Minister; Treasury bills or other obligations of the United States;
- (c) currencies of any country other than Canada or the United States that are freely convertible into gold or United States dollars; and deposits in such currencies held in the name of the Minister with the Bank of Canada or any bank designated by the Minister;
- (d) securities of or guaranteed by the Government of Canada; and
- (e) securities of the International Monetary Fund, maturing not later than five years from the date of issue thereof.”

*Clause 6:* In Supplementary Estimates (A), for the fiscal year ending March 31, 1968, the following item appears:

Vote 23a—“To authorize, notwithstanding the Currency, Mint and Exchange Fund Act, the transfer from the Exchange Fund Account to the Consolidated Revenue Fund of the profit for the calendar year 1964 and each subsequent calendar year from trading operations in foreign exchange, gold and securities, and from the net valuation adjustments on unmatched purchases or sales during each such year.”



- (b) net profit for a calendar year from trading operations in foreign exchange, gold and securities, and
- (c) net profit for a calendar year from the net valuation adjustments on unmatched purchases or sales of foreign exchange, gold and securities during that year, 5
- less any amounts paid out of the Account pursuant to section 29, shall be paid into the Consolidated Revenue Fund within three months after the end of 10 the year."

7. The Schedule to the said Act is repealed and the Schedule set out in the Schedule to this Act is substituted therefor.

1953-54, c. 51

AMENDMENTS TO CRIMINAL CODE

8. (1) Paragraph (a) of section 391 of the *Criminal Code* is repealed.

(2) Subparagraphs (v) and (vi) of paragraph (b) of section 391 of the said Act are repealed and the following substituted therefor:

- "(v) a coin cased with gold, silver or nickel, as 20 the case may be, that is intended to resemble or pass for a current gold, silver or nickel coin, and
- (vi) a coin or a piece of metal or mixed metals washed or coloured by any means with a 25 wash or material capable of producing the appearance of gold, silver or nickel and that is intended to resemble or pass for a current gold, silver or nickel coin;"

9. Section 396 of the said Act is repealed and 30 the following substituted therefor:

"**396.** Every one who, with intent to defraud, knowingly utters

- (a) a coin that is not current, or
- (b) a piece of metal or mixed metals that resembles 35 in size, figure or colour a current coin for which it is uttered,

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

Uttering coin  
not current  
and false coin

As the effect of this item has been to amend section 24, the purpose of this amendment is to reflect in section 24 the increased authority for transfers from the Exchange Fund Account to the Consolidated Revenue Fund. Section 24 at present reads as follows:

"24. The amount of any interest or discount on securities credited to the Exchange Fund Account in *any* calendar year, less any amounts paid out of the Account pursuant to section 29, shall be paid into the Consolidated Revenue Fund within three months after the end of the year."

*Clause 7:* The purpose of the amendment to Part I of the Schedule is to specify the required Millesimal Fineness required for the twenty dollar gold coin. The purpose of the amendment to Part II of the Schedule is to permit the use of pure nickel or silver alloy in the minting of Canadian ten cent, twenty-five cent, fifty cent and one dollar coins.

*Clauses 8, 9 and 10:* Part X of the Criminal Code sets out certain offences relating to currency. Section 391(a), 391(b)(v) and (vi), 396 and 399 at present read as follows:

"391. In this Part,

- (a) "copper coin" means a coin other than a gold or silver coin;
- (b) "counterfeit money" includes

.....

- (v) a coin cased with gold or silver, as the case may be, that is intended to resemble or pass for a current gold or silver coin, and
- (vi) a coin or piece of metal or mixed metals washed or coloured by any means with a wash or material capable of producing the appearance of gold or silver and that is intended to resemble or pass for a current gold or silver coin."

"396. Every one who, with intent to defraud, knowingly utters

- (a) a coin that is not current, or
- (b) a piece of metal or mixed metals that resembles in size, figure and colour a current *gold or silver* coin and is of less value than the current coin for which it is uttered,

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

"399. Every one who

- (a) defaces a current *gold, silver or copper* coin, or
- (b) utters a current *gold, silver or copper* coin that has been defaced,

is guilty of an offence punishable on summary conviction."

The purpose of these amendments is to extend the provisions of the *Criminal Code* to cover the counterfeiting, uttering or defacing of nickel coins in addition to gold, silver or copper coins.



**10.** Section 399 of the said Act is repealed and the following substituted therefor:

Defacing  
current coins

**“399.** Every one who  
(a) defaces a current coin, or  
(b) utters a current coin that has been defaced,  
is guilty of an offence punishable on summary conviction.”

5

COMMENCEMENT

Coming into  
force

**11.** Sections 1, 7, 8, 9 and 10 shall come into force on a day to be fixed by proclamation.

2  
SCHEDULE  
PART I  
Gold Coins

IV TOLAR CURRENT WEIGHT	III PENNY ALLOWANCE	II STANDARDS		I DESCRIPTION	
		Standard Milligram Penny	Weight Per Penny	Standard Weight	Description
200.80	1.1	0.5	Grain	251	Gold
			Grain	251	Twenty dollars.....

The standards specified in Column II are deemed to be satisfied with respect to a coin of a description specified in Column I if the coin does not vary in weight or fineness in an amount greater than the amount set opposite the description of the coin in Column III, and a coin that has been in circulation shall not be deemed to fall below the standard weight specified therein by reason only that its weight has diminished by abrasion through ordinary use if its weight is not less than the least current weight applicable thereto in Column IV.



## SCHEDULE

## PART I

*Gold Coins*

I DESCRIPTION		II STANDARDS		III REMEDY ALLOWANCE		IV LEAST CURRENT WEIGHT
Denomination	Composi- tion	Standard Weight	Standard Millesimal Fineness	Weight Per Piece	Millesimal Fineness	
		Grains		Grains		
Twenty dollars.....	Gold	282	900	0.5	1.5	280.59

The standards specified in Column II are deemed to be satisfied with respect to a coin of a description specified in Column I if the coin does not vary in weight or fineness in an amount greater than the amount set opposite the description of the coin in Column III, and a coin that has been in circulation shall not be deemed to fall below the standard weight applicable thereto by reason only that its weight has diminished by abrasion through ordinary use if its weight is not less than the least current weight applicable thereto in Column IV.

8  
SCHEDULE  
Part II  
Subsidiary Coins

III MARKET ALLOWANCE		II STANDARDS		I DESCRIPTION	
Milligram Fineness	Weight	Standard Milligram Fineness	Standard Weight	Compo- sition	Description
15	Grains 30 grains per 10 pieces	300	300	Silver	One dollar.....
—	90 grains per avoirdupois pound of 20 pieces	—	241	Gold	One dollar.....
15	Grains 60 grains per 10 pieces	300	180	Silver	Fifty cents.....
—	90 grains per avoirdupois pound of 20 pieces	—	120	Gold	Fifty cents.....
15	Grains 30 grains per 10 pieces	300	90	Silver	Twenty-five cents.....
—	100 grains per avoirdupois pound of 20 pieces	—	75	Gold	Twenty-five cents.....
15	Grains 25 grains per 10 pieces	300	35	Silver	Ten cents.....
—	150 grains per avoirdupois pound of 20 pieces	—	25	Gold	Ten cents.....
—	100 grains per avoirdupois pound of 100 pieces	—	70	Gold	Five cents.....
—	140 grains per avoirdupois pound of 140 pieces	—	50	Bronze (copper, tin and zinc)	Cent.....

The standards specified in Column II are deemed to be satisfied with respect to a coin of a description specified in Column I if the coin does not vary in weight or fineness in an amount greater than the amount set opposite the description of the coin in Column III, and a coin that has been in circulation shall not be deemed to fall below the standard weight applicable thereto by reason only that its weight has diminished by erosion through ordinary use.



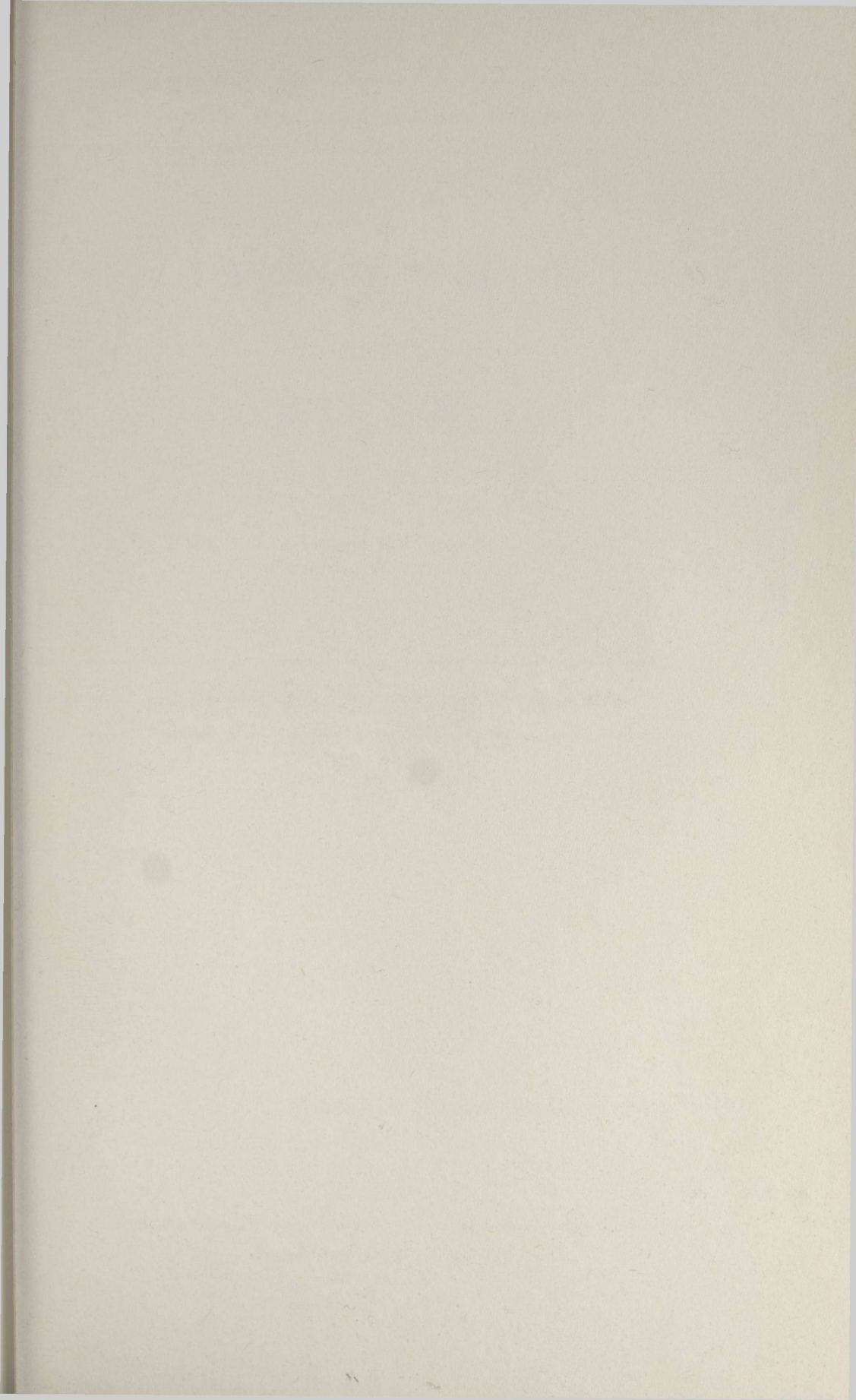
## SCHEDULE

## PART II

*Subsidiary Coins*

I DESCRIPTION		II STANDARDS		III REMEDY ALLOWANCE	
Denomination	Compo- sition	Standard Weight	Standard Millesimal Fineness	Weight	Millesimal Fineness
One dollar . . . . .	Silver	<i>Grains</i> 360	500	<i>Grains</i> 80 grains per 10 pieces	15
One dollar . . . . .	Pure Nickel	241	—	80 grains per avoirdupois pound of 29 pieces	—
Fifty cents . . . . .	Silver	180	500	60 grains per 10 pieces	15
Fifty cents . . . . .	Pure Nickel	125	—	90 grains per avoirdupois pound of 56 pieces	—
Twenty-five cents	Silver	90	500	30 grains per 10 pieces	15
Twenty-five cents	Pure Nickel	78	—	100 grains per avoirdupois pound of 90 pieces	—
Ten cents . . . . .	Silver	36	500	25 grains per 10 pieces	15
Ten cents . . . . .	Pure Nickel	32	—	150 grains per avoirdupois pound of 219 pieces	—
Five cents . . . . .	Pure Nickel	70	—	100 grains per avoirdupois pound of 100 pieces	—
Cent . . . . .	Bronze (copper, tin and zinc)	50	—	140 grains per avoirdupois pound of 140 pieces	—

The standards specified in Column II are deemed to be satisfied with respect to a coin of a description specified in Column I if the coin does not vary in weight or fineness in an amount greater than the amount set opposite the description of the coin in Column III, and a coin that has been in circulation shall not be deemed to fall below the standard weight applicable thereto by reason only that its weight has diminished by abrasion through ordinary use.





