



# ORDINANCES

of the

# YUKON TERRITORY



passed by the

# Yukon Council



In the Year

1975

THIRD SESSION

J. Smith, Commissioner



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ORDINANCES OF THE YUKON TERRITORY

1975

<u>CHAPTER NO.</u>	<u>TITLE</u>	<u>PAGE</u>
1	Highways Ordinance	1
2	Legal Aid Ordinance	15
3	An Ordinance to Amend the Area Development Ordinance	24
4	An Ordinance to Amend the Community Assistance Ordinance	25
5	An Ordinance to Amend the Companies Ordinance	27
6	An Ordinance to Amend the Elections Ordinance	62
7	An Ordinance to Amend the Game Ordinance	66
8	An Ordinance to Amend the Hospital Insurance Services Ordinance	74
9	An Ordinance to Amend the Labour Standards Ordinance	76
10	An Ordinance to Amend the Legal Profession Ordinance	78
11	An Ordinance to Amend the Medical Profession Ordinance	103
12	An Ordinance to Amend the Motor Vehicles Ordinance	114
13	An Ordinance to Amend the Pharmaceutical Chemists Ordinance	132
14	An Ordinance to Amend the Public Health Ordinance	142
15 N.C.N.R.	Third Appropriation Ordinance, 1975/76	143
	Table of Ordinances	145

CHAPTER 1  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

HIGHWAYS ORDINANCE

(Assented to December 15, 1975)

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

- |        |  |             |
|--------|--|-------------|
| 1. (1) | This Ordinance may be cited as the <i>Highways Ordinance</i> . | Short Title |
|--------|--|-------------|

INTERPRETATION

- |        |   |                             |
|--------|---|-----------------------------|
| 2. (1) | In this Ordinance   | Definitions                 |
|        | "construction" means the construction or reconstruction of a highway and the doing of any other work necessary to put a highway in a condition for use by vehicles, but does not include maintenance;   | "construction"              |
|        | "controlled access highway" means a highway<br>(i) on to which persons have a right to enter from abutting land, and<br>(ii) from which persons have a right to enter on to abutting land, only at fixed locations;   | "controlled access highway" |
|        | "curb and gutter" means a paved waterway constructed at the edge of paving to control surface water;  | "curb and gutter"           |
|        | "ditches" means unpaved waterways constructed at the edge of the travelled way to control surface or subsurface water;  | "ditches"                   |
|        | "driveway" means that area between the curb or ditch and the property line which is constructed to provide vehicular access from the travelled way to the property line and includes a culvert at the ditch, or paving if the travelled way is paved;   | "driveway"                  |
|        | "gross weight" means the weight of the motor vehicle when loaded;   | "gross weight"              |
|        | "highway" includes any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles; | "highway"                   |

"lighting"                    "lighting" means illumination by overhead lights;

"maintenance"                "maintenance" means the preserving and keeping of each road structure or other facility within a designated right-of-way as nearly as possible to its design standard, as constructed or subsequently improved, and any additional work necessary to keep traffic moving safely, but not including deviation from the original design standard of the facility, such as relocation of grade or right-of-way or replacement of structures or facilities to a higher design standard;

"municipal boundaries"        "municipal boundaries" means the geographical limits of municipal responsibilities as defined by ordinance or regulation;

"municipality"                "municipality" means a municipal corporation;

"officer"                      "officer" means any member of the Public Service employed in the administration of this Ordinance and includes any member of the R.C.M.P.;

"overload"                    "overload" means,  
    (i)        the number of pounds derived by subtracting from the gross weight of a vehicle the licensed gross weight; or  
    (ii)       the number of pounds derived by subtracting from the weight on any one axle or combination of axles of a vehicle the weight authorized by regulation to be carried on the axle or combination of axles;

"oversize"                    "oversize" means the amount derived by subtracting from the outside width, height, or overall length of a vehicle with its load (if any) the permissible outside width, height, or overall length prescribed under this Ordinance and the regulations made hereunder;

"park"                         "park", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading;

"paving"                      "paving" means a flexible or rigid pavement structure composed of courses of selected material placed on the foundation or subgrade soil, for the use of vehicle traffic including parking spaces on public roads;

"roadway"                      "roadway" means the portion of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;

