



ORDINANCES  
OF THE  
**YUKON TERRITORY**

---

PASSED BY THE  
**YUKON COUNCIL**

IN THE YEAR  
**1963**  
SECOND SESSION

G. R. CAMERON  
COMMISSIONER

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# INDEX

1963 (SECOND SESSION)

Chap.	Name	Page
1	An Ordinance Respecting the Taking and Recording of Evidence by Sound Recording Apparatus .....	1
2	An Ordinance Respecting the Summary Recovery of Wages by Employees .....	4
3	An Ordinance to Prevent Discrimination in Regard to Accommodation and Employment and in Regard to Membership in Trade Unions by Reason of Race, Religion, Religious Creed, Colour, Ancestry, or Ethnic or National Origin .....	12
4	An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter Into and Execute an Agreement with the Government of Canada Respecting the Seaplane Base at Mayo Airport .....	18
5	An Ordinance to Amend the Insurance Ordinance .....	19
6	An Ordinance to Amend the Corporation Securities Registration Ordinance .....	21
7	An Ordinance to Amend the Medical Profession Ordinance .....	22
8	An Ordinance to Amend the Area Development Ordinance .....	24
9	An Ordinance to Amend the Motor Vehicles Ordinance ....	25
10	An Ordinance to Amend an Ordinance to Prohibit Children Being on the Streets After Nightfall .....	28
11	An Ordinance to Amend an Ordinance Empowering the Commissioner of the Yukon Territory to Grant a Franchise to the Yukon Electrical Company Limited to sell and Distribute Electrical Energy in the Teslin Area, Yukon Territory .....	29
12	An Ordinance to Amend the Labour Provisions Ordinance ....	30
13	An Ordinance to Repeal an Ordinance to Incorporate the North Star Athletic Association Limited .....	31
	Appendix—Table of Public Ordinances of the Yukon Territory 1958 to 1963 (2nd Session). Showing all the chapters of revised ordinances 1958 with amendments therein, up to and including 1963 (2nd Session). .....	32

CHAPTER 1

ORDINANCES OF THE YUKON TERRITORY  
1963 (Second Session)

AN ORDINANCE RESPECTING THE TAKING AND  
RECORDING OF EVIDENCE BY SOUND AND  
RECORDING APPARATUS

(Assented to November 22nd, 1963)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. This Ordinance may be cited as the *Recording of Evidence by Sound Apparatus Ordinance*. Short title.
  
2. In this Ordinance Interpretation.
  - (a) "court" means any court, a judge, magistrate, justice of the peace, arbitrator, umpire, commissioner or other person authorized by law or by order of a court or otherwise, to hear any witnesses or take any evidence or to make any order, decree, finding, decision or report or to exercise any judicial or quasi-judicial function; "Court."
  
  - (b) "evidence" includes judgments, decisions, opinions, speeches, reports and all other matters done or said by or before any court; "Evidence."
  
  - (c) "judge" includes any person lawfully presiding in a court; "Judge."
  
  - (d) "proceeding" means any civil case, prosecution under an ordinance or other matter to which the legislative authority of the Commissioner in Council extends, that is before a court; "Proceeding."
  
  - (e) "record" means a record made in accordance with section 3; "Record."
  
  - (f) "reporter" means an official court reporter duly appointed in accordance with law or a stenographer or typist; "Reporter."

"Sound recording apparatus."

(g) "sound recording apparatus" means any device, machine or system of a type approved by the Commissioner for the making of a record of voice or other sound; and

"Trial."

(h) "trial" includes all motions, applications, trials and other matters which may properly be taken before a judge.

Recording of evidence by sound recording apparatus.

3. (1) Notwithstanding any other ordinance, the evidence in any proceeding or any portion of such evidence may, if the judge so directs, be recorded by sound recording apparatus.

(2) All parties seeking to bring a matter before a judge shall file with the court consent in writing from all other parties evidencing consent to the use of sound recording apparatus at the trial.

(3) Before proceeding to the trial of the matter in issue a judge shall ascertain from the parties to the proceedings that they are satisfied with the competence of the operator supervising the sound recording apparatus and that the said parties have not withdrawn their consents to the use thereof.

(4) It shall be the duty of the operator having charge of the sound recording apparatus to make such notes as a judge may order to supplement the record.

Certification of record.

4. (1) A record shall be certified, by the judge or by the court official in charge of the sound recording apparatus during the proceeding, as being the record made of the evidence or part thereof, as the case may be, in the proceeding.

Certificate prima facie proof.

(2) A certificate made under this section is, without proof of the signature of the judge or person in charge of the sound recording apparatus or of this official character, admissible in evidence as *prima facie* proof that the record is the record of the evidence or part thereof, as the case may be, in the proceeding.

Typewritten copies.

5. A typewritten copy of the whole or any part of the contents of a record,

(a) reduced to writing by a reporter, and

(b) certified by the reporter to be a true and faithful transcript of the contents of the record, is admissible in evidence before any court to the same extent and with the same effect as a transcript of shorthand notes duly prepared by a reporter in accordance with law.

6. The sounds recorded upon a record may be reproduced in a court by any appropriate machine or device and the reproduction shall be received by the court to the same extent and with the same effect as a typewritten copy prepared pursuant to section 5.

Playing of records in court.

7. All records shall be filed in the office of the Clerk of the Territorial Court and shall not be removed except with authority of the Clerk for use in court or as required by an ordinance or rule of the Territorial Court or upon the order of a judge of the Territorial Court.

Filing of records.

8. (1) Any time after two years from the making of a record a judge of the Territorial Court may order the record destroyed or the recording thereon erased, cancelled, or otherwise destroyed.

Order for destruction of records.

(2) An order made pursuant to subsection (1) may be a general order to apply to all or any records made before a date set out in the order.

Order may be of general application.

9. The Commissioner may make regulations for carrying out the purposes of this Ordinance.

Regulations.

CHAPTER 2

ORDINANCES OF THE YUKON TERRITORY  
1963 (Second Session)

AN ORDINANCE RESPECTING THE SUMMARY  
RECOVERY OF WAGES BY EMPLOYEES

(Assented to November 22nd, 1963)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

**SHORT TITLE.**

Short title.

1. This Ordinance may be cited as the *Wages Recovery Ordinance*.

**INTERPRETATION.**

Definitions.

2. In this Ordinance,

"Employee."

(a) "employee" means a person in receipt of or entitled to wages from an employer, whether the relationship of employee and employer has been terminated or not;

"Employer."

(b) "employer" includes every person responsible for the payment of wages to an employee under any ordinance or law in force in the Territory; and

"Wages."

(c) "wages" means wages, salary, pay, commission or other compensation for labour or personal service, whether measured by time, job, piece or otherwise.