SCHEDULE  
Part II  
Subsidiary Coins

I Description		II Standard		III Heavy Allowance	
Denomination	Composition	Nominal Weight	Standard of actual weight	Weight	Millennial Fineness
One dollar	Silver	300	300	30 grains per 10 pieces	15
One dollar	Base Metal	240	—	30 grains per avoirdupois pound of 20 pieces	—
Fifty cents	Silver	150	150	60 grains per 10 pieces	15
Fifty cents	Base Metal	120	—	60 grains per avoirdupois pound of 20 pieces	—
Twenty-five cents	Silver	75	75	30 grains per 10 pieces	15
Twenty-five cents	Base Metal	75	—	100 grains per avoirdupois pound of 90 pieces	—
Ten cents	Silver	30	30	30 grains per 10 pieces	15
Ten cents	Base Metal	25	—	150 grains per avoirdupois pound of 210 pieces	—
Five cents	Base Metal	20	—	100 grains per avoirdupois pound of 100 pieces	—
One cent	Base Metal (brass) (steel)	10	—	140 grains per avoirdupois pound of 140 pieces	—

The standards specified in Column II are deemed to be satisfied with respect to a coin of a denomination specified in Column I if the coin does not vary in weight or fineness in an amount greater than the amount set opposite the denomination of the coin in Column III, and a coin that has less in weight or fineness may be deemed to fall below the standard weight applicable thereto by reason only that its weight has diminished by abrasion through ordinary use.

THE SENATE OF CANADA

BILL S-24

An Act to amend the Canada Deposit  
Insurance Corporation Act

---

Read a first time, Tuesday, 31st October 1967

---

Honourable Senator Conway, P.C.





THE SENATE OF CANADA

**BILL S-24**

An Act to amend the Canada Deposit  
Insurance Corporation Act

---

Read a first time, Tuesday, 31st October 1967

---

Honourable Senator CONNOLLY, P.C.

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ROGER DUHAMEL *Queen's Printer*  
OTTAWA, 1967



THE SENATE OF CANADA

BILL S-24

An Act to amend the Canada Deposit Insurance Corporation Act

1966-67, c. 70

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

1. (1) Section 19 of the *Canada Deposit Insurance Corporation Act* is repealed and the following substituted therefor: 5

"premium year"

"19. (1) In this Act, "premium year" means, in relation to the calculation and payment of premiums pursuant to this Act, the period beginning on and including the first day of May in one year and ending on 10 and including the 30th day of April in the next year.

Assessment of premium

(2) The Corporation shall for each premium year assess and collect from each member institution an annual premium equal to the greater of

(a) five hundred dollars, or 15

(b) one-thirtieth of one per cent of the total amount of such deposits as are deposited with the member institution as of the 30th day of April in the immediately preceding premium year 20 and insured by the Corporation,

but no premium shall be assessed or collected for any part of the premium year ending on the 30th day of April, 1967.

Calculation of deposits

(3) For the purpose of making the calculation referred to in paragraph (b) of subsection (2) a member 25 institution may use any method approved by the Corporation to determine the total amount of its deposits that are insured by the Corporation.



## EXPLANATORY NOTES

*Clause 1:* This amendment would distinguish between the financial year of the Corporation, which is a calendar year, and the premium year for the purpose of assessing and collecting premiums under the Act. The proposed premium year would run from the first of May to the 30th of April.

The amendment would also allow member institutions to use approximate methods in calculating their insured deposits for the purpose of assessment of premiums and would establish a procedure for assessing premiums on a pro rata basis for member institutions during their first year of deposit insurance. The Act came into force on the 17th of April, 1967, and the amendment would provide that no premium is payable by any member institution for the period prior to the first of May, 1967.

Section 19 at present reads as follows:

"19. (1) The Corporation shall each year assess and collect from each member institution an annual premium equal to the greater of

- (a) five hundred dollars; or
- (b) one-thirtieth of one per cent of the total amount of such deposits as are deposited with the member institution as of the 30th day of April in that year and insured by the Corporation.

(2) The premium payable by a member institution shall be based on returns to be certified by the member institution and submitted in such form, and at such time, as the Corporation may require.

(3) One-half of the premium payable by a member institution shall be paid to the Corporation on or before the 30th day of June in the year for which the premium is payable and the balance shall be paid to the Corporation, without interest, on or before the 31st day of December in that year.



Returns

(4) The premium payable by a member institution shall be based on returns to be certified by the member institution and submitted in such form, and at such time, as the Corporation may require.

Payable in instalments

(5) One-half of the premium payable by a member institution shall be paid to the Corporation on or before the 30th day of June in the premium year for which the premium is payable and the balance shall be paid to the Corporation, without interest, on or before the 31st day of December in that premium year.

Calculation of first premium

(6) Notwithstanding subsection (2), the premium payable by a member institution in respect of the premium year in which it becomes a member institution shall be the same proportion of the greater of

- (a) five hundred dollars, or
- (b) one-thirtieth of one per cent of the total amount of such deposits as are deposited with that member institution and insured by the Corporation, as of the end of the month in which it becomes a member institution,

as the number of days in which any of the deposits with that member institution are insured by the Corporation in that premium year is of 365.

Payment of first premium

(7) Notwithstanding subsection (5)

- (a) where the premium calculated in accordance with subsection (6) does not exceed one-half of the premium that would be payable for a full premium year, the premium payable shall be paid to the Corporation, without interest, within sixty days after the end of the month in which the member institution becomes a member institution; and
- (b) where the premium calculated in accordance with subsection (6) exceeds one-half of the premium that would be payable for a full premium year,

- (i) the amount of the premium payable that is in excess of one-half of the premium that would be payable for a full premium year shall be paid to the Corporation, without interest, within sixty days after the end of the month in which the member institution becomes a member institution; and

- (ii) the remainder of the premium payable shall be paid to the Corporation, without interest, on or before the 31st day of December immediately following the month in which the member institution becomes a member institution.

(4) Notwithstanding subsection (1), a premium equal to one-half of the amount of the annual premium under subsection (1) is payable by a member institution with respect to its deposits on the 31st day of October in any year that are insured by the Corporation, if the member institution is first insured under this Act within the six-month period immediately preceding that day.

(5) Notwithstanding subsection (1) where, in the opinion of the Corporation, the Deposit Insurance Fund at the end of a financial year of the Corporation is adequate having regard to all the circumstances, the Corporation may reduce the amount of the premiums to be paid by member institutions in the next following year but a reduced premium to be paid by a member institution in that year shall not be less than the greater of

- (a) five hundred dollars; or
- (b) an amount that, together with the aggregate of the amounts previously paid by the member institution by way of premiums, would equal one-sixth of one per cent of the total amount of such deposits as are deposited with the member institution as of the 30th day of April in that year and insured by the Corporation.

(6) Notwithstanding anything in this section, the Corporation may charge interest not in excess of ten per cent per annum on the amount of any premium not paid on or before the due date thereof."



Reduced  
premium

(8) Notwithstanding subsection (2) where, in the opinion of the Corporation, the Deposit Insurance Fund at the end of a financial year of the Corporation is adequate having regard to all the circumstances, the Corporation may reduce the amount of the premiums to be paid by member institutions in the next following premium year, but a reduced premium to be paid by a member institution in that next following premium year shall not be less than the greater of

- (a) five hundred dollars, or
- (b) an amount that, together with the aggregate of the amounts previously paid by the member institution by way of premiums, would equal one-sixth of one per cent of the total amount of such deposits as are deposited with the member institution as of the 30th day of April in the current premium year and insured by the Corporation.

Overdue  
charges

(9) Notwithstanding anything in this section, the Corporation may charge interest not in excess of ten per cent per annum on the unpaid amount of any premium instalment not paid on or before the due date of such instalment."

(2) This section shall be deemed to have come into force on the first day of May, 1967.

2. The said Act is further amended by adding thereto, immediately after section 30 thereof, the following heading and sections:

#### "PROVINCIAL INSURING ARRANGEMENTS

Provincial  
deposit  
insurance

30A. (1) Where under the law of any province the government of that province or an agent of the government of that province guarantees or insures any of the deposits with a provincial institution operating within that province, the Corporation, subject to any agreement entered into under subsection (2), may, in respect of that provincial institution,

- (a) insure some or all of the deposits with the provincial institution, or
- (b) alter an existing policy of deposit insurance issued by the Corporation to the provincial institution, to exclude from the policy of deposit insurance any of the deposits with the provincial institution,

and section 19 applies to any policy of deposit insurance that may be issued or to any alteration of a policy of deposit insurance that may be made pursuant to this section.

5 (1) This section applies to any policy of deposit insurance that may be issued or to any alteration of a policy of deposit insurance that may be made pursuant to this section.

10 (2) For the purpose of making the Corporation a party to any agreement referred to in subsection (1), the Corporation may, in writing, request the institution to provide the Corporation with such information as the Corporation may require for the purpose of making the Corporation a party to any agreement referred to in subsection (1).

15 (3) Where the Corporation is a party to any agreement referred to in subsection (1), the Corporation may, in writing, request the institution to provide the Corporation with such information as the Corporation may require for the purpose of making the Corporation a party to any agreement referred to in subsection (1).

20 (4) Where the Corporation is a party to any agreement referred to in subsection (1), the Corporation may, in writing, request the institution to provide the Corporation with such information as the Corporation may require for the purpose of making the Corporation a party to any agreement referred to in subsection (1).

25 (5) Where the Corporation is a party to any agreement referred to in subsection (1), the Corporation may, in writing, request the institution to provide the Corporation with such information as the Corporation may require for the purpose of making the Corporation a party to any agreement referred to in subsection (1).

30 (6) Where the Corporation is a party to any agreement referred to in subsection (1), the Corporation may, in writing, request the institution to provide the Corporation with such information as the Corporation may require for the purpose of making the Corporation a party to any agreement referred to in subsection (1).

35 (7) Where the Corporation is a party to any agreement referred to in subsection (1), the Corporation may, in writing, request the institution to provide the Corporation with such information as the Corporation may require for the purpose of making the Corporation a party to any agreement referred to in subsection (1).

*Clause 2:* Section 30A. (1) This provision would, in respect of provincial institutions, empower the Canada Deposit Insurance Corporation to insure some but not necessarily all of the deposits with such institutions where any of their deposits are guaranteed or insured pursuant to the law of a province. The amendment would further provide for the alteration of existing policies of deposit insurance where a province undertakes to guarantee or insure any deposits previously insured by the Corporation.



and section 16 applies to any policy of deposit insurance that may be issued or to any alteration of a policy of deposit insurance that may be made pursuant to this subsection.

Agreement with province

(2) The Corporation may, with the approval of the Governor in Council, enter into an agreement with the government of a province or an agent of the government of a province referred to in subsection (1), to provide for reciprocal arrangements relating to the administration or operation of the law of that province and of this Act. 5 10

Regulations

(3) For the purpose of enabling the Corporation to carry out an insuring arrangement referred to in subsection (1) or provided for in an agreement under subsection (2), the Governor in Council may, by regulation, adapt any of the provisions of this Act to any provincial institution referred to in subsection (1), or to any of the deposits with that institution, and make provision for any other matter or thing resulting from such insuring arrangement or agreement that is not provided for by this Act. 15 20

Refund of premiums

(4) Where the Corporation during any premium year ceases to insure any of the deposits with a member institution that is a provincial institution, by reason of the fact that such deposits are guaranteed or insured pursuant to the law of a province, the Corporation may refund to that provincial institution the proportion of the premium paid by the provincial institution to the Corporation for that premium year in respect of those deposits that bears the same relation to the premium for the full premium year in respect of those deposits that the unexpired part of the premium year bears to the full premium year, but in no case shall a refund be made that will reduce the premium paid by the provincial institution to the Corporation for the premium year to less than five hundred dollars. 25 30 35

Saving

(5) Nothing in this section shall be construed to authorize the Corporation to insure any deposit contrary to paragraphs (a) to (c) of subsection (1) of section 13. 40

"deposits"

(6) In this section, a reference to "deposits" includes a part of any deposit.