<p>"sidewalk" means an area between the curb and property line which is constructed to serve pedestrian traffic and includes any grassed areas between the curb and property line;</p> <p>"storm sewers" are underground conduits with appurtenances constructed to convey surface water to a disposal area;</p> <p>"Territorial Highway" means a highway within the Territory that is not under the jurisdiction of a municipality and is not privately owned, but does not include a service or frontage road contiguous to a Territorial Highway;</p> <p>"traffic" includes pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using a highway for purposes of travel;</p> <p>"traffic control device" means a sign, signal, marking or device not inconsistent with this Ordinance placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic;</p> <p>"traffic control signal" means a device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed.</p>	<p>"sidewalk"</p> <p>"storm sewers"</p> <p>"Territorial Highway"</p> <p>"traffic"</p> <p>"traffic control device"</p> <p>"traffic control signal"</p>
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PART I

CLASSIFICATION AND IMPROVEMENT OF HIGHWAYS

- 3. (1) The Commissioner has authority over all highways in the Territory whether on public or private land.
- (2) No person shall construct a highway on public land except under the authority of the Commissioner.
- (3) The Commissioner may by regulation provide
  - (a) for the control and management of the construction and maintenance of highways on public lands; and
  - (b) for the issuing of permits for the construction or maintenance of highways on public lands and any conditions to be imposed in respect of such permits.
  
- 4. (1) The Commissioner may by order designate as a Territorial Highway                      Designation of highways
  - (a) any existing highway in the Territory, or
  - (b) any proposed highway,and may prescribe a route number and name for the highway so designated.

Description of highway	(2)	In an order under this section, the existing highway or the land to be used for the proposed highway is sufficiently described if its location is indicated on a map attached to the order or referred to in the order showing the route of the highway.
Prohibition	(3)	No order shall be made under this section in respect of a highway or proposed highway within a municipality unless the title to the highway or the land to be used for the proposed highway is vested in Her Majesty.
Control of highways	5. (1)	All Territorial Highways are, notwithstanding anything in the <i>Municipal Ordinance</i> , subject to the direction, control and management of the Commissioner.
Responsibility of highway authority	6. (1)	Subject to an appropriation in that behalf by the Council of the Yukon Territory the Commissioner is responsible for the costs of construction and maintenance of all Territorial Highways.
	(2)	Construction of a Territorial Highway includes grade construction, paving, curb and gutter, sidewalks, driveways, storm sewers, lighting and traffic control devices.
	(3)	The control of construction and maintenance of a Territorial Highway is vested in the Commissioner.
Commissioner may enter into agreements	7. (1)	The Commissioner may, subject to such terms and conditions as may be agreed upon, enter into agreements with the Government of Canada for the construction and maintenance of highways, bridges and ferries.
	(2)	The Commissioner may, subject to such terms and conditions as may be agreed upon, enter into agreements with appropriate authorities in other jurisdictions for the construction and maintenance of highways, bridges and ferries.
	8. (1)	Notwithstanding the provisions of any other Ordinance, no person shall
	(a)	dig up, break up, or remove any part of the improved, graded, surfaced, or travelled portions of any Territorial Highway for the purpose of any work constructed or maintained or proposed to be constructed in, upon or over the highway, or for any purpose whatsoever;
	(b)	excavate in or under any Territorial Highway; or
	(c)	place or deposit any sign, erection, obstruction or material upon any Territorial Highway,

except with the consent of the Commissioner and after having obtained from him a permit in writing therefor, and subject to such conditions to be set out in the permit as the Commissioner may consider proper.

- (2) Every person violating any of the provisions of subsection (1) is liable, on summary conviction, to a fine not exceeding two hundred and fifty dollars.
- (3) The court that convicts a person of an offence under paragraph (1)(c) may also order the convicted person to forthwith remove any obstruction or material deposited on the highway and to desist from further illegal obstruction or deposition of material and any breach of such order is an offence. **Removal**
- (4) Where any person contravenes paragraph (1)(c), the Commissioner may remove the obstruction or material deposited on the highway or repair the highway, as the case may be, and recover his expenses incurred in so doing from that person as a debt due to the Territory.
- (5) Subsection (4) applies whether or not a conviction is made under subsection (2) or an order is made under subsection (3). **Application**
- (6) No part of the expense of any work constructed or maintained or thing done by any person under a permit granted by the Commissioner under subsection (1) shall be borne by the Commissioner, nor is the Commissioner liable for any loss or damage caused to persons or property directly or indirectly, by any work constructed or maintained or thing done under the permit.
9. (1) The Commissioner may enter into an agreement with any person under which that person agrees to contribute the whole or part of the costs of construction of any traffic interchange, underpass, overpass or any other addition or improvement with respect to a Territorial Highway. **Traffic interchange**