**APPLICATION OF ORDINANCE.**

Application.

3. This Ordinance applies to every hiring of labour or contract of personal service wherever made, performed or intended to be performed within the Territory.

**CONTRACTS OF SERVICE AND LABOUR.**

Certain contracts to be in writing.

4. Every contract of personal service or hiring of labour for a period of more than one year shall be in writing and signed by the contracting parties.

RECOVERY OF WAGES.

5. Every employee who has a cause of complaint against his employer for Laying of information by employee.

- (a) the non-payment of wages earned by him in the course of his employment,
- (b) the non-payment of wages payable to him under a contract of personal service or hiring of labour, or
- (c) improper dismissal,

may lay an information in writing and under oath before a justice, stating the cause of the complaint and the amount of wages claimed, if any.

6. (1) Upon receiving the information referred to in section 5 the justice shall summon the employer to appear before him at a time and place to be stated in the summons to answer the complaint of the employee. Summons.

(2) The justice receiving the information shall arrange for service of the summons upon the employer, unless the complainant undertakes to serve him. Service by justice or complainant.

(3) The summons and every subsequent document pertaining to the proceedings may be served upon the person to whom it is directed either by delivering it to him personally, or if he cannot conveniently be found, by sending it to him by registered mail, or by leaving it with any person who appears to be at least sixteen years of age, at his last known place of residence or at the place where he carried or carries on business. Service on individual.

(4) Where an employer is a corporation, the summons shall be served by delivering it to the manager, secretary, or other executive officer of the corporation or of any branch thereof. Service on corporation.

(5) Where an employer is a municipality, the summons shall be served by delivering it to the mayor, clerk or treasurer of the municipality. Service on municipality.

(6) Service of a summons may be proved by oral evidence given under oath by the person who served it or by his affidavit made before a justice, a notary public or a commissioner for oaths. Proof of service.



Costs of adjournment.

7. (1) An adjournment of the hearing of any complaint may be allowed on payment to the employee of the amount, to be fixed by the justice, of the employee's costs in attending the hearing unless the justice is of the opinion that the adjournment has been made necessary by any act or omission of the employee.

Payment to be made forthwith.

(2) Unless immediate payment of the amount referred to in subsection (1) is dispensed with by the justice, payment thereof shall be made forthwith by the employer.

Order of justice after hearing on non-payment of wages.

8. (1) If upon examining into the matters alleged in any complaint made under paragraph (a) or (b) of section 5, the justice is satisfied that the cause of complaint has been established, he shall order the employer to pay to the employee the amount of wages found to be due to him and

- (a) may order the employer to pay to the employee the amount of wages that would have been due to him up to the time when his service could or would have been legally ended by notice from the employer or by passage of time, together with the costs of prosecution, and
- (b) may release the employee from his employment if the term of his employment has not expired, whether or not the employee is still in actual service with the employer.

Maximum award.

(2) The amount ordered to be paid pursuant to this section shall not exceed six months' wages or one thousand dollars, whichever is the lesser, exclusive of the costs of prosecution.

Order of justice after hearing improper dismissal.

9. (1) If, upon examining into the matters alleged in any complaint made under paragraph (c) of section 5, the justice is satisfied that the cause of complaint has been established, he may, in addition to making any order contemplated by section 8, order the employer to pay to the employee

- (a) such further amount as to him appears reasonable under the circumstances, not exceeding, however, one month's wages,
- (b) an amount equal to the wages the employee would have earned between the date of the improper dismissal and the determination of the complaint by the justice, or

(c) two hundred dollars, whichever is the least, together with the costs of prosecution.

(2) Any amount ordered to be paid pursuant to this section shall not exceed the amount, if any, by which one thousand dollars exceeds the amount ordered to be paid pursuant to section 8, exclusive of the costs of prosecution.

Maximum award.

(3) Where a justice in examining into a complaint for improper dismissal is satisfied that

Order where dismissal justified.

(a) the employee was dismissed from the employment of the employer for good and sufficient cause, and

(b) wages are due to the employee, he may order the employer to pay to the employee the amount of the wages found to be due, not exceeding six months' wages or one thousand dollars, whichever is the lesser, together with the costs of prosecution.

10. (1) The justice before whom any complaint is made under this Ordinance, upon being satisfied that the complainant is unable, by reason of lack of funds or otherwise, to pay the costs of the proceedings in connection with the complaint, may dispense with the payment of such costs or extend the time for their payment until after the determination of the proceedings.

Dispensing with costs on commencement of prosecution.

(2) Where the payment of costs has been dispensed with or postponed under this section and an order is made in favour of the complainant, such costs, including any other costs allowed to the complainant, shall be included in the amount ordered to be paid by the employer.

Adding of amount to judgment.

11. (1) If upon the hearing of a complaint under section 8 it is proven to the satisfaction of the justice that the employer would be entitled, in a civil action, to a claim by way of set-off or counterclaim, he shall deduct from any wages or other amount found to be due to the employee, the amount that in the opinion of the justice the employer would be entitled to by the set-off or counterclaim.

Set-off or counterclaim by employer.

(2) If the amount, as established pursuant to subsection (1), that the employer would be entitled to by the set-off or counterclaim is equal to or greater than the amount determined to be due to the employee, the justice shall dismiss the complaint.

Dismissal of complaint if set-off or counterclaim greater.

Time for payment of order.

12. (1) Unless the employer satisfies the justice under oath that he is unable to pay the full amount ordered to be paid forthwith and intends to pay the same within a specified time, the order of the justice shall direct payment of the amount ordered to be paid by the employer to be made forthwith.

Security on postponement of payments.

(2) Where a justice does not order payment by an employer to be made forthwith pursuant to subsection (1), he may order such security as he deems adequate to be given as a condition of the postponement of such payment.

Enforcement of order of justice.

13. (1) In case of non-payment of any amount ordered to be paid pursuant to this Ordinance the justice may, on application of the employee in whose favour an order has been made, issue a warrant for the distress and sale of any goods and chattels of the employer not exempted from seizure under the *Exemptions Ordinance*.

Where several claim.

(2) Where the justice determines in one day the complaints of more than one employee of the same employer and amounts are ordered to be paid by the employer to more than one such employee, the justice may issue one distress warrant covering all the amounts ordered to be paid to such employees and in the event of realization thereof the employees shall share in the proportion their claims ordered to be paid bear to the total of all such claims included therein.

No imprisonment for non-obedience.

(3) The provisions of the *Criminal Code* for enforcing an order requiring payment of a sum of money do not apply to proceedings under this Ordinance.

Filing of justice's order in Territorial Court.