Agreements for examination of provincial institutions

**30B.** Notwithstanding section 22, the Corporation may enter into an agreement with the government of a province or an agent of the government of a province referred to in subsection (1) of section 30A to make provision for 45



(2) This provision would permit the Corporation to enter into an agreement with any province that guarantees or insures deposits, to provide for the arrangements that are necessary for the operation of this Act and the law of the province in the cases where some deposits with an institution are insured by the Corporation and some are guaranteed or insured by a province.

(3) This provision would empower the Governor in Council to make such regulations as are necessary to carry out the joint insuring arrangements with a province.

(4) This provision would allow the Corporation, in cases where any of the deposits of a provincial institution were insured by the Corporation and are in future to be guaranteed or insured by a province, to refund to the institution the portion of the premium paid to the Corporation in respect of such deposits.

(5) This provision would ensure that the provisions of subsection (1) of section 13 of the Act shall apply to any insuring arrangements under this section. Subsection (1) reads as follows:

"13. (1) The Corporation shall insure each deposit with a member institution except

- (a) a deposit that is not payable in Canada or in Canadian currency;
- (b) a deposit in respect of which Her Majesty in right of Canada would be a preferred claimant; and
- (c) so much of any one deposit as exceeds twenty thousand dollars."

Section 30B. This provision would allow the Corporation, in cases where a province conducts an examination of a provincial institution, to accept information obtained from the examination by the province in lieu of requiring a further examination by the Corporation. The provision would also provide for special examinations of a provincial institution at the request of the Corporation or a province.



- (a) the exchange of information obtained by any examination of provincial institutions that is required by this Act or the law of that province, between the Corporation and the government of that province or an agent of the government of that province; and 5
- (b) special examinations, by representatives of both parties to the agreement and at the request of either such party, of any of the provincial institutions that are member institutions operating in that province, 10
- and the Corporation may accept any information received from an exchange of information referred to in paragraph (a) in lieu of any examination required by this Act. 15

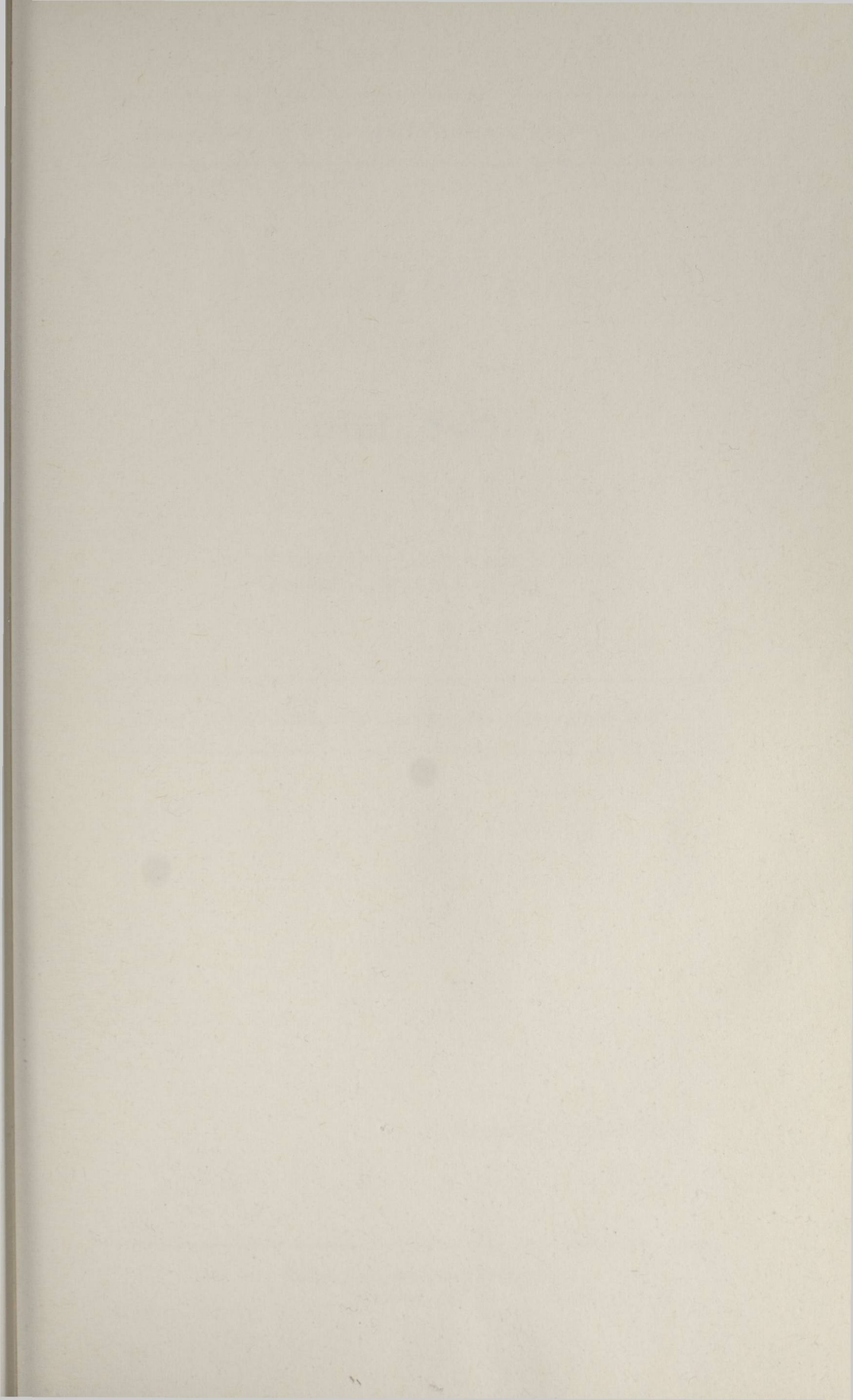
Short term  
loans to  
insuring  
agents

**30c.** The Corporation may, with the approval of the Governor in Council and upon such terms and conditions as the Governor in Council may prescribe, enter into an agreement with an agent of the government of a province that guarantees or insures deposits with provincial institutions in that province, to extend to that agent short term loans, secured by such security as the Corporation deems adequate, to enable that agent to meet short term requirements for liquid funds arising from its operations." 20 25

Section 30c. This provision would permit the Corporation, with the approval of the Governor in Council, to extend short term loans to any provincial agent that guarantees or insures deposits, to assist that agent in meeting any short term requirements for funds to protect deposits.











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Second Session, Twenty-Seventh Parliament, 10 Elizabeth II, 1967

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THE SENATE OF CANADA

BILL S-25

An Act respecting London and Midland  
General Insurance Company

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Read a first time, Wednesday, 1st November, 1967

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Responsible Minister: Clark

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Booked Deposited Queen's Printer  
Ottawa 1967





THE SENATE OF CANADA

BILL S-25

An Act respecting London and Midland  
General Insurance Company

---

Read a first time, Wednesday, 1st November, 1967

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Honourable Senator Cook



THE SENATE OF CANADA  
BILL S-25

An Act respecting London and Midland  
General Insurance Company

Preamble  
1947, c. 85;  
1957, c. 48

WHEREAS London and Midland General Insurance Company, and, in French, La London et Midland Compagnie d'Assurance Générale, a corporation incorporated by chapter 85 of the statutes of 1947 as Progressive Insurance Company of Canada, and, in French, La Progressive Compagnie d'Assurances du Canada, with respect to which the name was changed by chapter 48 of the statutes of 1957, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Change of  
name

Existing  
rights  
saved

1. The name of the Company is hereby changed to Avco General Insurance Company, and, in French, L'Avco, Compagnie d'Assurance Générale, but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by or in favour of or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed, and any suit or legal proceeding that might have been commenced or continued by or against the Company under its former name may be commenced or continued by or against it under its new name.

Coming  
into force

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

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Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967

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THE SENATE OF CANADA

BILL S-26  
EXPLANATORY NOTE

The sole purpose of this bill is to change the name of the Company to Avco General Insurance Company, and, in French, L'Avco, Compagnie d'Assurance Générale.

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Read a first time, Wednesday, 1st November, 1967

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Parliamentary Secretary

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House of Commons, Queen's Printer,  
Ottawa, 1967





THE SENATE OF CANADA

**BILL S-26**

An Act respecting Trans-Canada Pipe Lines Limited

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Read a first time, Wednesday, 1st November, 1967

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Honourable Senator LANG



## THE SENATE OF CANADA

### BILL S-26

#### An Act respecting Trans-Canada Pipe Lines Limited

Preamble  
1951, c. 92;  
1954, c. 80

WHEREAS Trans-Canada Pipe Lines 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: 5

Capital  
stock

- 1.** The capital stock of the Company is increased by
- (a) fifteen million common shares of the par value of one dollar per share ranking equally with the ten million common shares of the par value of one dollar per share heretofore authorized, and 10
  - (b) four million preferred shares of the par value of fifty dollars per share, 15
- so that the capital stock of the Company shall henceforth consist of twenty-five million common shares of the par value of one dollar per share and five million preferred shares of the par value of fifty dollars per share, including the common shares and preferred shares heretofore issued and presently outstanding. 20

1951, c. 92;  
1954, c. 80  
Repeal

- 2.** Subsections (2), (3) and (4) of section 3 of chapter 92 of the statutes of 1951 as amended by chapter 80 of the statutes of 1954 are repealed and the following substituted therefor: 25

Preferred  
share  
conditions

- "(2) The Company may from time to time, by by-law,
- (a) provide for the creation of one or more classes of preferred shares with preferences, privileges, rights, restrictions, conditions or limitations 30



## EXPLANATORY NOTES

Trans-Canada Pipe Lines Limited was incorporated by chapter 92 of the statutes of 1951. The Special Act of incorporation was amended in 1954 with respect to the authorized capital stock of the Company by chapter 80 of the statutes of 1954.

By the amending statute of 1954, the authorized capital of the Company was to consist of:

- (a) 10,000,000 common shares of the par value of \$1.00 per share, and
- (b) 1,000,000 preferred shares of the par value of \$50.00 per share.

At December 31, 1966, 9,461,055 common shares had been issued or set aside to provide for shares issuable under outstanding share purchase warrants, convertible debentures or other allotments, leaving a balance at that date of 538,945 common shares available for further issue.

Pursuant to the authority granted by chapter 80 of the statutes of 1954, the Company has passed a by-law constituting the 1,000,000 preferred shares as a single class of Cumulative Redeemable Preferred Shares. All of these shares have been issued and are outstanding.

Clause 1 of the Bill provides for an increase in the authorized capital of the Company to 25,000,000 common shares of the par value of \$1.00 each and 5,000,000 preferred shares of the par value of \$50.00 each. On the basis of market values of the Company's common shares in the first six months of 1967, the maximum amount of the capital which could be raised by the Company by the issue of common shares presently authorized but unissued and available for issue would be approximately \$16,000,000. The Company has been expanding its system during the years since the 1954 statute fixed its capital stock and during the past six years ending December 31, 1966, since the initial system was completed, the Company's gross investment in transmission pipe line has increased from \$286,954,178 to \$617,578,427. The first mortgage debt of the Company during this period has increased from \$137,126,000 to \$275,173,967. Increased requirements for natural gas in eastern and western Canada continue to impose demands upon the Company for expansion of its facilities for some years to come. In order to make provision for this, the Company considers it necessary to increase its authorized capital stock in the manner indicated and provided for in clause 1.

Clause 2 of the Bill provides for some revisions in the provisions relating to the issue of shares by the Company.



attaching to each class whether with regard to dividends, capital, voting, the right to convert such shares into common shares or otherwise of such kind as may be declared in the by-law and may provide for the issuance from time to time in one or more series of the shares of any class, and may authorize the directors to fix, from time to time before issuance, the designation, preferences, privileges, rights, restrictions, conditions or limitations attaching to the 5  
10 shares of each series of each such class, and

Alteration,  
subdivision  
or con-  
solidation  
of shares

(b) subdivide or consolidate into shares of lesser or larger par value, or reclassify into another or different class or classes or series any of the issued or unissued preferred shares or common 15  
shares and may amend, vary, alter or change any of the preferences, privileges, rights, restrictions, conditions or limitations which may have attached to any of the issued or the un-  
issued preferred shares; 20

Validation  
of by-law

Provided that no such by-law shall be valid or acted upon until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the common shareholders of the Company duly called for considering the same and also, if such by-law 25  
adversely affects any of the rights or privileges attaching to any class or any series of the preferred shares at such time issued and outstanding, by at least two-thirds of the votes cast at a meeting of the holders of each of such class or series of preferred shares duly 30  
called for considering the same, nor until a certified copy of such by-law has been filed with the Registrar General of Canada.