## PART II

### CONTROL OF ACCESS AND ADJACENT DEVELOPMENT

- 10.(1) A person **Abrogation of common law rights**
- (a) is not, of right, entitled to any direct access to or from a Territorial Highway from or to any land adjacent thereto, and
- (b) does not have any right of easement, light, air, or view to, from or over a Territorial Highway.
- (2) No person is entitled as of right to any compensation solely by reason of the designation of a Territorial Highway.

- (3) Where, because of a Territorial Highway relocation, a property which abutted the highway no longer so abuts, the owner of the property is not entitled to any compensation.
  - (4) Notwithstanding subsection (3) where it is practical and reasonable to do so, the Commissioner may provide continued access to any property mentioned in subsection (3) either by continued maintenance of the former highway or by constructing an access road to the property.
- Buildings dangerous or unsightly**
- 11.(1) If an unoccupied building, structure, fixture or excavation within the right-of-way of a Territorial Highway
    - (a) is, by reason of its ruinous, dilapidated, unsafe or unprotected condition, dangerous to public safety or health, or
    - (b) is, because of its unsightly condition, detrimental to the surrounding area,the Commissioner may make an order under this section with respect to the building, structure, fixture or excavation.
- Order to remedy**
- (2) Any such order may require the owner within a period of time which shall not be less than sixty days from the date of the making of the order,
    - (a) to remedy the condition in the manner and to the extent directed in the order, or
    - (b) to demolish or remove the building, structure or fixture or fill the excavation and level the site thereof.
- Failure to remedy**
- (3) If the owner does not remedy the condition within the period specified in the order, or the building, structure or fixture has not been demolished or removed at the expiration of the period specified in the order, the Commissioner may cause the condition to be remedied to the extent directed in the order or cause the unoccupied building, structure or fixture to be demolished or removed or the excavation to be filled and the site thereof levelled.
- Removal**
- (4) The removal may be done by way of selling the building, structure or fixture, in which case the net proceeds realized from the sale shall be paid to the owner, mortgagee or other person entitled thereto.
- Where proceeds insufficient**
- (5) If the proceeds from the sale of the building, structure or fixture are insufficient to meet the costs of the demolition or clearance of the site, or if no proceeds are realized from the demolition and removal of the building,



structure or fixture, or the condition is remedied by the Commissioner, the Commissioner may charge the costs of the work done against the owner, mortgagee or other person entitled thereto and recover the costs as a debt due to the Territory.

- (6) Any person who thinks himself aggrieved by an order of the Commissioner made under this section may apply to the Supreme Court within thirty days from the date of making the order, and if the court is satisfied that
- (a) the proper procedure as set forth in this section has not been followed, or
- (b) the Commissioner has acted in a manner contrary to the intent and meaning of this section,
- the court may set aside or vary the order of the Commissioner as it considers just.
- 12.(1) The Commissioner may designate any Territorial Highway or any portion thereof as a controlled access highway.
- (2) Where, on a controlled access highway, there is a sign indicating a location at which vehicles are permitted to enter, no person shall drive a vehicle onto the highway except at that location.
- (3) Where on a controlled access highway there is a sign indicating a location at which vehicles are permitted to leave, no person shall drive a vehicle from the highway except at that location.
- (4) The Commissioner may in accordance with the regulations close
- (a) any highway providing access to or from a Territorial Highway, or
- (b) any means of access between a Territorial Highway and land adjacent to the highway.
- (5) No person shall be means of a motor vehicle enter upon or leave a Territorial Highway except by way of
- (a) a highway connecting with the Territorial Highway;
- (b) a means of access in existence prior to the designation of the highway as a Territorial Highway under section 4, and not subsequently closed by the Commissioner pursuant to subsection (4);

Appeal

Controlled  
access  
highwayClosing of  
access to  
highwaysEntering  
highway



in which construction or maintenance is being carried out, for such time as is considered necessary.