14. (1) An employee in whose favour an order is made under this Ordinance for a sum in excess of twenty-five dollars may file a copy of the order, signed by the justice making it, in the office of the Clerk of the Territorial Court.

Effect of filing.

(2) Upon the filing in the Territorial Court of an order for payment referred to in subsection (1) it shall become an order of such Court and may be enforced in the same manner as a judgment or order of the Court for the recovery of a debt in the amount specified in the order.

Enforcement in one court at a time only.

(3) Until a justice's distress warrant issued under section 13 has been returned showing the amount realized

thereunder, no further proceedings shall be taken by an employee on the order for payment filed in the Territorial Court.

15. (1) In the case of the death, illness, absence or resignation of the justice who has heard and determined a complaint under this Ordinance and made an order in favour of an employee for the payment of any money, any other justice, if satisfied of the fact of the order, may issue a certified copy of the order making all necessary changes therein.

Copy of order where justice has died, etc.

(2) A certified copy of an order made under subsection (1) has the same force and effect as if made by the justice who heard and determined the information and made the order.

Effective copy.

APPEALS.

16. (1) Subject to subsection (2), no appeal lies from an order of a justice made this Ordinance.

Appeal.

(2) Where an order of a justice discharges an employee from his employment or orders the payment of an amount not less than one hundred dollars exclusive of costs, an appeal lies to a judge of the Territorial Court.

Cases where allowed.

(3) The procedure on an appeal shall be by way of a new trial.

Appeal to be new trial.

17. (1) Every person appealing from an order of a justice as described in subsection (2) of section 16 shall notify in writing the justice making the order, within fifteen days after the making of the order, of his intention to appeal.

Time of appeal.

(2) On receiving notification of intention to appeal, the justice shall advise the respondent in writing as soon as possible of the appellant's intention to appeal and shall forward to the Clerk of the Territorial Court a copy of the order being appealed.

Action of justice on appeal.

(3) Where in the opinion of the judge to whom the appeal is taken extenuating circumstances exist, the time for giving the notice of intention to appeal may, on *ex parte* application, be extended for such period as to the judge seems fair and just.

Extension of time for appeal.

Justice to notify appellant of service.

(4) The justice whose order is appealed from shall notify the appellant when service of the notice of intention to appeal has been made on the respondent.

Time for hearing appeal.

18. (1) An appeal from an order of a justice shall be heard at the first sitting of the Territorial Court held in the area wherein the cause of complaint arose, next following twenty days after service of the notice of intention to appeal upon the respondent.

When appeal to act as stay of proceedings.

(2) An appeal shall operate as a stay of proceedings only in respect of the amount by which the award exceeds two hundred dollars.

Power of appeal court.

(3) Upon hearing the appeal the judge may confirm, vary or reverse the decision of the justice or make such other order in the matter as he deems fit and just.

MISCELLANEOUS.

Civil remedy preserved.

19. Except in so far as a complaint made under this Ordinance has been determined by any order made hereunder, nothing in this Ordinance shall be held to affect any civil or other remedy for the recovery of wages or damages by an employee from his employer or for the recovery of damages by an employer from his employee.

Limitation of actions.

20. No proceedings shall be instituted under this Ordinance unless brought within one year after the period of service or employment has ceased or been terminated, or within six months after the last instalment of wages under the agreement of hiring or contracting of services has become due, whichever date may be the later.

Calculation of wages where not agreed upon.

21. Where no specific rate of wages has been expressly agreed upon by the parties, the justice may order payment of wages according to the rate that appears to him to be fair and reasonable, having regard to the current rate of wages being paid for similar work in the district.

Agreement to deprive employees of benefits of Ordinance void.

22. Every term of a contract or agreement, whether oral or written, expressed or implied, whereby it is agreed that this Ordinance shall not apply, or that the remedies hereby provided shall not be available for the benefit of any person entering into such contract or agreement, is void.

**23.** (1) Subject to subsection (2), the fees and allowance set forth in the *Criminal Code* in proceedings before summary conviction courts and justices and no others are the fees and allowances that may be allowed as costs in proceedings before a justice under this Ordinance. Fees and allowances.

(2) The costs of proceedings before a justice under this Ordinance shall include, where applicable, such amounts as the justice may allow for solicitor's fees but not exceeding Solicitor's fees.

- (a) twenty-five dollars, where the amount awarded is two hundred dollars or under;
- (b) fifty dollars, where the amount awarded is over two hundred dollars and under five hundred dollars; and
- (c) seventy-five dollars, where the amount awarded is five hundred dollars or over.

**24.** The *Masters and Servants Ordinance* is repealed. Repeal.

CHAPTER 3

ORDINANCES OF THE YUKON TERRITORY  
1963 (Second Session)

AN ORDINANCE TO PREVENT DISCRIMINATION IN  
REGARD TO ACCOMMODATION AND EMPLOYMENT  
AND IN REGARD TO MEMBERSHIP IN TRADE  
UNIONS BY REASON OF RACE, RELIGION,  
RELIGIOUS CREED, COLOUR, ANCESTRY, OR  
ETHNIC OR NATIONAL ORIGIN

(Assented to November 22nd, 1963)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

- Short title.** 1. This Ordinance may be cited as the *Fair Practices Ordinance*.
- Definitions.** 2. In this Ordinance,
- "Employee."** (a) "employee" means any person who is in receipt of, or entitled to, compensation for labour or services performed for another, but does not include an independent contractor;
- "Employer."** (b) "employer" means a person, firm, corporation, agent, manager, representative, contractor, sub-contractor, or principal, having control or direction of, or responsible, directly or indirectly, for the employment of an employee;
- "Employers' organization."** (c) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- "Employment agency."** (d) "employment agency" includes a person who undertakes, with or without compensation, to procure employment for persons;
- "Trade union."** (e) "trade union" means any organization of employees formed for the purpose of regulating relations between employers and employees.

3. (1) No employer shall refuse to employ, or to continue to employ, a person or adversely discriminate in any term or condition of employment of such person, because of the race, religion, religious creed, colour, ancestry, or ethnic or national origin of such person.

Employers not to discriminate.

(2) No person shall require an applicant for employment to complete a form of application for employment that requires the applicant to give particulars as to his race, religion, religious creed, colour, ancestry, or ethnic or national origin.

Discriminatory application forms.

(3) No trade union shall exclude any person from full membership, or expel or suspend or otherwise discriminate against any of its members, or discriminate against any person in regard to his employment by any employer, because of the race, religion, religious creed, colour, ancestry, or ethnic or national origin of that person.

Membership in trade unions.

(4) No employer or trade union shall discharge, expel or otherwise discriminate against any person because he has made a complaint or given evidence or assisted in any way in respect of the initiation or prosecution of a complaint or other proceeding under this Ordinance.