Directors'  
resolution  
respecting  
preferred  
shares

(3) The Directors may by resolution subject to such provisions and limitations as may be set forth in 35  
any by-law passed under subsection (2) prescribe the precise preferences, privileges, rights, restrictions, conditions or limitations whether with regard to dividends, capital, voting, the right to convert such shares into common shares or otherwise, of any class or series of 40  
preferred shares, and may by resolution prescribe the terms of issue of any preferred shares.

Preferred  
shares non-  
voting

(4) Holders of any class or series of preferred shares shall not have any voting rights, other than those provided by by-law or by resolution passed under 45  
subsection (2) or (3), nor shall they be entitled to receive any notice of or attend any meeting of the common shareholders of the Company except the right to attend and vote at general meetings on any question



The present Section 3(2) is as follows:

- "(2) The Company may, by by-law,
- (a) provide for the creation of classes of preferred shares with such preferences, privileges or other special rights, restrictions, conditions or limitations whether with regard to dividends, capital or otherwise as in the by-law may be declared,
  - (b) subdivide, consolidate into shares of larger par value or re-classify any of the unissued preferred shares and may amend, vary, alter or change any of the preferences, privileges, rights, restrictions, conditions or limitations attached to the unissued preferred shares:

Provided that no such by-law shall be valid or acted upon until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the common shareholders of the Company duly called for considering the same nor until such by-law has been approved by the Board of Transport Commissioners for Canada."

The proposed revision of section 3(2) of the Company's Special Act would make it possible for the Company to create a class of shares which could be issued in series, in the manner contemplated by section 12(1)(b) of the *Canada Corporations Act*.

The revision of section 3(2)(b) would also enable the Company to subdivide or consolidate its issued and unissued common shares and its issued preferred shares by by-law in the same manner as it is now permitted to subdivide and consolidate its unissued preferred shares.

At the present time, any by-law dealing with preferred shares must be approved by the Board of Transport Commissioners for Canada, a provision which has not been adopted in subsequent pipe line Special Acts and which, in any event, is not now appropriate. Clause 2 provides instead for filing of a certified copy of such a by-law with the Registrar General of Canada, in lieu of submission to the Board of Transport Commissioners, in the manner provided for in the case of preferred shares in other Special Acts incorporating pipe line companies.

Section 3(3) of the Company's Special Act at present is as follows:

- "(3) The Directors may by resolution prescribe within the limits set forth in any by-law passed under subsection (2) the terms of issue and the precise preferences, privileges, rights, restrictions, conditions or limitations whether with regard to dividends, capital or otherwise, of any class of preferred shares."

The change in language proposed in clause 2 reflects the changes made in section 3(2) and is intended to clarify the position with respect to powers of the directors to determine the terms of issue of preferred shares.



directly affecting any of the rights or privileges attached to such class or series of preferred shares, and then there shall be one vote per share, but no change adversely affecting the rights or privileges of any class or series of preferred shares shall be made unless sanctioned by at least two-thirds of the votes cast at a special general meeting of the holders of such class or series of issued and outstanding preferred shares duly called for considering the same, and until a certified copy of the same shall have been filed with the Registrar General of Canada.” 5 10

1951, c. 92  
Repeal

**3.** Subsection (a) of section 6 of chapter 92 of the statutes of 1951 is repealed and the following is substituted therefor:

“(a) within or outside Canada construct, purchase, lease, or otherwise acquire and hold, develop, operate, maintain, control, lease, mortgage, create liens upon, sell, convey or otherwise dispose of and turn to account any and all interprovincial and/or international pipe lines and all appurtenances relative thereto for gathering, processing, refining, treating, transmitting, transporting, storing and delivering natural and artificial gas and other gaseous or liquid hydrocarbons, and purchase, or otherwise acquire, process, refine, treat, transmit, transport, and sell or otherwise dispose of and distribute natural and artificial gas and other gaseous or liquid hydrocarbons, provided that the main pipe line or lines, either for the transmission and transportation of gas or oil shall be located entirely within Canada; 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 and telegraph, communications systems and subject to the *Radio Act* and any other statute relating to radio, microwave, television or other electronic communication systems, own, lease, operate and maintain interstation radio, microwave, television or other electronic communication facilities.” 15 20 25 30 35 40

R.S., c. 233;  
1952-53, c. 48;  
1953-54, c. 31;  
1955, c. 7



Section 3(4) of the Company's Special Act at present is as follows:

"(4) Holders of any class of preferred shares shall not have any voting rights, other than those provided by by-law passed under subsection (2), nor shall they be entitled to receive any notice of or attend any meeting of the common shareholders of the Company except the right to attend and vote at general meetings on any question directly affecting any of the rights or privileges attached to such class of preferred shares, and then there shall be one vote per share, but no change adversely affecting the rights or privileges of any class of preferred shares shall be made unless sanctioned by at least two-thirds of the votes cast at a special general meeting of the holders of such class of issued and outstanding preferred shares duly called for considering the same, and until the same has been approved by the Board of Transport Commissioners for Canada."

The changes to this subsection proposed in clause 2 reflect the changes made in section 3(2) and in the same manner substitute a filing with the Registrar General for submission to the Board of Transport Commissioners in the case of a by-law changing rights or privileges attaching to preferred shares.

In operating its pipe line system, the Company makes extensive use of various types of communication facilities, and the Act of Incorporation confers certain powers on the Company for facilities of this kind. Section 6(a) of the present Act of Incorporation is as follows:

"(a) within or outside Canada construct, purchase, lease, or otherwise acquire and hold, develop, operate, maintain, control, lease, mortgage, create liens upon, sell, convey or otherwise dispose of and turn to account any and all interprovincial and/or international pipe lines and all appurtenances relating thereto for gathering, processing, refining, treating, transmitting, transporting, storing, and delivering natural and artificial gas and other gaseous or liquid hydrocarbons, and purchase, or otherwise acquire, process, refine, treat, transmit, transport, and sell or otherwise dispose of and distribute natural and artificial gas and other gaseous or liquid hydrocarbons, provided that the main transportation of gas or oil shall be located entirely within Canada; 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 and telegraph communication systems and subject to the *Radio Act*, 1938, and any other statute relating to radio, own, lease, operate and maintain interstation communication facilities;"

In view of the developments in electronic communications since the date of the Company's incorporation, it is desirable to extend the enumeration of communication facilities to make specific reference to electronic communications, as provided in clause 3 of the Bill.



1951, c. 92  
Repeal

4. Section 10 of chapter 92 of the statutes of 1951 is repealed and the following substituted therefor:

Purchase or redemption of preferred shares

“10. (1) The Company may, subject to subsection (2), purchase for cancellation or redeem shares of any class of fully paid preferred shares of the Company in respect of which any by-law creating such class of preferred shares provides a right in favour of the Company to redeem such shares or to purchase such shares for cancellation, otherwise than out of capital, if such purchase or redemption is made in accordance with the provisions of such by-law and any resolution of the directors pursuant to subsection (3) of section 3. 5 10

How redemption or purchase to be made

(2) A redemption or purchase for cancellation of shares shall be made by payments made without impairment of the capital of the Company out of the ascertained net profits of the Company set aside by the directors and available for the purpose of such redemption or purchase, but no redemption or purchase for cancellation shall be made out of the ascertained net profits of the Company when cumulative dividends are in arrears on the preferred shares to be so redeemed or purchased. 15 20

Redemption or purchase not a reduction of capital

(3) The redemption or purchase for cancellation of its shares by the Company in accordance with this section shall be deemed not to be a reduction of the paid-up capital of the Company. 25

Capital surplus

(4) The surplus resulting from a redemption or purchase for cancellation of shares of the Company made in accordance with this section shall be designated as a capital surplus of the Company and shall not be reduced or distributed by the Company except as provided by a subsequent Act of the Parliament of Canada. 30

Saving provision

(5) Nothing in this section shall be construed to apply to a redemption or purchase for cancellation of shares that are redeemed or purchased for cancellation pursuant to section 10A. 35

Cancellation of preferred shares

10A. Where pursuant to the provisions of this Act a class of preferred shares is created by by-law providing for redemption or purchase of such preferred shares for cancellation out of capital and such shares are so redeemed or purchased for cancellation, then, upon the filing of notice thereof with the Registrar General pursuant to section 62 of the *Canada Corporations Act*, such preferred shares are thereupon cancelled, 40 45

R.S., c. 53;  
1964-65, c. 52;  
1966-67, cc.  
25, 66



Clause 4 of the Bill replaces section 10 of the present Special Act and also adds a new section, both dealing with redemptions or purchases for cancellation of preferred shares. Section 10 of the present Special Act provides as follows:

"10. The redemption or purchase for cancellation of any fully paid preferred shares created by by-law pursuant to the provisions of this Act, in accordance with any right of redemption or purchase for cancellation reserved in favour of the Company in the provisions attaching to such preferred shares, or the redemption or purchase for cancellation of any fully paid shares of any class, not being common or ordinary shares, and in respect of which the by-laws provide for such right of redemption or purchase, in accordance with the provisions of such by-laws, shall not be deemed to be a reduction of the paid-up capital of the Company, if such redemption or purchase for cancellation is made out of the proceeds of an issue of shares made for the purpose of such redemption or purchase for cancellation, or if,

- (a) no cumulative dividends, on the preferred shares or shares of the class in respect of which such right of redemption or purchase exists and which are so redeemed or purchased for cancellation, are in arrears; and
- (b) if such redemption or purchase for cancellation of such fully paid shares is made without impairment of the Company's capital by payments out of the ascertained net profits of the Company which have been set aside by the directors for the purposes of such redemption or of such purchase for cancellation, and, if such net profits are then available for such application as liquid assets of the Company, as shown by the last balance sheet of the Company, certified by the Company's auditors, and being made up to a date not more than ninety days prior to such redemption or purchase for cancellation, and after giving effect to such redemption or purchase for cancellation;

and subject as aforesaid, any such shares may be redeemed or purchased for cancellation by the Company on such terms and in such manner as is set forth in the provisions attaching to such shares, and the surplus resulting from such redemption or purchase for cancellation shall be designated as a capital surplus, which shall not be reduced or distributed by the Company except as provided by a subsequent Act of the Parliament of Canada."

The provisions of section 61 of the *Canada Corporations Act*, dealing in part with these matters, were amended in 1965 and the purpose of the amendment in clause 4 is to conform more closely with the present provisions of the *Canada Corporations Act*.

The purpose of the proposed new section 10A is to provide that in the case of future redemptions or purchases for cancellation out of capital the authorized and issued capital of the Company shall be automatically decreased, thereby making it unnecessary for the Company to obtain a Special Act of Parliament after each redemption or purchase. In this respect the provisions of the proposed section 10A are similar to the powers given to companies under section 49(3) of the *Canada Corporations Act*. Section 62 of the *Canada Corporations Act* referred to is as follows:

"When any class of shares is created or becomes subject to redemption or purchase for cancellation or conversion into 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, and also setting forth whether and the extent to which any such redemption or purchase for cancellation was made out of capital, shall be filed with the Secretary of State before the end of the following month."



and the authorized and the issued capital of the Company shall be thereby decreased, provided that no such redemption or purchase for cancellation shall take place when the Company is insolvent or when such redemption or purchase for cancellation would render the Company insolvent." 5

Stock dividends

5. 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 10 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.