- |        |  |                                |
|--------|--|--------------------------------|
| (2)    | Where a highway is closed pursuant to this section, no person shall enter upon or travel on the highway unless he is authorized to do so by the Commissioner or unless he enters upon or travels on the highway in the course of his duties in connection with the construction or maintenance being done on that highway. | Entry to closed highway        |
| (3)    | Every person using a highway closed to traffic in accordance with this section does so at his own risk and the Commissioner is not liable in any action for damages resulting from the use by a person of a highway so closed to traffic.  | Closed highways                |
| 17.(1) | The Commissioner may by order close the whole or any portion of a Territorial Highway.   | Closure of highway             |
| 18.(1) | An officer may close the whole or any portion of a Territorial Highway where it is in the interest of public safety to do so.  |                                |
| 19.(1) | Where a peace officer finds upon any land conditions existing which may cause danger to life or to property of any person travelling on a Territorial Highway, the peace officer may enter upon the land with such equipment and persons as he deems necessary and do any acts necessary to remedy the conditions.         | Remedying dangerous conditions |
| 20.(1) | No person is entitled to compensation in respect of damages resulting from any acts done pursuant to section 18.   | No compensation                |
| (2)    | Compensation is payable in respect of damage resulting from acts done pursuant to section 19 unless the damage has been rectified.   |                                |
| 21.(1) | Where the Commissioner considers it expedient to do so, he may establish and operate a ferry over or on a river, stream, lake or other body of water, and may do such other works as are necessary for the operation of the ferry.   | Ferries                        |
| (2)    | The Commissioner may by regulation provide for the licencing of ferries including  |                                |
| (a)    | the term of the licence;   |                                |
| (b)    | the rate of tolls to be charged;   |                                |
| (c)    | the hours of operation;  |                                |
| (d)    | the person who may be charged;   |                                |
| (e)    | the liability of ferry operators; and  |                                |
| (f)    | generally for the control and regulation of ferries.   |                                |

Weigh  
scales

- 22.(1) The Commissioner may establish and operate weigh scales at such places as he deems necessary.
- (2) The Registrar of Motor Vehicles is responsible for the weighing of vehicles and the issuance of overload and oversize permits, and may upon application accompanied by the prescribed fee, issue
- (a) an overload permit for the operation on a highway of a vehicle that is overloaded;
- (b) an oversize permit for the operation on a highway of a vehicle that is oversize.
- (3) A vehicle
- (a) is overloaded if a computation as defined in section 2 with respect thereto would result in an overload; and
- (b) is oversize if a computation as defined in section 2 with respect thereto would result in an oversize.
- (4) No person shall drive or operate on a Territorial Highway a vehicle which is overloaded or oversize except under the authority of a permit to that effect issued under this Ordinance in respect of the vehicle and in accordance with that permit and with the regulations in that behalf made under this Ordinance.
- (5) A person who contravenes subsection (4) commits an offence and is liable on summary conviction, to a fine of not more than five hundred dollars, and in default of payment to imprisonment for a term not exceeding six months, and in addition shall be ordered to pay triple the fee found to be due, and every violation of subsection (4) is a separate and distinct offence.

Traffic  
signs

- 23.(1) The Commissioner may mark or erect along any Territorial Highway traffic signs or devices
- (a) prescribing rate of speed;
- (b) regulating or prohibiting parking and designating parking areas;
- (c) prescribing load limits for any vehicle or class of vehicles;
- (d) prohibiting or regulating the use of any highway by any vehicle or class of vehicles;
- (e) designating any highway as a one-way highway;