Discharge, expulsion, etc.

4. (1) No person shall, because of the race, religion, religious creed, colour, ancestry, or ethnic or national origin of any person, deny to that person the accommodation, services or facilities available in any place to which the public is customarily admitted.

Discrimination prohibited.

(2) No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall

(a) deny to any person or class of persons occupancy of any apartment in any building that contains more than six self-contained dwelling units, or

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any apartment in any building that contains more than six self-contained dwelling units,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons.



Publication of discriminatory signs prohibited.

- 5. No person shall
  - (a) publish or display or cause to be published or displayed, or
  - (b) permit to be
    - (i) published in a newspaper that he controls, or
    - (ii) displayed on lands or premises that he controls,

any notice, sign, symbol, emblem or other representation indicating discrimination, or an intention to discriminate, against any person or any class of persons in respect of the accommodation, services or facilities to which section 4 applies, or in respect of employment or prospective employment, because of the race, religion, religious creed, colour, ancestry, or ethnic or national origin of that person or class of persons.

Complaint.

6. (1) Any person claiming to be aggrieved because of an alleged violation of any provision of this Ordinance may make a complaint in writing to the officer appointed by the Commissioner to inquire into complaints made under this Ordinance.

Officer appointed to hear complaint.

(2) The Commissioner may appoint an officer to inquire into any complaint made under subsection (1), and such officer shall give full opportunity to all parties to present evidence and make representations and shall endeavour to effect settlement of the matters complained of.

Recommendations of officer to Commissioner.

(3) In case a settlement of a complaint is not effected, if the officer finds that the complaint is supported by evidence, he shall recommend to the Commissioner the course that ought to be taken with respect to the complaint.

Clarifications of recommendations.

(4) After the officer has made his recommendations, the Commissioner may direct him to clarify or amplify his recommendations; and they shall be deemed not to have been received by the Commissioner until they have been so clarified or amplified.

Copy of recommendations to persons affected.

(5) Upon receipt of the recommendations of the officer, the Commissioner shall furnish a copy thereof to each of the persons affected and shall publish them, if he deems it advisable, in such manner as he sees fit.

(6) The Commissioner may issue whatever order he deems necessary to carry into effect the recommendations of the officer, including ordering reinstatement of an employee with or without compensation for loss of employment and such order shall be personally served upon the persons affected thereby.

Order of Commissioner.

7. (1) Any person affected by an order of the Commissioner may, at any time within ten days after personal service of the order upon him, appeal against the order to a judge of the Territorial Court by way of originating notice of motion to vary or set aside the order.

Appeal.

(2) The appellant shall, not less than ten days before the date for the hearing of the appeal stated in the originating notice of motion, serve on the complainant and on the Commissioner a copy of the originating notice of motion.

Service of notice.

(3) The judge of the Territorial Court may hear the appeal on the day and at the time stated in the originating notice of motion or may adjourn the hearing for such time as he deems fit, and may direct notice thereof to be served on such other persons as he deems advisable; and the hearing thereof shall be a trial *de novo* and the decision of the judge shall be conclusive and not subject to further appeal.

Hearing of appeal and effect of decision.

(4) Every person in respect of whom an order is made pursuant to subsection (6) of section 6 shall comply therewith, unless he appeals therefrom as herein provided; in which event, unless it is set aside, he shall comply with the order as affirmed or as varied on the appeal.

Compliance with order.

8. (1) Every person who violates a provision of this Ordinance is guilty of an offence and liable on summary conviction

Offences.

- (a) if an individual, to a fine of one hundred dollars and in default of payment, to imprisonment for a period not exceeding three months, and
- (b) if a corporation, trade union, employers' organization or employment agency, to a fine not exceeding five hundred dollars.

(2) Where a fine that is imposed upon a corporation under subsection (1) is not paid as directed, the prosecutor

Idem.

may, by filing the conviction, enter as a judgment the amount of the fine and costs, if any, in the Territorial Court and that judgment is enforceable against the corporation in the same manner as if it were a judgment rendered against the corporation in that Court in civil proceedings.

Payment to employee and reinstatement.

9. Where an employer is convicted for violation of section 3 by reason of his having suspended, transferred, laid off, or discharged an employee contrary to this Ordinance, the convicting judge or magistrate, in addition to any other penalty, may order the employer to pay to the employee compensation for loss of employment not exceeding such sum as, in the opinion of the judge or magistrate, as the case may be, is equivalent to the wages, salary or remuneration that would have accrued to the employee up to the date of conviction but for the suspension, transfer, lay-off or discharge; and may order the employer to reinstate the employee in his employ at such date as, in the opinion of the judge or magistrate, is just and proper in the circumstances, in the position the employee would have held but for the suspension, transfer, lay-off or discharge.

Prosecution of employers' organization or trade union.

10. A prosecution for an offence under this Ordinance may be brought against an employers' organization or trade union; and for the purpose of such a prosecution an employers' organization or trade union shall be deemed to be a person, and any act or thing done or omitted by an officer or agent of an employers' organization or trade union, within the scope of his authority to act on behalf of the organization or trade union, shall be deemed to be an act or thing done or omitted by the employers' organization or trade union.

Injunction proceedings.

11. (1) Where a person has been convicted of a violation of this Ordinance, the Commissioner may apply, by way of originating notice, to a judge of the Territorial Court for an order enjoining that person from continuing the violation and the judge, in his discretion, may make such an order.

Idem.

(2) Any order made by a judge of the Territorial Court pursuant to subsection (1) may be enforced in the same manner as any other order or judgment of that Court.

Consent to prosecution.

12. No prosecution for an offence under this Ordinance shall be instituted without the consent in writing of the Commissioner.

**13. (1) This Ordinance does not apply to employment of persons**

Where Ordinance not applicable.

- (a) in domestic service in a private home;
- (b) in any exclusively charitable, philanthropic, educational, fraternal, religious, or social organization or corporation that is not operated for private profit;
- (c) in any organization that is operated primarily to foster the welfare of a religious or racial group and that is not operated for private profit; or
- (d) where the employer employs fewer than five employees.

(2) Nothing in this Ordinance deprives any school or board of trustees thereof of the right to employ persons of any particular religion or religious creed where religious instruction forms or can form the whole or part of the instruction or training provided by such school or board of trustees pursuant to the provisions of the *School Ordinance*. <sup>Idem.</sup>

(3) Nothing in this Ordinance deprives any employer of the right to employ persons of any particular race, religion, religious creed, colour, ancestry, or ethnic or national origin in preference to other persons where such preference is based upon a *bona fide* occupational qualification. <sup>Idem.</sup>

CHAPTER 4

ORDINANCES OF THE YUKON TERRITORY  
1963 (Second Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER OF THE YUKON TERRITORY TO ENTER INTO AND EXECUTE AN AGREEMENT WITH THE GOVERNMENT OF CANADA RESPECTING THE SEAPLANE BASE AT MAYO AIRPORT

(Assented to November 22nd, 1963)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enact as follows:

Short title.