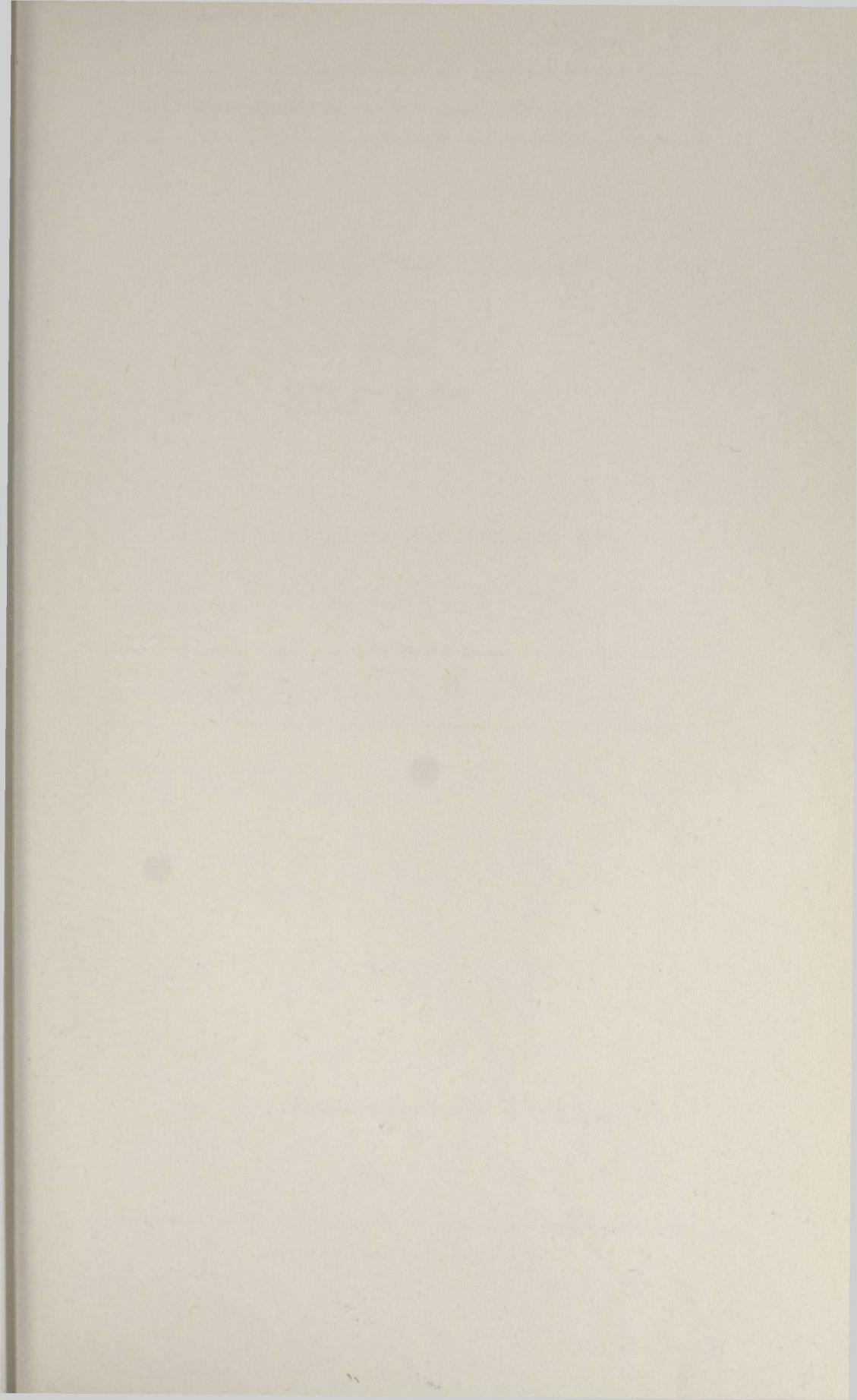
The effect of clause 5 is to grant clear authority to the directors of the Company to declare a stock dividend in appropriate circumstances.



and the authorized and the issued capital of the Company shall be thereby decreased, provided that no such redemption or purchase for cancellation shall take place when the Company is insolvent or when such redemption or purchase for cancellation would render the Company insolvent.

ARTICLE  
11

11. For the purpose of any dividend that the directors may lawfully declare payable in money, they may cause to be set aside out of any surplus in force on the date of the declaration of the dividend a sum of money not exceeding the amount of such dividend and the Company shall be liable to pay such dividend to the holders of such shares in accordance with the amount of such dividend.







THE SENATE OF CANADA

BILL S-27

An Act to amend the Fish Inspection Act

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Read a first time, Tuesday, 7th November, 1962

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Honourable Senator CORWORTH, P.C.





THE SENATE OF CANADA

**BILL S-27**

An Act to amend the Fish Inspection Act

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Read a first time, Tuesday, 7th November, 1967

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Honourable Senator CONNOLLY, P.C.

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ROGER DUHAMEL *Queen's Printer*  
OTTAWA, 1967



## THE SENATE OF CANADA

### BILL S-27

#### An Act to amend the Fish Inspection Act

R. S., c. 118 HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** (1) Paragraph (a) of section 2 of the *Fish Inspection Act* is repealed and the following substituted therefor:

“Container” (a) “container” means any type of receptacle, package, wrapper or confining band, used in packing or marketing fish;”

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

“Processing” (h) “processing” includes cleaning, filleting, icing, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish for market in any other manner.” 15

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

“(ab) defining, for the purposes of section 10, the expressions “tainted”, “decomposed” and “unwholesome”;” 20

Dealing in tainted, decomposed or unwholesome fish

**3.** Subsection (1) of section 10 of the said Act is repealed and the following substituted therefor:

“**10.** (1) No person shall import, export, sell for export or have in his possession for export any fish intended for human consumption that is tainted, decomposed or unwholesome.” 25

THE SENATE OF CANADA

BILL S-28

EXPLANATORY NOTES

*Clause 1:* (1) The purpose of this amendment is to extend the definition of "container" to include wrappers and confining bands.

Paragraph (a) of section 2 at present reads as follows:

"(a) "container" *includes* any type of receptacle or package used in packing or marketing fish;"

(2) This amendment would remove any doubt as to whether the canning of fish is included in this definition.

Paragraph (h) of section 2 at present reads as follows:

"(h) "processing" includes cleaning, filleting, smoking, salting, icing, packing, freezing, cooking, pickling, drying or preparing fish for market in any other manner."

*Clause 2:* New. This amendment is consequential on the amendment contained in clause 3.

*Clause 3:* The purpose of this amendment is to prohibit the import and export of fish that is tainted, decomposed or unwholesome.

Subsection (1) of section 10 at present reads as follows:

"10. (1) No person shall import, export, sell for export or have in his possession for export any fish intended for human consumption *unless the fish is wholesome and fit for human food.*"



THE SENATE OF CANADA

BILL S-27

An Act to amend the Fish Inspection Act

EXPLANATORY NOTES

Clause (1) of section 10 of the present Act is amended as follows:

Paragraph (a) of section 2 of the present Act is amended as follows:

Paragraph (a) of section 2 of the present Act is amended as follows:

Paragraph (a) of section 2 of the present Act is amended as follows:

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Paragraph (a) of section 2 of the present Act is amended as follows:

Paragraph (a) of section 2 of the present Act is amended as follows:

Printed by the Queen's Printer, Ottawa, 1907.

THE SENATE OF CANADA

BILL S-28

An Act to amend the Defence Production Act

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Read a first time, Tuesday, 7th November, 1967

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Honourable Senator CONNOLLY, P.C.



2nd Session, 27th Parliament, 16 Elizabeth II, 1967

## THE SENATE OF CANADA

### BILL S-28

An Act to amend the Defence Production Act

R.S., c. 62;  
1955, c. 52  
1966-67,  
cc. 25, 96

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

1. Paragraphs (d) and (e) of subsection (1) of section 17 of the *Defence Production Act* are repealed and the following substituted therefor: 5

- “(d) subject to paragraph (e), no contract may be entered into by the Minister except in accordance with such regulations under the *Financial Administration Act* as apply to the contract; 10  
and
- (e) a contract may be entered into by the Minister otherwise than in accordance with the regulations referred to in paragraph (d) if, in the opinion of the Minister, the contract must be 15 entered into immediately in the interests of defence.”

THE SENATE OF CANADA

EXPLANATORY NOTE

The relevant portion of subsection (1) of section 17 at present reads as follows:

"17. (1) The Minister may, on behalf of Her Majesty, enter into contracts for the carrying out of anything he is authorized to do under section 14 or 15 and the following provisions apply with respect to every such contract entered into by the Minister on behalf of Her Majesty:

- (d) *except as authorized by paragraph (e), no contract may be entered into by the Minister without the approval of the Governor in Council; and*
- (e) *a contract may be entered into by the Minister without the approval of the Governor in Council if*
  - (i) *in the opinion of the Minister, the contract must be entered into immediately in the interests of defence,*
  - (ii) *the estimated expenditure, loan or guarantee does not exceed twenty-five thousand dollars, or*
  - (iii) *competitive tenders have been obtained and the lowest tender, involving an estimated expenditure not exceeding fifty thousand dollars, is accepted, but the Minister shall make a report to the Governor in Council in respect of any contract involving an estimated expenditure, loan or guarantee exceeding ten thousand dollars and entered into without the approval of the Governor in Council."*





THE SENATE OF CANADA

**BILL S-29**

An Act to provide for the dissolution of  
Northern Ontario Pipe Line Crown Corporation

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Read a first time, Tuesday, 21st November, 1967

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Honourable Senator CONNOLLY, P.C.



2nd Session, 27th Parliament, 16 Elizabeth II, 1967

## THE SENATE OF CANADA

### BILL S-29

An Act to provide for the dissolution of  
Northern Ontario Pipe Line Crown Corporation

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

- |                                      |  |    |
|--------------------------------------|--|----|
| Short title                          | <b>1.</b> This Act may be cited as the <i>Northern Ontario Pipe Line Crown Corporation Dissolution Act</i> .   | 5  |
| Corporation dissolved                | <b>2.</b> The Northern Ontario Pipe Line Crown Corporation (hereinafter referred to as the "corporation") established by subsection (1) of section 3 of the <i>Northern Ontario Pipe Line Crown Corporation Act</i> shall cease to exist on the day this Act comes into force.           | 10 |
| Transfer of property and obligations | <b>3.</b> All rights and property held by or in the name of or in trust for the corporation and all obligations and liabilities of the corporation shall, on the dissolution of the corporation, become rights, property, obligations and liabilities of Her Majesty in right of Canada. | 15 |
| Repeal of 1956, c. 10                | <b>4.</b> The <i>Northern Ontario Pipe Line Crown Corporation Act</i> is repealed.   |    |

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Second Session, Twenty-Seventh Parliament, 15 Elizabeth II, 1967

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THE SENATE OF CANADA

BILL S-30

An Act to amend the Budget Act

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Read a first time, Tuesday, 21st November, 1967

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Honourable Senator CORRY, P.C.





THE SENATE OF CANADA

**BILL S-30**

An Act to amend the Excise Act

---

Read a first time, Tuesday, 21st November, 1967

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Honourable Senator CONNOLLY, P.C.



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2nd Session, 27th Parliament, 16 Elizabeth II, 1967

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## THE SENATE OF CANADA

### BILL S-30

An Act to amend the *Excise Act*

R.S., cc. 99,

319;

1952-53, c. 34;

1953-54, c. 35;

1957, c. 25;

1959, c. 13;

1960-61, c. 46

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

Repeal

**1.** Subsection (3) of section 149 of the *Excise Act* is repealed.

### EXPLANATORY NOTE

Subsection (3) of section 149 of the *Excise Act* at present requires that all spirits subject to excise, other than spirits specifically exempted by the subsection, be warehoused for two years. The Food and Drug Regulations contain a requirement that certain spirits, whether subject to excise or not, be aged before consumption. The Food and Drug Regulations do not require that vodka be aged and thus imported vodka, which is not subject to excise, is given a competitive advantage over Canadian produced vodka which is subject to excise and therefore must be warehoused for two years.

This amendment would eliminate the present advantage afforded to imported vodka and would also eliminate the duplication contained in the Food and Drug Regulations as regards other spirits that are subject to excise.

Subsection (3) of section 149 at present reads as follows:

"(3) No spirits subject to excise, which have not been warehoused for at least two years, may be entered ex-warehouse for consumption, except that the following classes of spirits may be entered ex-warehouse for consumption at any date after warehousing:

- (a) spirits when testing not less than fifty per cent overproof,
  - (i) if sold and delivered in such limited quantities as the Minister may prescribe for the use of any hospital, university, educational institution, or persons engaged in scientific research or industrial enterprise, or
  - (ii) if sold for delivery to druggists as defined in section 136, for use in preparing, manufacturing, compounding, or dispensing medicines and pharmaceutical preparations for sale direct to the consumer, under departmental regulations;
- (b) spirits commonly known as gin; and
- (c) cocktails, cordials and liqueurs when blended in a distillery under a formula approved by the Minister."



THE SENATE OF CANADA

Bill C-10

EXPLANATORY NOTE

This Bill amends the Excise Act.

Subsection (3) of section 149 of the Excise Act at present requires that all spirits subject to excise other than spirits specifically exempted by the subsection, be warehoused for two years. The Food and Drug Regulations contain a requirement that certain spirits, whether subject to excise or not, be aged before consumption. The Food and Drug Regulations do not require that vodka be aged and this imported vodka, which is not subject to excise, is given a competitive advantage over Canadian produced vodka which is subject to excise and therefore must be warehoused for two years.

This amendment would eliminate the present advantage afforded to imported vodka and would also eliminate the duplication contained in the Food and Drug Regulations as regards other spirits that are subject to excise.