- (f)            for stopping vehicles;
  - (g)            for regulating pedestrian traffic;
  - (h)            for directing or controlling in any other manner traffic on any highway; and
  - (i)            information, destination or distance indicators.
- (2)            Except as authorized by subsection (1), no person shall mark or erect any traffic sign or device along a Territorial Highway.
- (3)            No person shall, without the authority of the Commissioner, remove or deface any traffic sign or device mentioned in subsection (1) along a Territorial Highway.
- 24.(1)        No person shall erect or maintain upon or in view of a Territorial Highway a device that purports to be, resembles or interferes with the effectiveness of a traffic control device, unless he is authorized to do so by the Commissioner.                      No person can erect a device that resembles a traffic control device
- 25.(1)        No person shall place or maintain advertising upon a traffic control device on a Territorial Highway.                      Commercial advertising
- 26.(1)        Except with lawful authority, no person shall alter, injure or remove or attempt to alter, injure or remove a traffic control device or any part thereof on a Territorial Highway.                      Altering or destroying traffic device
- 27.(1)        A person who wilfully defaces, knocks down, moves, injures or renders illegible, a traffic control device or illumination device placed or erected along a Territorial Highway by the Commissioner is guilty of an offence.                      Injury to traffic device etc.
- (2)            In fixing a fine under this section the court may                      Penalty
- (a)            take into account any damage that has been done to the sign, signal or traffic control device, and
  - (b)            include in the fine such sum as appears to the court to be the amount of the damage caused.
- 28.(1)        Subject to subsection (3), where outside of a business or residential district along a Territorial Highway it is practicable to stop, park or leave a vehicle off the roadway, no person shall stop, park or leave the vehicle either unattended or attended on the roadway.                      Vehicles to be left off roadway where possible
- (2)            Subject to subsection (3), no person shall park a vehicle so as to obstruct the free passage of traffic on a Territorial Highway or any traffic lane thereof.

- (3) Subsections (1) and (2) do not apply when a vehicle is so disabled that it is not practicable to avoid stopping and temporarily leaving it on a Territorial Highway.

Traffic  
Officer has  
right to  
move vehicle

- 29.(1) Where a vehicle is standing or parked
  - (a) in violation of section 28;
  - (b) in a position that causes it to interfere with removal of snow from a Territorial Highway by a person authorized to do so by the Commissioner; or
  - (c) in a position that causes it to interfere with fire fighting,

an officer may move the vehicle to a position determined by him or require the driver or person in charge of the vehicle to do so.

- (2) When an unattended vehicle is
  - (a) parked in violation of section 28 or 30; or
  - (b) apparently abandoned on or near a Territorial Highway;

an officer may take the vehicle into his custody and cause it to be taken to and stored in a safe and suitable place.

- (3) All costs and charges incurred in moving and storing a vehicle under subsection (1) or (2) are a lien on the vehicle and may be recovered by the person who did the moving or storing under the provisions of the *Mechanics' Lien Ordinance* as though the costs and charges were a lien under section 31 of that Ordinance.

Parking  
restrictions

- 30.(1) Except when necessary to avoid conflict with traffic or to comply with the law or the directions of an officer or traffic control device, no person shall stop, stand or park a vehicle
  - (a) on a sidewalk;
  - (b) in front of a public or private driveway;
  - (c) within an intersection;
  - (d) on a crosswalk;
  - (e) within twenty feet of the approach side of a crosswalk;
  - (f) within thirty feet of any flashing beacon, stop sign or traffic control signal located at the side of a roadway.

## PART IV

## ADMINISTRATION

- 31.(1) The Commissioner may make such regulations and prescribe such forms as may be necessary to carry out the provisions of this Ordinance. Commissioner may make regulations
- (2) Notwithstanding the generality of subsection (1) the Commissioner may make regulations
- (a) respecting the duties and powers of officer;
  - (b) respecting the persons who may issue permits under this Ordinance;
  - (c) prescribing the form of permits issued under this Ordinance;
  - (d) respecting the persons who may exercise the powers and carry out the duties imposed upon the Commissioner pursuant to this Ordinance;
  - (e) respecting
    - (1) the closing of a Territorial Highway or part thereof, or
    - (11) the restriction of traffic including the type, weight of load and speed of vehicles on a Territorial Highway or part thereof,  
  
whenever and for such period of time as he deems necessary to prevent serious damage to a highway or to insure the safety of persons using the highway;
  - (f) providing permissible gross weights and axle loading; the weight on any tire, axle, or wheel; the number of axles or wheels; the method of determining wheelbase; the weight on groups of axles and the weight according to wheelbase, for vehicles;
  - (g) prescribing the method of determining any fact necessary to be determined for the purpose of computing the amount payable under this Ordinance or the regulations and the person or official by whom the fact shall be determined;
  - (h) providing for and compelling the weighing of vehicles and the furnishing of satisfactory evidence of their weight, and providing for the removal from any vehicle of a load or any portion of a load where it is found that the weight is in excess of that prescribed in the regulations and for redistribution of the load;