1. This Ordinance may be cited as the *Mayo Seaplane Base Agreement Ordinance*.

Commissioner may execute agreement.

2. The Commissioner may, on behalf of the Government of the Yukon Territory, enter into an agreement with the Government of Canada, under and for the purposes of the *Territorial Lands Act* to provide for the acceptance from the Government of Canada of the seaplane base at Mayo Airport at Mayo in the Yukon Territory and for the use and maintenance of the same upon such terms and conditions as may be contained in the agreement.

Amendment of agreement.

3. Any agreement made under this Ordinance may be amended

(a) with respect to the provisions of the agreement in respect of which a method of amendment is set out in the agreement, by that method; or

(b) with respect to any other provision of the agreement, by the mutual consent of the parties thereto.

Commissioner may implement agreement.

4. The Commissioner is authorized to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Yukon Territory under the agreement made under this Ordinance.

## CHAPTER 5

ORDINANCES OF THE YUKON TERRITORY  
1963 (Second Session)

AN ORDINANCE TO AMEND THE INSURANCE  
ORDINANCE

*(Assented to November 22nd, 1963)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

R.O.Y.T.  
1958, c.57;  
1959(1st)c.4

1. The *Insurance Ordinance* is amended by adding thereto, immediately after section 131 thereof, the following section:

"131A. (1) A person insured under a policy of nuclear energy hazard liability insurance issued by a group of insurers against loss or damage resulting from bodily injury to, or the death of, any person or against loss of or damage to property arising directly or indirectly from a nuclear energy hazard may, with respect to any such loss or damage and whether named in that policy or not, recover under that policy (if it is in force at the time of the event giving rise to that loss or damage) in the same manner and to the same extent as the insured and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

Nuclear  
energy  
hazard  
liability  
insurance.

(2) Subject to subsection (4), where a person is insured

Liability for  
nuclear  
energy  
hazard.

(a) under a policy of automobile insurance against loss or damage resulting from bodily injury to, or the death of, any person or against loss of or damage to property arising directly or indirectly from a nuclear energy hazard, and

(b) under a policy of nuclear hazard liability insurance described in subsection (1),

the insurer under the policy of automobile insurance is liable to indemnify the insured, whether named in those

policies or not, only for such liability as is imposed by law on the insured and that is in excess of the limits of liability under the nuclear energy hazard liability policy but that does not exceed the minimum limits prescribed by section 132.

"Nuclear energy hazard" defined.

(3) For the purpose of this section,

(a) "nuclear energy hazard" means the radioactive, toxic, explosive or other hazardous properties of substances which are referred to in the *Atomic Energy Control Act* as "prescribed substances", and

When policy deemed in force.

(b) a policy of nuclear energy hazard liability insurance shall be deemed to be in force at the time of the event giving rise to the loss or damage, notwithstanding that the limits of liability thereunder have been exhausted.

Section not to apply.

(4) This section does not apply to a policy of insurance unless the policy contains a statement that liability for loss or damage resulting from a nuclear energy hazard is limited by this section if the insured is also covered by nuclear energy hazard liability insurance."



CHAPTER 6

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ORDINANCES OF THE YUKON TERRITORY  
1963 (Second Session)

AN ORDINANCE TO AMEND THE CORPORATION  
SECURITIES REGISTRATION ORDINANCE

*(Assented to November 22nd, 1963)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

c.3.  
O.Y.T.  
1963 (1st)

1. Section 13 of the *Corporation Securities Registration Ordinance* is repealed and the following substituted therefor:

“13. The Commissioner from time to time may, by order, appoint such person or persons as he thinks proper to act as Registrar of Corporation Securities or Deputy Registrar of Corporation Securities.”



CHAPTER 7

ORDINANCES OF THE YUKON TERRITORY  
1963 (Second Session)

AN ORDINANCE TO AMEND THE MEDICAL  
PROFESSION ORDINANCE

(Assented to November 22nd, 1963)

R.O.Y.T.  
1968, c.73.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Paragraph (b) of subsection (1) of section 4 of the *Medical Profession Ordinance* is repealed and the following substituted therefor:

“(b) produces to the Commissioner a certificate under the hand of the Registrar of the Medical Council of Canada showing that his name is registered in the *Canadian Medical Register* under the provisions of the *Canada Medical Act*, and satisfies the Commissioner that he is the person named in the certificate and that he is a suitable person”.

2. The said Ordinance is further amended by adding thereto, immediately after section 7 thereof, the following section:

Temporary  
permits.

“7A. (1) The Commissioner may after consultation with the Y.M.A. issue a permit to practise medicine in such parts of the Territory upon payment of such fees and upon such terms and conditions as the Commissioner may specify in the permit to any person who

(a) has completed at least a four years' course of study in medicine or surgery or both at a school of medicine or surgery of recognized standing and has received a diploma or certificate of qualification from such school, and

(b) satisfies the Commissioner that he is the person to whom the diploma or certificate was issued, is of good character, and is qualified from the standpoint of his professional proficiency to practise as a medical practitioner, physician or surgeon.

(2) A permit issued under this section may be for such period of time as the Commissioner may specify in the permit and may after consultation with the Y.M.A. be renewed by the Commissioner from time to time, but no person shall be permitted to practice medicine pursuant to this section for more than four years.

Duration of permit.

(3) A person who holds a permit issued under this section shall, when practising medicine pursuant to this section, be deemed to be the holder of a licence."

Holder of permit deemed holder of licence.

CHAPTER 8

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ORDINANCES OF THE YUKON TERRITORY  
1963 (Second Session)

AN ORDINANCE TO AMEND THE AREA  
DEVELOPMENT ORDINANCE

*(Assented to November 22nd, 1963)*

R.O.Y.T.  
1958, c.7.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory enacts as follows:

1. Section 4 of the *Area Development Ordinance* is amended by striking out the word "and" at the end of paragraph (e) thereof, by adding the word "and" at the end of paragraph (f) thereof, and by adding the following paragraph thereto:

"(g) the regulation or the prohibition of the discharge of guns or other firearms within a development area."