Subsection (3) of section 149 at present reads as follows:

"(3) No spirits subject to excise, which have not been warehoused for at least two years, may be entered as warehouse for consumption, except that the following classes of spirits may be entered as warehouse for consumption at any time after warehousing:

- (a) spirits when tested are less than fifty per cent overproof;
- (b) if sold and delivered in each limited quantity as the Minister may prescribe for the use in any hospital, university, educational institution, or to persons engaged in scientific research or technical instruction;
- (c) if sold for delivery in draught or bottled in section 148 for use in repairing, maintaining, conserving or distilling medicinal and pharmaceutical preparations for sale direct to the consumer, after departmental regulation;
- (d) spirits commonly known as gin and
- (e) spirits containing and known when bottled in a distillery under a formula approved by the Minister.

THE SENATE OF CANADA

**BILL S-31**

An Act to provide for the dissolution of the Dominion  
Coal Board

---

Read a first time, Tuesday 19th December, 1967

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Honourable Senator CONNOLLY, P.C.



# THE SENATE OF CANADA

## BILL S-31

An Act to provide for the dissolution of the Dominion Coal Board

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 *Dominion Coal Board Dissolution Act*.

5

Board dissolved

**2.** The Dominion Coal Board (hereinafter referred to as the "board") established by subsection (1) of section 3 of the *Dominion Coal Board Act* shall cease to exist on the day this Act comes into force.

Transfer of property and obligations

**3.** (1) All rights and property held by or in the name of or in trust for the board and all obligations and liabilities of the board shall, on the dissolution of the board, become rights, property, obligations and liabilities of Her Majesty in right of Canada.

Transfer of appropriations

(2) The provisions made by any *Appropriation Act* to defray the expenses of the board shall be applied to such classifications of the public service within the Department of Energy, Mines and Resources as the Governor in Council may determine.

Repeal  
R.S., c. 86

**4.** (1) The *Dominion Coal Board Act* is repealed. 20

Coming into force

(2) This Act shall come into force on a day to be fixed by proclamation.

THE SENATE OF CANADA

BILL S-32

An Act to amend the Territorial Lands Act, the Land  
Titles Act and the Public Lands Act

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Read a Third Time, Tuesday, 19th December, 1952

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Printed by the Queen's Printer, Ottawa, 1952



# THE SENATE OF CANADA

## BILL S-31

### An Act to provide for the dissolution of the Dominion Coal Board

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 *Dominion Coal Board Dissolution Act*. 5

Interpretation

2. The Dominion Coal Board (hereinafter referred to as the "board") established by subsection (1) of section 3 of the *Dominion Coal Board Act* shall cease to exist on the day this Act comes into force.

Transfer of property and liabilities

3. (1) All rights and property held by or in the name of or in trust for the board and all obligations and liabilities of the board shall, on the dissolution of the board, become rights, property, obligations and liabilities of Her Majesty in right of Canada.

Transfer of employees

(2) The provisions made by any Appropriation Act to defray the expenses of the board shall be applied to such extent as may be necessary to the public service within the Department of Energy, Mines and Resources as the Governor in Council may determine. 15

Enactment

4. (1) The *Dominion Coal Board Act* is repealed. 20

Coming into force

(2) This Act shall come into force on a day to be fixed by proclamation. 25

THE SENATE OF CANADA

**BILL S-32**

An Act to amend the Territorial Lands Act, the Land  
Titles Act and the Public Lands Grants Act

---

Read a first time, Tuesday, 19th December, 1967

---

Honourable Senator CONNOLLY, P. C.



## THE SENATE OF CANADA

### BILL S-32

An Act to amend the Territorial Lands Act, the Land Titles Act and the Public Lands Grants Act

R.S., c. 263;  
1955, c. 17;  
1957, c. 36;  
1966-67, c. 25,  
s. 40

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

#### TERRITORIAL LANDS ACT

**1.** (1) Paragraph (c) of section 2 of the *Territorial Lands Act* is repealed and the following substituted therefor: 5

“Grant”

“(c) “grant” means letters patent under the Great Seal of Canada, a notification and any other instrument by which territorial lands may be granted in fee simple or for an equivalent estate;” 10

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

“Notifi-  
cation”

“(ea) “notification” means a direction in a form prescribed by the Governor in Council pursuant to paragraph (j) of section 18 and issued pursuant to subsection (1) of section 4A;” 15

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

Application

“**3.** (1) Subject to subsection (2), this Act applies only to territorial lands that are under the control, management and administration of the Minister. 20

## EXPLANATORY NOTES

*Clause 1:* (1) This amendment, which would add the underlined words, is consequential on the introduction of the simplified procedure for granting territorial lands that is proposed in clause 3. The phrase "territorial lands" is defined by the Act as follows:

"(g) "territorial lands" means lands in the Northwest Territories or in the Yukon Territory that are vested in the Crown or of which the Government of Canada has power to dispose; and"

(2) This amendment would add a definition to the Act of "notification" which would be the instrument by which territorial lands would be granted under the simplified procedure proposed in clause 3.

*Clause 2:* This amendment, which would add the side-lined subsection, would make it clear that the proposed simplified procedure for granting territorial lands would apply, not only to territorial lands under the control, management and administration of the Minister of Indian Affairs and Northern Development, but also to lands described in the proposed subsection.



Idem (2) Sections 4A, 7 to 11 and paragraph (j) of section 18 apply to territorial lands the right to the beneficial use or to the proceeds of which is appropriated to the Yukon Territory or the Northwest Territories by section 45 of the *Yukon Act* or section 40 of the *Northwest Territories Act*, as the case may be. 5

Idem (3) Nothing in this Act shall be construed as limiting the operation of the *Yukon Quartz Mining Act*, the *Yukon Placer Mining Act*, the *Dominion Water Power Act* or the *National Parks Act*." 10

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

Issue of notification "4A. (1) A notification may be issued to a registrar directing him to issue a certificate of title to a person named therein in respect of territorial lands described therein that are within the registration district administered by the registrar. 15

Execution of notification (2) A notification pursuant to subsection (1) shall be signed and issued, 20  
 (a) in the case of territorial lands described in subsection (1) of section 3, by the Minister, the Deputy Minister or any other officer of his Department authorized in writing for that purpose by the Minister; and 25  
 (b) in the case of territorial lands described in subsection (2) of section 3, by the Commissioner of the Yukon Territory if the lands are in the Yukon Territory or by the Commissioner of the Northwest Territories if the lands are in 30 the Northwest Territories.

Effect of issue of notification (3) The issue of a notification pursuant to subsection (1) has like force and effect as a grant of territorial land made by letters patent under the Great Seal of Canada. 35

Notification to set out nature of grant (4) A notification shall set out the nature of the estate thereby granted and any easements, rights or other interests excepted or reserved therefrom.

Interpretation (5) In this section, the terms "registrar" and "certificate of title" have the meanings assigned by 40 the *Land Titles Act*."

**4.** (1) Paragraphs (b) and (c) of section 18 of the said Act are repealed and the following substituted therefor:

"(b) set apart and appropriate territorial lands for the sites of places of public worship, burial grounds, schools, market places, gaols, court

*Clause 3:* New. This amendment would authorize the issue of a notification executed in the manner set out in the proposed subsection (2). A notification so executed and issued would have like force and effect as a grant made by letters patent under the Great Seal of Canada but could be issued much more expeditiously than letters patent under the Great Seal.

The proposed subsection (2) would also vest in the Commissioners of the Yukon Territory and the Northwest Territories the power to grant lands, the right to the beneficial use or to the proceeds of which is appropriated to the Yukon Territory or the Northwest Territories.

*Clause 4:* (1) This amendment, which would substitute the underlined words for the words "letters patent" is consequential on the amendments proposed in clauses 1, 2 and 3.



houses, town halls, public parks or gardens, hospitals, harbours, landings, bridge sites, airports, landing fields, railway stations, town-sites, historic sites or for other public purposes and, at any time before the issue of a grant, 5  
alter or revoke such appropriations;

- (c) order that grants or leases for a nominal consideration be made of the lands appropriated under paragraph (b) and that there be expressed in any grant or lease the trusts and uses to 10  
which the territorial lands granted or leased thereby are subject."

(2) Paragraph (j) of section 18 of the said Act is repealed and the following substituted therefor:

- “(j) prescribe the form of the notification that may 15  
be issued pursuant to section 4A and the fee for the issue thereof; and  
(k) make such orders and regulations as are deemed necessary to carry out the purposes and provisions of this Act.” 20

R.S., c. 162;  
1952-53,  
c. 53, s. 54;  
1966-67, c. 25,  
ss. 40, 45

#### LAND TITLES ACT

**5.** (1) Paragraph (j) of section 2 of the *Land Titles Act* is repealed and the following substituted therefor:

“Grant”

- “(j) “grant” means any grant of Crown land, whether by letters patent under the Great Seal of Canada, a notification or any other 25  
instrument whether in fee or for years, and whether direct from Her Majesty or by or pursuant to the provisions of any statute;”

(2) Section 2 of the said Act is further amended by adding thereto, immediately after paragraph (s) thereof, 30  
the following paragraph:

“Notifi-  
cation”

- “(sa) “notification” means a direction in a form prescribed by the Governor in Council pursuant to the *Territorial Lands Act* and issued pursuant to that Act;” 35

**6.** Paragraph (c) of section 41 of the said Act is repealed and the following substituted therefor:

(2) This amendment would add the sidelined paragraph which would authorize the Governor in Council to prescribe the form of a notification and the fee to be charged for the issue thereof. Paragraph (k) is identical to the present paragraph (j).

Clauses 5, 6, 7, 8 and 9: These clauses would make changes in provisions of the *Land Titles Act* and the *Public Lands Grants Act* that are consequential on the introduction into the *Territorial Lands Act* of the proposed simplified procedure for the granting of territorial lands.



“(c) a mortgage or other encumbrance created by any person rightfully in possession of land, prior to the issue of the grant from the Crown, or prior to the issue of transfer from the Hudson’s Bay Company or from any company 5 entitled to a grant of such lands from the Crown or to which letters patent from the Crown or a notification for such land have already issued, if there is produced to and left with the registrar along with the mortgage an affidavit made by 10 the mortgagor or encumbrancer in Form Q; and also in the case of lands mortgaged or encumbered prior to the issue of transfer as aforesaid, a certificate from the land commissioner or other proper officer of the company 15 that the purchase price of such mortgaged lands has been paid and that the applicant is entitled to a transfer in fee simple therefor from the company.”

7. Sections 48 and 49 of the said Act are repealed 20 and the following substituted therefor:

“48. Whenever any land is granted in the Territories by the Crown, the letters patent or notification therefor when issued, shall be forwarded to the registrar of the registration district in which the land so granted 25 is situated, and the registrar shall retain the letters patent or notification in his office.

49. A certificate of title, as provided by this Act, with any necessary qualification, shall be granted to a patentee or a person named in a notification, and a 30 duplicate of such certificate of title shall be issued to the patentee or person so named, free of all fees and charges, if at the time of the issue thereof there are no encumbrances or other instruments affecting the land registered in the land titles office.” 35

8. Subsection (1) of section 95 of the said Act is repealed and the following substituted therefor:

“95. (1) There may be filed in the office of the registrar any mortgage or other encumbrance created by any person rightfully in possession of land prior to the 40 issue of the grant from the Crown or prior to the issue of the transfer from the Hudson’s Bay Company or

Registration  
of grants  
by letters  
patent or  
notification

Certificate  
of title  
to person  
entitled  
thereto

Registration  
of mortgages,  
etc. before  
grant

from any company entitled to a grant of such lands from the Crown or to which letters patent from the Crown or a concession for such mortgaged lands have already issued, if there is produced to and left with the registrar along with the mortgage an affidavit made by the mortgagee in Form Q, and also, in the case of lands mortgaged prior to the issue of transfer as aforesaid, a certificate from the land commissioner or other proper officer of the company that the purchase price of such mortgaged lands has been paid and that the mortgagee is entitled to a transfer in fee simple thereon from the company."

Private Land Grants Act

R.S.C. 1985, c. 28  
1985, c. 28

29. (1) Paragraph (a) of section 2 of the Private Land Grants Act is repealed and the following substituted therefor:

"(a) 'grant' means letters patent under the Great Seal of Canada, a concession and any other instrument by which private lands may be granted in fee simple or for an equivalent estate."

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

"(a) 'notification' means a direction in a form prescribed by the Governor in Council pursuant to the Private Land Grants Act and issued pursuant to that Act; and  
(b) 'public lands' means lands belonging to Her Majesty in right of Canada and includes lands of which the Government of Canada has power to dispose."



from any company entitled to a grant of such lands from the Crown or to which letters patent from the Crown or a notification for such mortgaged lands have already issued, if there is produced to and left with the registrar along with the mortgage an affidavit made by the mortgagor in Form Q, and also, in the case of lands mortgaged prior to the issue of transfer as aforesaid, a certificate from the land commissioner or other proper officer of the company that the purchase price of such mortgaged lands has been paid and that the mortgagor is entitled to a transfer in fee simple therefor from the company.”