- (i) with respect to the issuance and conditions of overload and oversize permits;
- (j) prescribing the permissible width, length, height, projections, and overhangs of and from loads and vehicles;
- (k) providing for the issuance of permits for the operation of vehicles on specified highways and prescribing conditions thereof;
- (l) prescribing the fees to be established under this Ordinance;
- (m) generally for carrying out the purposes and provisions of this Ordinance.

32.(1) Any person contravening any of the provisions of this Ordinance or the regulations for which no penalty is specifically provided, is guilty of an offence and liable on summary conviction to a fine of not more than two hundred dollars and in default of payment of the fine to a term of imprisonment of not more than fifteen days.

Coming into  
force

33.(1) This Ordinance or any portion thereof shall come into force on such day or days as may be fixed by the Commissioner.



CHAPTER 2  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

LEGAL AID ORDINANCE

(Assented to December 15, 1975)

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

1. (1) This Ordinance may be cited as the *Legal Aid Ordinance*. Short Title

INTERPRETATION

2. (1) In this Ordinance, Definitions
- "applicant" means an applicant for Legal aid and includes a person in respect of whom Legal Aid has been approved; "applicant"
- "applicant's fund" means the total of all monies received by the Territory under section 15 in respect of a particular applicant, together with any other monies paid to the Territory by or on behalf of that applicant; "applicant's fund"
- "certificate" means a Legal Aid certificate authorizing Legal Aid services and approved by the Legal Aid Committee; "certificate"
- "committee" means the Legal Aid Committee established pursuant to section 4; "committee"
- "costs incurred" means lawyer's costs and other expenses incurred by the Territory in the course of and as a consequence of furnishing Legal Aid to an applicant; "costs incurred"
- "eligible" means eligible for Legal Aid under this Ordinance and the regulations; "eligible"
- "interim certificate" means an interim legal aid certificate authorizing Legal Aid services until a certificate has been approved or denied by the Committee; "interim certificate"
- "lawyer" means a member of the Yukon Bar who has agreed in writing to furnish Legal Aid services; "lawyer"
- "panel" means the panel of lawyers prepared pursuant to section 12. "panel"

Legal Aid

3. (1) Subject to this Ordinance and the regulations, a lawyer may furnish Legal Aid in such civil and criminal matters including appeals as are provided for by this Ordinance and the regulations,
- (a) without charge to any individual who is unable to pay for the Legal Aid furnished; and
  - (b) with a partial charge to any individual who is able to pay a portion of the cost of such legal aid,
- upon receipt of a Legal Aid certificate, where the applicant is found eligible.

Legal Aid  
Committee

4. (1) There shall be a Legal Aid Committee consisting of three members to be appointed by the Commissioner.
- (2) One of the members shall be appointed on the nomination of the President of the Yukon Law Society.
  - (3) The Commissioner may appoint a person to be the Secretary of the Committee.
  - (4) The Chairman shall be appointed by the Commissioner.
  - (5) The members of the Committee shall appoint a vice-chairman from amongst their number.
  - (6) In the absence of the Chairman the vice-chairman has the powers of the Chairman.
  - (7) A member of the Committee whose term of office has expired is eligible for re-appointment.
  - (8) Each member of the Committee shall hold office during pleasure for a term not exceeding three years and shall be paid such remuneration as may be determined by the Commissioner.
  - (9) The members of the Committee shall be paid such travelling and living expenses incurred by them in the performance of their duties as members of the Committee as may be determined by the Commissioner.
  - (10) In the absence of a member, or his inability to act, or in the case of a vacancy in the office, the remaining members shall exercise the powers of the Committee.
  - (11) The Commissioner may appoint, in the same manner as the original appointment, a person to act in the stead of any member of the Committee who is unable, at any time to perform the duties of his office.
  - (12) The Committee may make rules governing its own procedure and the calling and conduct of its meetings.