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CHAPTER 9

ORDINANCES OF THE YUKON TERRITORY  
1963 (Second Session)

AN ORDINANCE TO AMEND THE MOTOR VEHICLES  
ORDINANCE

(Assented to November 22nd, 1963)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

R.O.Y.T.  
1958 c.77  
1960 (3rd)  
c.3  
1961 (1st)  
c.5  
1961 (2nd)  
c.7  
1962 (1st)  
c.21  
1962 (5th)  
c.8

1. Section 8 of th *Motor Vehicles Ordinance* is amend by adding thereto the following subsection:

“(7) A certificate of the Commissioner stating that the person named therein has not taken out or maintained in force a policy of a motor vehicle liability insurance as required by subsection (1) is admissible in evidence in a prosecution of such person for a violation of that subsection, and is *prima facie* proof of the statement contained in the certificate.”

2. Subsections (2) and (3) of section 25 of the said Ordinance are repealed and the following substituted therefor:

“(2) Subsection (1) does not apply to a person who does not reside or carry on business in the Territory for more than ninety consecutive days in each year if he holds a chauffeur’s licence or operator’s licence issued to him by his province, state or country of residence.

Exemption for non-residents.

(3) Subsection (1) does not apply to a person who is fifteen years of age or over and is learning to operate a motor vehicle where he is accompanied by a person who holds a chauffeur’s licence or operator’s licence and who sits beside the person learning to operate the vehicle for the purpose of teaching him to operate it.”

Exemption for learners.

3. The said Ordinance is further amended by the following amendment to Schedule A thereto:

(a) Paragraphs (a) and (c) of section 1 are repealed and the following substituted therefor;

(a) Trucks or truck tractors, with a load or hauling capacity of

	Full Fee	Oct. 1 Sep. 31	Jan. 1 Mar. 31
(i) 2,000 lbs. or less .....	\$15.00	\$7.50	\$4.00
(ii) 2,001 lbs to 6,000 lbs. ..	30.00	15.00	7.50
(iii) 6,001 lbs. to 10,000 lbs.	50.00	25.00	12.00
(iv) Over 10,000 lbs. ....	100.00	50.00	25.00

(b) Subsection (d) (e) and (f) of section 1 are re-designated as (c) (d) and (e).

4. Paragraphs (a) and (b) of section 2 are repealed and the following substituted therefor:

(a) public service vehicle trucks or truck tractors, with a load or hauling capacity of

(i) 2,000 lbs. or less .....	\$15.00	\$7.50	\$4.00
(ii) 2,001 lbs to 6,000 lbs. ..	30.00	15.00	7.50
(iii) 6,001 lbs. to 10,000 lbs.	125.00	62.50	32.00
(iv) Over 10,000 lbs.			
Tractors with			
two axles .....	150.00	75.00	37.50
Tractors with			
more than two axles ....	250.00	125.00	65.00

(b) public service vehicle trucks or truck tractors restricted to hauling goods through the Territory only (these vehicles to be issued a licence plate showing the letters F.T. rather than P.S.V.) with a load or hauling capacity of

(i) 10,000 lbs. or less .....	\$100.00	\$50.00	\$25.00
(ii) Over 10,000 lbs. ....	200.00	100.00	50.00

5. Section 3 and 4 of this Ordinance shall come into force on the first day of April, 1964.

6. Subsections (2) and (3) of section 76 of the *Motor Vehicles Ordinance* be repealed and the following substituted therefor:

"(2) No person shall drive a motor vehicle upon a highway at a greater rate of speed than

(a) thirty miles an hour within a municipality or settlement; or

(b) the maximum speed designated by signs erected along the highway under sections 151 and 155.

(3) The maximum permitted speed for motor vehicles on highways in the Territory outside municipalities or settlements is sixty miles per hour unless otherwise posted."

7. The Ordinance is further amended by adding to section 76 the following subsection:

"4. Notwithstanding anything to the contrary in this section contained a municipality may establish by by-law a lower maximum speed than thirty miles an hour for any highway or portion of a highway in its jurisdiction."

CHAPTER 10

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ORDINANCES OF THE YUKON TERRITORY  
1963 (Second Session)

AN ORDINANCE TO AMEND AN ORDINANCE TO  
PROHIBIT CHILDREN BEING ON THE STREETS  
AFTER NIGHTFALL

*(Assented to November 22nd, 1963)*

R.O.Y.T.  
1958, c.27.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Section 4 of the *Curfew Ordinance* is amended by deleting the "period" at the end of section 4 thereof, and by adding the following paragraph thereto:

"or by an adult duly authorized in writing by the parent or guardian."

## CHAPTER 11

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 ORDINANCES OF THE YUKON TERRITORY  
 1963 (Second Session)

 AN ORDINANCE TO AMEND AN ORDINANCE  
 EMPOWERING THE COMMISSIONER OF THE YUKON  
 TERRITORY TO GRANT A FRANCHISE TO THE  
 YUKON ELECTRICAL COMPANY LIMITED TO SELL  
 AND DISTRIBUTE ELECTRICAL ENERGY IN THE  
 TESLIN AREA, YUKON TERRITORY

*(Assented to November 22nd, 1963)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Section 2 of *An Ordinance Empowering the Commissioner of the Yukon Territory to Grant a Franchise to the Yukon Electrical Company Limited to Sell and Distribute Electrical Energy in the Teslin Area, Yukon Territory*, is repealed and the following substituted therefor:

c.1  
O.Y.T.  
1963  
(1st)

"2. The agreement made under this Ordinance may be varied or amended from time to time by agreement between the Commissioner and The Yukon Electrical Company Limited."

2. The said Ordinance is further amended by adding thereto the following section:

"3. The Commissioner shall cause any variations made to the agreement pursuant to section 2, to be tabled at the first session of the Territorial Council following such variations."



CHAPTER 12

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ORDINANCES OF THE YUKON TERRITORY  
1963 (Second Session)

AN ORDINANCE TO AMEND THE LABOUR  
PROVISIONS ORDINANCE

*(Assented to November 22nd, 1963)*

R.O.Y.T.  
1958 c.62  
1961 (3rd)  
c.3  
1962 (1st)  
c.15  
1962 (5th)  
c.9.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Section 7 of the said Ordinance is hereby repealed and the following substituted therefor:

“7. An employer who holds a contract for the performance of a public work of the Territory shall pay his employees who are engaged on or in connection with such public work not less than the prevailing wage rate applicable to the work performed by his employees as said rate is set out in the Fair Wages Schedules published from time to time by the Federal Department of Labour.”

2. This amendment shall be in force on and take effect from the first day of April 1964.

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CHAPTER 13

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ORDINANCES OF THE YUKON TERRITORY  
1963 (Second Session)

AN ORDINANCE TO REPEAL AN ORDINANCE TO  
INCORPORATE THE NORTH STAR ATHLETIC  
ASSOCIATION, LIMITED

*(Assented to November 22nd, 1963)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

c.13  
O.Y.T.  
1963.