R.S., c. 224;  
1959, c. 52

PUBLIC LANDS GRANTS ACT

9. (1) Paragraph (a) of section 2 of the *Public Lands Grants Act* is repealed and the following substituted therefor: 15

“Grant”

“(a) “grant” means letters patent under the Great Seal of Canada, a notification and any other instrument by which public lands may be granted in fee simple or for an equivalent estate;” 20

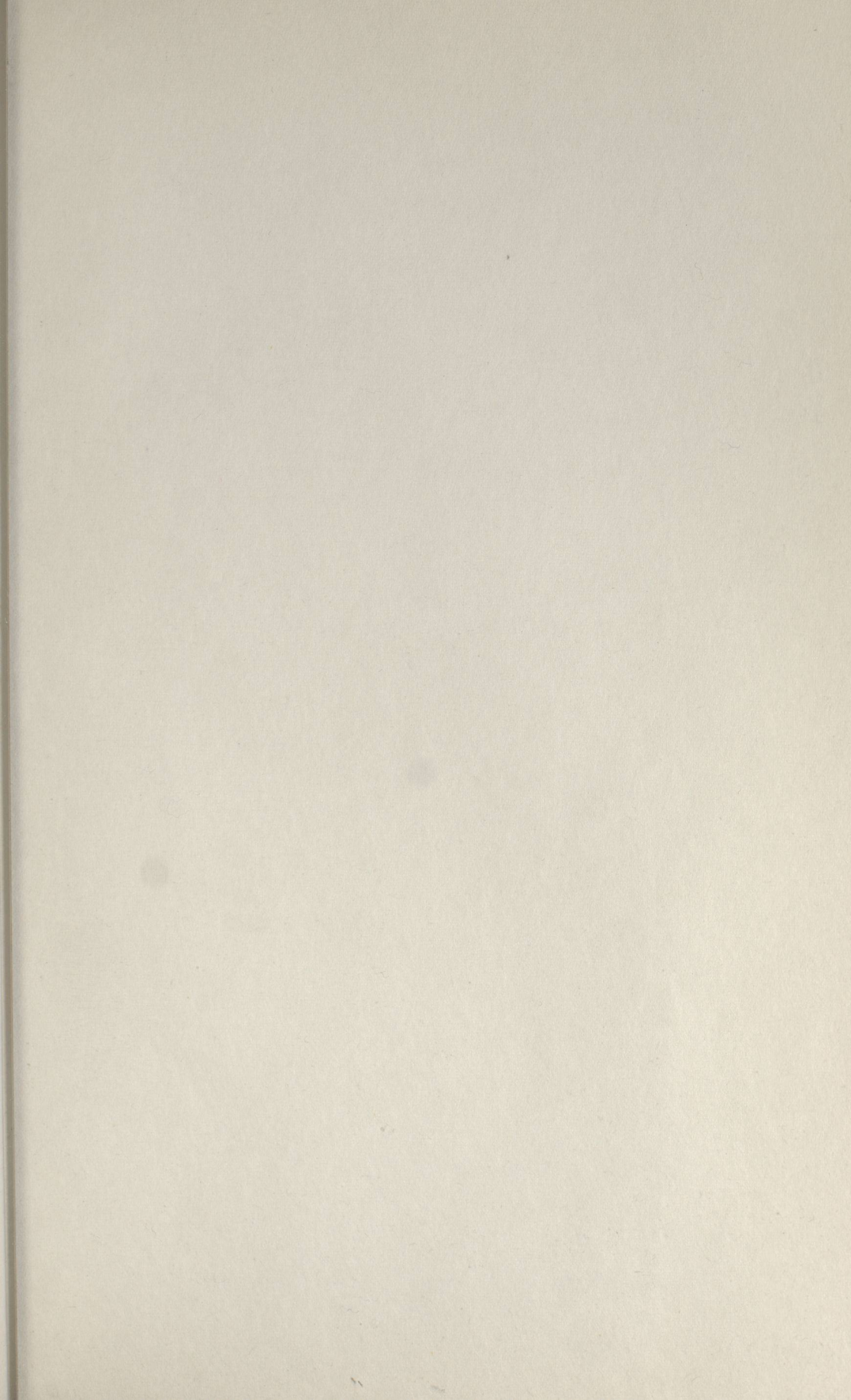
(2) Paragraph (c) of section 2 of the said Act is repealed and the following substituted therefor:

“Notifi-  
cation”

“(c) “notification” means a direction in a form prescribed by the Governor in Council pursuant to the *Territorial Lands Act* and issued pursuant to that Act; and 25

“Public  
lands”

“(d) “public lands” means lands belonging to Her Majesty in right of Canada and includes lands of which the Government of Canada has power to dispose.” 30





that any company entitled to a grant of such lands from the Crown or to which letters patent from the Crown or a notification for such ungranted lands have already issued, if there is produced to and left with the registering officer with the mortgage an affidavit made by the mortgagee in favour of, and also, in the case of lands mortgaged prior to the issue of transfer or discharge, a certificate from the land commissioner or other proper officer of the company that the purchase price of such mortgaged lands has been paid, and that the mortgagee is entitled to a transfer in fee simple thereof from the company.

1892, c. 27  
 1892, c. 27

Public Lands Act, 1892

21. Paragraph (a) of section 2 of the Public Lands Act is repealed and the following substituted therefor: 13

1892, c. 27

(a) "grant" means letters patent under the Great Seal of Canada, a notification and any other instrument by which public lands may be granted in fee simple or for an equivalent estate; 20

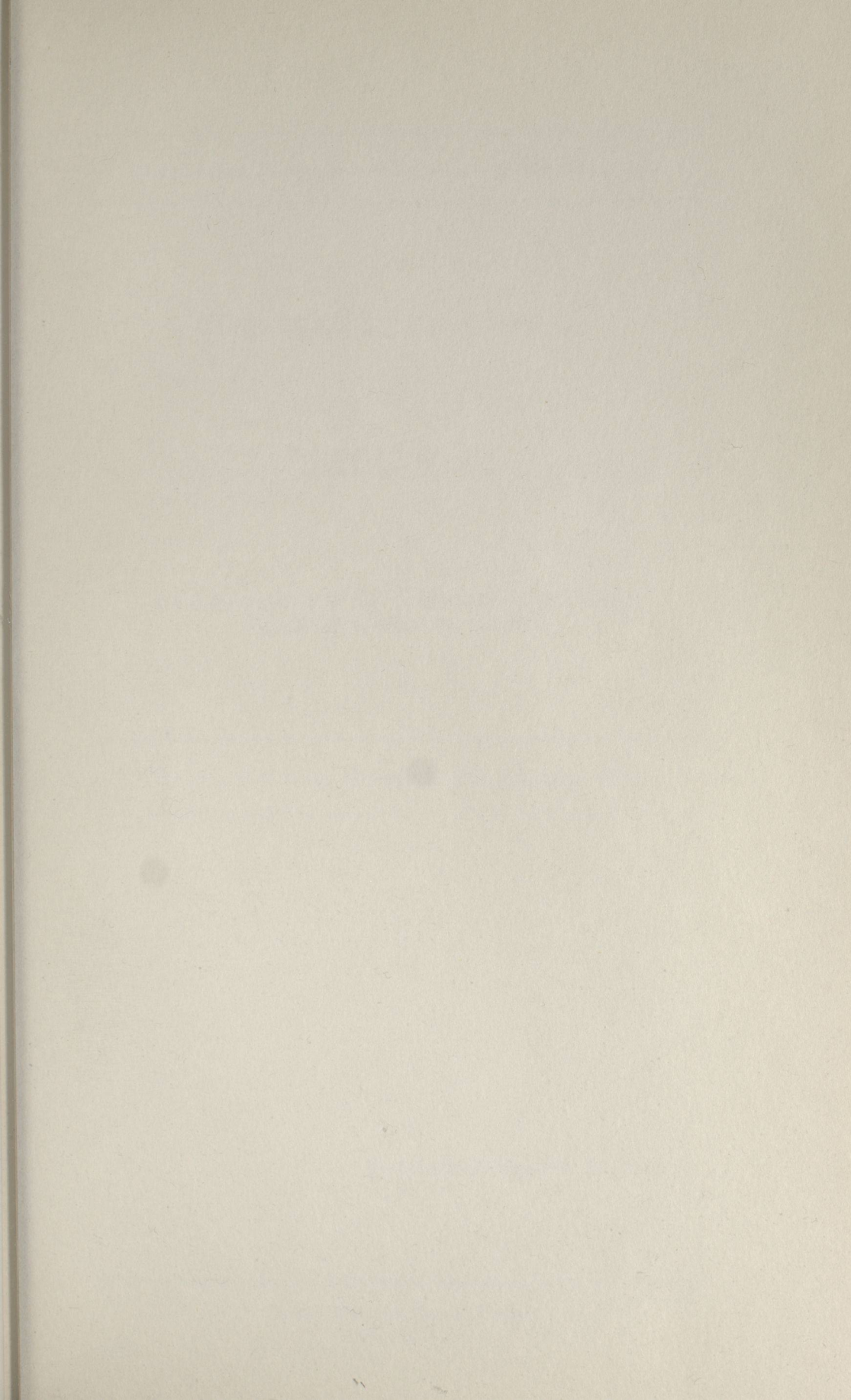
(b) Paragraph (b) of section 2 of the said Act is repealed and the following substituted therefor:

1892, c. 27

(b) "notification" means a direction in a form prescribed by the Governor in Council pursuant to the Periodical Lands Act and issued pursuant to that Act; and 25

1892, c. 27

(c) "public lands" means lands belonging to Her Majesty in right of Canada and includes those of which the Government of Canada has power to dispose. 30







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Canada Patent, Trade-Mark and Copyright Act, 1985

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THE SENATE OF CANADA

BILL S-33

An Act respecting the Department of the  
Environment, Transport and  
Communications

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Revised Bill C-33, June 19, 1985

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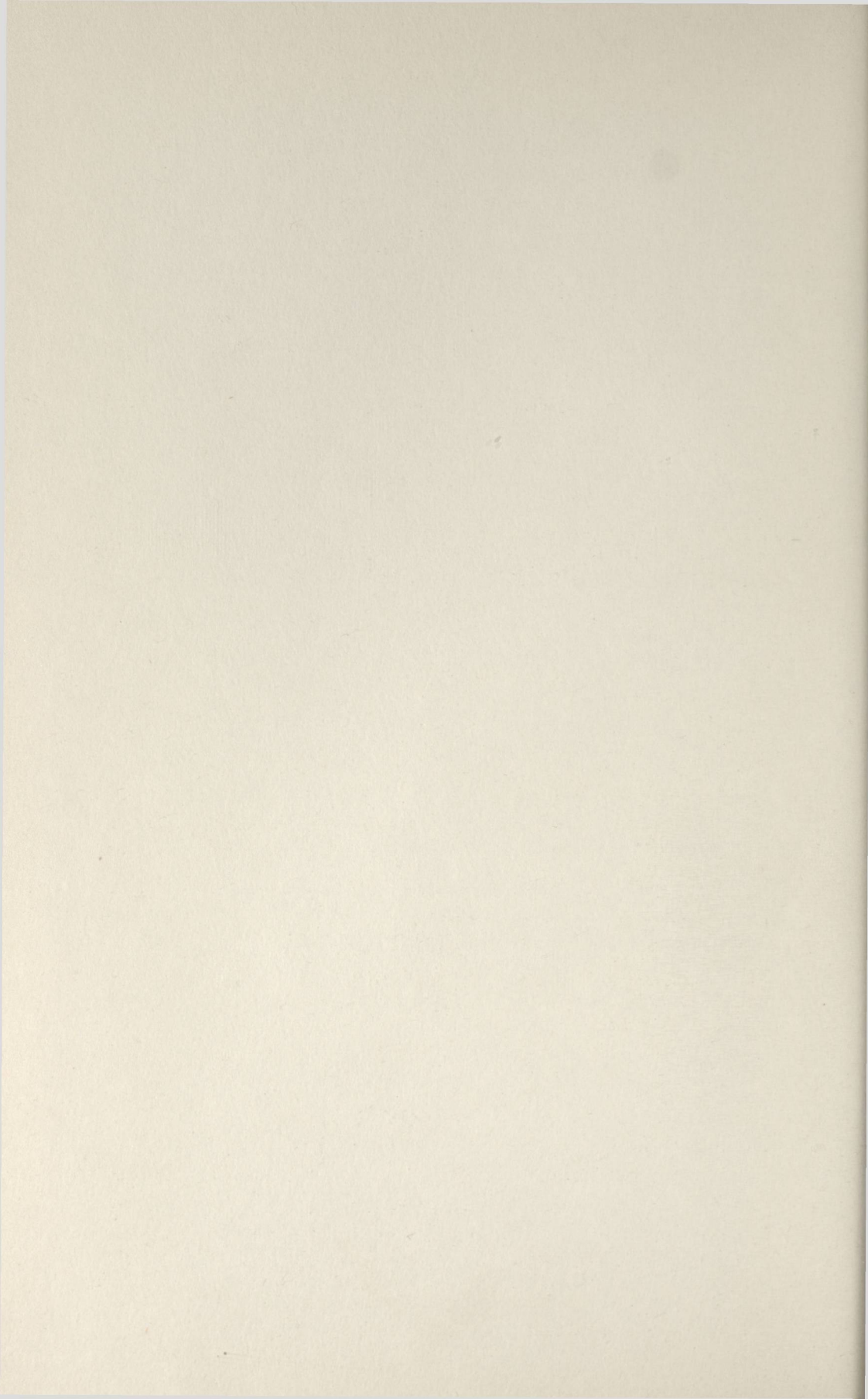
Her Majesty the Queen at Ottawa

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Printed in Canada

1985, 1986





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Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1968

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THE SENATE OF CANADA

**BILL S-33**

An Act respecting The Bonaventure and Gaspé  
Telephone Company, Limited.