1. *An Ordinance to Incorporate the North Star Athletic Association, Limited*, being Chapter 13 of the Ordinances of the Yukon Territory, 1903, is hereby repealed.

**TABLE OF PUBLIC ORDINANCES OF  
THE YUKON TERRITORY  
1958 - 1963 (Second Session)**

Showing all the chapters of Revised Ordinances, 1958 with amend-  
ments thereto up to and including 1963 (Second Session)

SUBJECT MATTER	R.O.Y.T. 1958 Chapter No.	AMENDMENTS
Adoption.....	1	
Agisters and Livery Stable Keepers.....	2	
Amusement Tax.....	3	
Annual Vacations.....	4	
Annuity Plan.....	5	
Arbitration.....	6	
Area Development.....	7	
Assignment of Book Debts.....	8	1963 (2nd) c.8. s.4
Bills of Sale.....	9	
Blasting.....	10	
Bulk Sales.....	11	
Business Licence.....	12	1960 (1st) c.7 s.5(2); 9(2) added 1961 (1st) c.3 s.15 added; Sched.
Cancer Diagnosis & Treatment.....	new	1962 (1st) c.11
Cemeteries.....	13	
Change of Name.....	14	
Chiropractic.....	15	
Choses in Action.....	16	
Citizenship Instruction Agreement.....	17	
City Frontage Tax (Whitehorse).....	new	1960 (1st) c.3
Collection.....	18	
Companies.....	19	1962 (1st) c.13 s.298(3)
Conditional Sales.....	20	
Contributory Negligence.....	21	
Controverted Elections.....	22	
Cooperative Associations.....	23	
Cornea Transplant.....	new	1962 (5th) c.2
Coroners.....	24	
Corporation Securities.....	new	1963 (1st) c.3 1963 (2nd) c.6 s.13
Credit Unions.....	25	
Creditors Relief.....	26	
Curfew.....	27	1963 (2nd) c.10 s.4
Defamation.....	28	
Dental Profession.....	29	
Dependents Relief.....	new	1962 (1st) c.9
Devolution of Real Property.....	30	
Disabled Persons Allowance.....	31	1962 (1st) c.16 s.3(1); 4(a)
Distress.....	32	
Dog.....	33	
Elections.....	34	1960 (3rd) c.4 s.4; 5(b)(c); 8; Sched.
Employment Agencies.....	35	

## TABLE OF PUBLIC ORDINANCES

SUBJECT MATTER	R.O.Y.T. 1958 Chapter No.	AMENDMENTS
Engineering Profession.....	36	1961 (1st) c.8 s.2 (bb)(i) added; 8; 12 (i)(d)(e)(f); 12(2)(3)(4) (5); 13; 14(1); 16; 17(1)(2); 18; 20; 22; 25(2) added; 26 (1)(3); 31; 32; 1963 (1st) c.7; s.17 A added
Evidence.....	37	
Exemptions.....	38	
Factors.....	39	
Fair Practices.....	new	1963 (2nd) c.3
Fatal Accidents.....	40	
Ferries.....	41	
Financial Administration.....	42	
Financial Agreement.....	43	1963 (1st) 10. s.21
Financial Agreement 1962.....	43	1962 (1st) c.4
Fire Investigation.....	44	Repealed by 1962 (5th) c.3
Fire Prevention.....	45	Repealed by 1962 (5th) c.3
Fire Prevention.....	new	1962 (5th) c.3
Fitness and Amateur Sport.....	new	1962 (5th) c.1
Floral Emblem.....	46	
Forest Protection.....	47	1963 (1st) 11. s.11; 16(1)(a) 1st of July, 1963.
Franchises:		
Mayo Utilities-Telephone.....	48	1952 (1st) c.6 1953 (1st) c.11 s.1; 2
Electrical-Whitehorse.....	48	1954 (2nd) c.2
"    Haines Junction.....	48	1958 (1st) c.13
"    Watson Lake.....	48	1959 (2nd) c.3
"    Carcross.....	48	1960 (3rd) c.1
"    Carmacks.....	48	1961 (1st) c.1
"    Teslin.....	48	1963 (1st) c.1
"    Teslin.....	48	1963 (2nd) c.11 s.2; 3 added
Frustrated Contracts.....	48	
Fuel Oil Tax.....	new	1962 (1st) c.6 1962 (5th) c.15 s.3
Fur Export.....	49	1961 (2nd) c.11 Sched. A.
Game.....	50	1959 (1st) c.3 s.2(1); 8; 9A & 9B added; 14A added; 25 (2); 27(1); 34(1); 36; 42(2); 49(1); 74(3)(4)(5); 81(b) 1959 (2nd) c.4 s. 39(1) 1961 (2nd) c.10 s.78(3)(4) added; Sched A; 9A added
Garage Keepers.....	51	
Garnishee.....	52	
Hospital Aid.....	53	Repealed by 1959(1st) c.1.
Hospital.....	new	1959 (1st) c.1 1960 (1st) c.4 s.2(b); 6
Hotel Keepers.....	54	
Illegitimate Children.....	55	
Insane Persons.....	56	
Insurance.....	57	1959 (1st) c.4 Part III repealed 1962 (5th) c.7 s.48 1963 (2nd) c.5 s.131 A added

## TABLE OF PUBLIC ORDINANCES

SUBJECT MATTER	R.O.Y.T. 1958 Chapter No.	AMENDMENTS
Interpretation.....	58	1959 (1st) c.5 s.37 added
Intestate Succession.....	59	1962 (1st) c.19 s.5
Judicature.....	60	1960 (3rd) c.5 s.14; 51(1), 1961 (1st) c.7 s.51(1)
Jury.....	61	1961 (3rd) c.1 s.9; 14(5); 19(2)
Labour Provision.....	62	1961 (3rd) c.3 s. 3A added 1962 (1st) c.15 s.4; 6 1962 (5th) c.9 s.10; 11 added 1963 (2nd) c.12 s.7
Landlord and Tenant.....	63	
Legal Profession.....	64	1962 (1st) c.14 s.26 added
Legitimation.....	65	
Limitation of Actions.....	66	
Liquor.....	67	1959 (1st) c.6 s.12(1); 30(1) (3); 76(3) added. 1961 (2nd) c.6 s.37(1) 1962 (1st) c.18 s.2(1)(y); 9; 12A; 12B; 12C; 12D; 12E added; 12(2); 15 (9) (10) (11) (12) (13) added; 50(2); 31(1) (a)(b)(c); 31(2); 37(2); 76; 77 1962 (5th) c.11 s.12A(1) 1962 (5th) c.14 s.8(2) 1963 (1st) c.9 s.12A(7)(9); 12B (7); 12D(4); 15; 1963 (1st) c.12 s.45
Loan Agreement (1961) no. 1.....	new	1961 (2nd) c.21
Loan Agreement (1961) no. 2.....	new	1961 (2nd) c.4
Loan Agreement (1961).....	new	1961 (3rd) c.4
Loan Agreement (1961) no. 1.....	new	1962 (1st) c.2
Lords Day (Yukon).....	new	1962 (1st) c.3
Low Cost Housing.....	new	1962 (1st) c.1 1963 (1st) c.8 s.2; 3(2) (a); 3 (2)(c); 3(3)(a); 3(3)(d); 4(1)(a) added.
Low Rental Housing Agreement.....	new	1962 (1st) c.3 1963 (1st) c.13 1963 (1st) c.13 Repealed
Maintenance.....	68	
Marriage.....	69	
Married Womens Property.....	70	
Masters and Servants.....	71	Repealed 1963 (2nd) c.2
Mayo Seaplane Base Agreement.....	new	1963 (2nd) c.4
Mechanics Lien.....	72	
Medical Profession.....	73	1963 (2nd) c.7 s.4; 7A added.
Miner's Lien.....	74	
Mining Safety.....	75	

**TABLE OF PUBLIC ORDINANCES**

SUBJECT MATTER	R.O.Y.T. 1958 Chapter No.	AMENDMENTS
Motion Picture.....	76	
Motor Vehicles.....	77	1960 (3rd) c.3 s.5(2); 6(3)(6) (11)(12); 7(2); 8(1); 11(3); 13(c); 14(2); 15(2)(4); 19(1) (2); 22(1)(2)(6)(8); 27(2)(3) added; 29; 34(1); 34(3) add- ed 41(1)(4); 49A & 49B added; 138A added; 163(2); Sched. A. & B. 1961 (1st) c.5 s.2; 49B 1961 (2nd) c.7 s.76(2) 1962 (1st) c.21 s.22(3); 22(6) (7); s.3 of Sched. 1962 (5th) c.8 Sched. A1 & 2 1963 (2nd) c.9 s.8; 25; 76; Sched. A Repealed by 1962 (1st) c.6 Repealed by 1959 (2nd) c.1 1959 (2nd) c.1 1960 (1st) c.6 s.99(aa) added; 288; Sched. B(d); Sched. B(g) added 1961 (1st) c.6 s.109; 124(3); 133; 144; 238(b) 1961 (2nd) c.5 s.71(3) 1961 (2nd) c.9 s.122; 194 1961 (3rd) c.2 s.194 1962 (1st) c.22 s.194; 195; 228(1); 240 1962 (5th) c.10 s.34; 118; 194 1962 (5th) c.13 s.97A added; 121 1962 (5th) c.16 s.240(1) 1963 (1st) c.5 s.240
Motor Vehicle Fuel Tax.....	76	Repealed by 1962 (1st) c.6
Municipal.....	79	Repealed by 1959 (2nd) c.1
Municipal.....	new	1959 (2nd) c.1 1960 (1st) c.6 s.99(aa) added; 288; Sched. B(d); Sched. B(g) added 1961 (1st) c.6 s.109; 124(3); 133; 144; 238(b) 1961 (2nd) c.5 s.71(3) 1961 (2nd) c.9 s.122; 194 1961 (3rd) c.2 s.194 1962 (1st) c.22 s.194; 195; 228(1); 240 1962 (5th) c.10 s.34; 118; 194 1962 (5th) c.13 s.97A added; 121 1962 (5th) c.16 s.240(1) 1963 (1st) c.5 s.240
Newspaper.....	80	
Noise Prevention.....	81	
Old Age Assistance and Blind Persons Allowance.....	82	1961 (1st) c.2 s.4(c) 1962 (1st) c.17 s.3(1)(2); 4(a)(b)
Optometry.....	83	
Partnership.....	84	
Pawn Brokers and Second Hand Dealers.....	85	
Petroleum Products.....	86	
Pharmaceutical Chemists.....	87	
Police Magistrate's Courts.....	88	
Poll Tax.....	89	Repealed 1962 (1st) c.5
Pounds.....	90	
Presumption of Death.....	new	1962 (5th) c.5
Protection of Children.....	91	
Public Health.....	92	1959 (1st) c.8 s.2(g); 2(w); 3 (x) added; Part II; 14; 17. 1961 (1st) c.9 Sched. A. 1962 (5th) c.12 s.3; 5; 6; 7; 8; 9; 10; 10A; 10B; Heading before II.
Public Printing.....	93	

**TABLE OF PUBLIC ORDINANCES**

SUBJECT MATTER	R.O.Y.T. 1958 Chapter No.	AMENDMENTS
Public Service.....	94	1962 (1st) c.20 s.11; 12; 1962 (1st) c.23 s.18(1)(2)(3)(4)
Reciprocal Enforcement of Judgments.....	95	
Reciprocal Enforcement of Maintenance Orders.....	96	
Recording of Evidence by Sound.....	new	1963 (2nd) c.1
Sale of Certain Lands (W'horse).....	new	1960 (1st) c.1
Sale of Goods.....	97	
Saw Logs Driving.....	98	
School.....	99	Repealed by 1962 (1st) c.7
	new	1962 (1st) c.7
Scientists and Explorers.....	100	
Societies.....	101	
Steam Boilers.....	102	
Survivorship.....	new	1962 (5th) c.4
Taxation.....	103	Repealed by 1959 (2nd) c.2
	new	1959 (2nd) c.2 1960 (1st) c.5 s.3(f) 1961 (1st) c.4 s.2(g); 3(f); 3(j) added; 1963 (1st) c.5 s.73(b)
Tenants in Common.....	104	
Territorial Employees Superannuation.....	new	1963 (1st) c.4
Trustee.....	105	
Unemployment Assistance Agreement.....	new	1959 (1st) c.2
Variation of Trusts.....	new	1962 (5th) c.6
Vital Statistics.....	106	
Vocational Training Agreement.....	107	
Wages Recovery.....	new	1963 (2nd) c.2
Warehousemen's Lien.....	108	
Whitehorse Land Sale and Loan (1961).....	new	1961 (2nd) c.1
Wills.....	109	
Woodmen's Lien.....	110	
Workmen's Compensation.....	111	1959 (1st) c.9 s.13(1) 1961 (2nd) c.8 s.25(1)(a)(d) (e); 25(ea) added; (f).
Yukon Hospital Insurance Services.....	new	1960 (1st) c.2
Yukon Housing (1961).....	new	1961 (2nd) c.3 1962 (1st) c.12 s.3(3)(b)
Yukon Lands.....	112	
Yukon Social Service Society.....	new	1962 (1st) c.10