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Read a first time, Tuesday, 30th January, 1968

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Honourable Senator LANGLOIS



THE SENATE OF CANADA

BILL S-33

An Act respecting The Bonaventure and Gaspé Telephone Company, Limited.

Preamble  
1906-07, c. 64;  
1955, c. 86

WHEREAS The Bonaventure and Gaspé Telephone Company, 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: 5

Powers of disposal

1. Section 11 of chapter 64 of the statutes of 1906-07, as replaced by section 5 of chapter 86 of the statutes of 1955, is repealed and the following substituted therefor: 10

Proviso

"11. The Company shall have power to sell and dispose of the undertaking of the Company and its rights and properties for such consideration as the Company may think fit: Provided that no such sale or disposal shall be made until it is approved by a meeting of shareholders duly called for that purpose, at which meeting two-thirds of the issued shares are represented by shareholders in person or by proxy, and provided further that no such sale or disposal shall take effect until it has been submitted to and approved of by the Canadian Transport Commission. Such sale or disposal, whether of the whole or any part of the said undertaking, rights and properties, may be so made by the Company to any company or person, whether within the legislative authority of the Parliament of Canada or not, authorized to carry on a business included within the objects or powers of the Company." 15  
20  
25

THE SENATE OF CANADA

EXPLANATORY NOTE

The purpose of this bill is to resolve doubts as to whether the Company may dispose of its undertaking to a company incorporated under or subject to the laws of any province of Canada.

An Act to amend the Canadian  
Dairy Commission Act

Read a first time, Tuesday, 27th February, 1952

Parliamentary Secretary



THE SENATE OF CANADA

BILL S-33

An Act respecting The Beauvechain and Caspé  
Transportation Company.

The purpose of this bill is to resolve doubts as to whether  
the Company and its subsidiaries are subject to the provisions of  
the Act respecting the Beauvechain and Caspé Transportation  
Company, and it is enacted that it be enacted as hereinafter  
enacted, and it is enacted to grant the prayer of the petition  
presented to the Senate by the said Company, and with the advice and  
consent of the Senate and House of Commons of Canada, enact  
as follows:

Section 11 of chapter 94 of the Statutes of  
1892, as replaced by chapter 5 of chapter 36 of the Statutes  
of 1912, is repealed and the following substituted therefor:

11. The Company shall have power to sell and  
dispose of the undertaking of the Company and its  
assets and properties for such consideration as the  
Company may think fit. Provided that no such sale  
or disposal shall be made until it is approved by a  
meeting of shareholders duly called for that purpose,  
at which meeting two-thirds of the issued shares are  
represented by shareholders in person or by proxy, and  
provided further that no such sale or disposal shall take  
effect until it has been submitted to and approved of by  
the Canadian Transport Commission. Such sale or  
disposal, whether of the whole or any part of the said  
undertaking, rights and properties, may be so made by  
the Company to any company or person, whether within  
the legislative authority of the Parliament of Canada  
or not, authorized in any of a business included  
within the objects or powers of the Company.

THE SENATE OF CANADA

**BILL S-34**

An Act to amend the Canadian  
Dairy Commission Act

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Read a first time, Tuesday, 20th February, 1968

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Honourable Senator ARGUE



THE SENATE OF CANADA

BILL S-34

An Act to amend the Canadian  
Dairy Commission Act

1966-67, c. 34 HER Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as  
follows:

1966-67, c. 34, s. 9(1) 1. Paragraph (b) of subsection (1) of section 9  
of the *Canadian Dairy Commission Act* is repealed and the 5  
following substituted therefor:

“(b) make payments for the benefit of producers  
of milk and cream for the purpose of stabilizing  
the price of those products, which payments  
may be made on the basis of volume *but not so* 10  
*to provide a minimal level of production that*  
*excludes or discriminates against any such*  
*producers, quality or on such other basis as*  
the Commission deems appropriate;”

## EXPLANATORY NOTES

The purpose of this Bill is to deprive the Canadian Dairy Commission of the power to exclude small or part-time milk and cream producers from the subsidy benefits provided by Parliament.

The Canadian Dairy Commission, in a statement issued the 15th January 1968 entitled "Statement re 1968-69 Dairy Subsidy Quota Policy", announces that:

"The Commission had proposed earlier not to issue subsidy quotas for 1968-69 to those with reported deliveries of less than 50,000 pounds of milk, or 1,750 pounds of butterfat, in 1967-68. The principle of excluding a lower level of production from subsidy is being maintained but is being modified following consultations with farm organizations who pointed out the difficult economic situation which rigid adherence to the 50,000 pound minimum would create for many valid full-time mixed farmers for whom dairying represented an important part of their farming operations.

Those who have 1,750 pound quotas for the present year and whose reported deliveries between April 1, 1967 and March 31, 1968 are less than 12,000 pounds of milk or 420 pounds butterfat, will not be eligible for a subsidy quota in the year starting April 1, 1968.

Those who have 1,750 pound butterfat quotas for the present year and who, between April 1, 1967 and March 31, 1968 have reported deliveries of 420 pounds or more but under 1,750 pounds, will be required to reapply to the Commission for registration and a subsidy quota. This will be granted to those who are full-time farmers and who depend on dairying for an appreciable part of their farm income."



# THE SENATE OF CANADA

## EXPLANATORY NOTES

The purpose of this Bill is to give the Canadian Dairy Commission of the power to exclude small or part-time milk and cream producers from the subsidy benefits provided by Parliament.

The Canadian Dairy Commission, in a statement issued the 15th January 1988 entitled "Statement to 1988-89 Dairy Subsidy Quota Policy," announced that:

The Commission had proposed earlier not to issue subsidy quotas for 1988-89 to those with reported deliveries of less than 50,000 pounds of milk or 1,750 pounds of butterfat in 1987-88. The principle of excluding a lower level of production from subsidy is being maintained but is being modified following consultations with farm organizations who pointed out the difficult economic situation which their members face. The 50,000 pound minimum would create for many full-time farmers for whom dairying represented an important part of their farming operation.

Those who have 1,750 pound quotas for the present year and whose reported deliveries between April 1, 1987 and March 31, 1988 are less than 12,000 pounds of milk or 420 pounds butterfat, will not be eligible for a subsidy quota in the year starting April 1, 1988.

Those who have 1,750 pound butterfat quotas for the present year and who between April 1, 1987 and March 31, 1988 have reported deliveries of 420 pounds or more but under 1,750 pounds, will be required to apply to the Commission for registration and a subsidy quota. This will be granted to those who are full-time farmers and who depend on dairying for an appreciable part of their farm income.







LIST OF SENATORS

(MEMBERS SPONSORING BILLS)

2d SESSION, 27TH PARLIAMENT, 1967-68

Argue, Hon. H.

Bill S- 34.....An act to amend the Canadian Dairy Commission Act

Cameron, Hon. D.

Bill S- 11.....An Act respecting Principal Life Insurance Company of Canada

Connolly, Hon. J.J.

Bill S- 10.....An Act to amend Canada Corporations Act

Bill S- 18.....An Act to amend the Publication of Statutes Act

Bill S- 19.....An Act respecting the boundary between the Province of British Columbia and the Yukon and Northwest Territories

Bill S- 21.....An Act to amend the Food and Drugs Act

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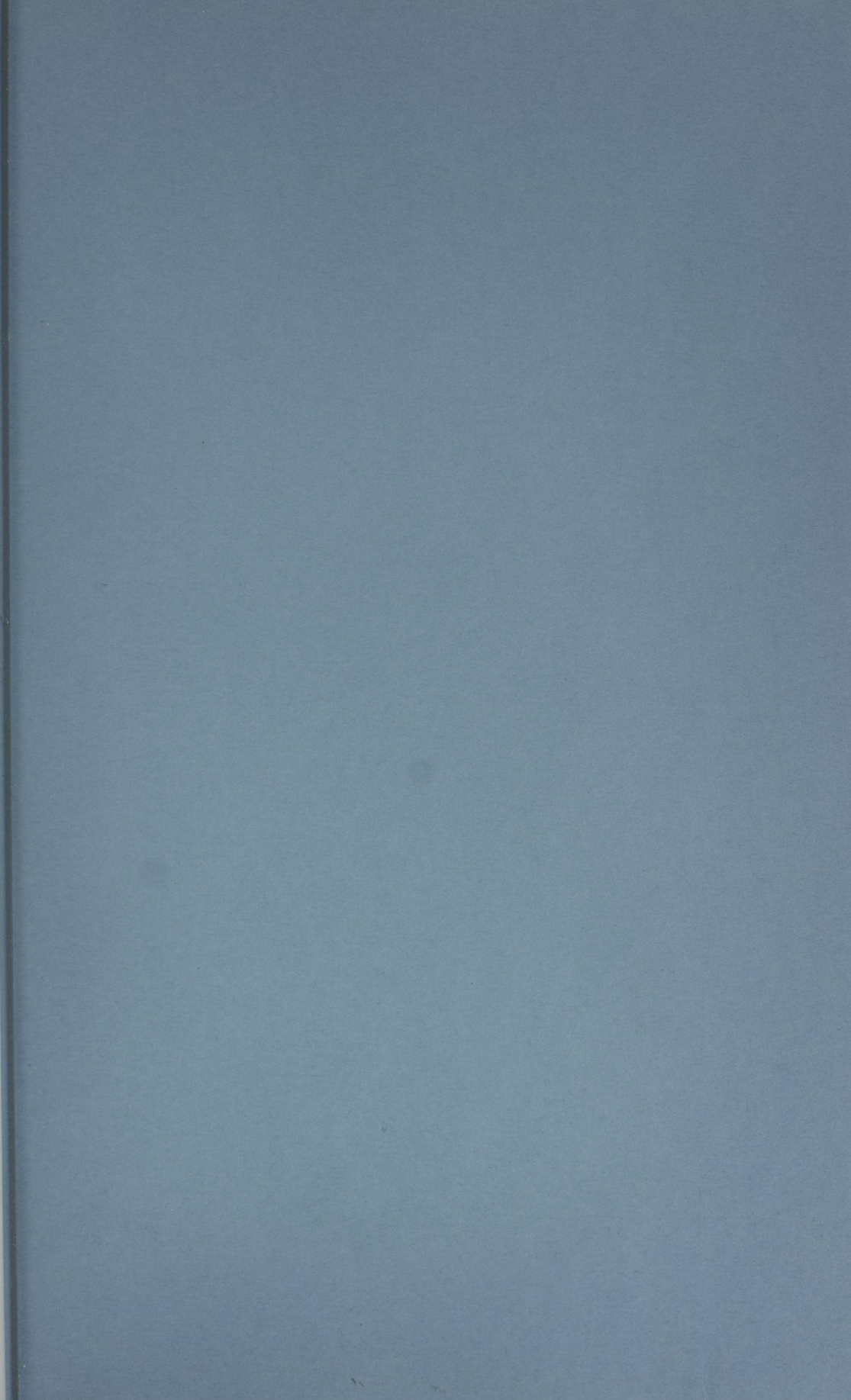
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