- (13) Two members of the Committee shall constitute a quorum.
  - (14) A member of the Committee who is a lawyer shall not be present while any matter involving the taxing of his own accounts or directly concerning his conduct in the furnishing of Legal Aid is under discussion by the Committee.
  - (15) Notwithstanding subsection (14) a lawyer mentioned in that subsection may appear before the Committee as a party or as counsel to a party in the same manner as any other lawyer appearing before the Committee.
  - (16) A member of the Committee who is a public servant shall not take part in any decision of the Committee respecting the granting or continuing of Legal Aid in a civil action in which the Territory or Canada or any public official of the Territory or Canada in his official capacity is a party.
  - (17) Subsection (16) does not apply where the matter concerns the taxing of an account.
  - (18) Where, pursuant to subsection (16), a public servant is disqualified from acting, the Commissioner may appoint another person, not a member of the Public Service, to act as a member.
5. (1) Subject to this Ordinance and the terms of any agreement made pursuant to this Ordinance, Legal Aid in both criminal and civil matters shall be made available to every person in the Territory and to every person ordinarily resident in the Territory who, in the opinion of the Committee cannot afford to retain his own lawyer without depriving himself or his dependents of reasonable necessities or without sacrificing modest capital assets.
- (2) In determining whether a person can afford to retain his own lawyer, the Committee shall have regard to the financial status of that person, the financial status of the members of his family and any other matter that the Committee considers relevant.
6. (1) Subject to the provisions of this Ordinance and any agreement made pursuant to this Ordinance the Committee may with the approval of the Commissioner make rules
- (a) as to the manner in which legal aid shall be made available to the people of the Territory;
  - (b) with reference to any other matter that the Committee considers necessary to carry out and give effect to this Ordinance.

- Conditions            7. (1)    Legal Aid provided pursuant to this Ordinance to any person shall be subject to the following conditions, namely:
- (a)            where that person recovers any sum in respect of the matter for which legal aid was provided under a judgment, order, settlement or otherwise, an amount equal to the amount of the fees and disbursements paid to the legal aid counsel who acted for that person shall be paid by that person to the Commissioner but, if the sum so recovered by that person is less than the amount of the said fees and disbursements, the full sum so recovered shall be paid by that person to the Commissioner;
  - (b)            where that person recovers property, other than money, an amount equal to the amount of the fees and disbursements paid to the legal aid counsel who acted for that person to the Commissioner but if, in the opinion of the Committee, the value of the property so recovered is less than the amount of the said fees and disbursements, an amount equal to the value of the property shall be due and payable by that person to the Commissioner;
  - (c)            where that person is awarded costs in respect of the matter for which legal aid was provided and an amount equal to the amount of the fees and disbursements paid to the legal aid counsel who acted for that person has not been otherwise recovered by the Commissioner, the costs, or so much thereof as required so that the Commissioner will have recovered the amount of the said fees and disbursements, as the case may be, shall be paid to the Commissioner; and
  - (d)            where that person, in the opinion of the Committee, is able to contribute towards the cost of employing legal aid counsel, he shall be required to pay such amount in respect thereof to the Commissioner as the Committee considers appropriate.
- Legal Aid            8. (1)    The Committee shall arrange for criminal legal aid counsel to accompany the Supreme Court and the Magistrate's Court on all circuits where, in the opinion of the Committee, criminal legal aid counsel will be required.
- in Criminal            (2)        Where the Committee does not make arrangements Cases                    pursuant to subsection (1) the court may, if it considers such arrangements necessary, do so on its own initiative.

- (3) Where, in the opinion of the Committee, it is necessary and practical to do so, the Committee shall arrange for criminal legal aid counsel to precede the court circuit so that counsel can have time to prepare the cases where legal aid is required.
  - (4) Where arrangements pursuant to subsection (3) are not made, the legal aid counsel who accompanies the court may request an adjournment to the next circuit and, if granted, shall brief the next legal aid counsel assigned to that case.
9. (1) Subject to this Ordinance and the regulations and any agreement made thereunder, Legal Aid shall be provided in the following criminal matters;
- (a) where the offence is under a Statute of the Parliament of Canada and is to be proceeded with by indictment;
  - (b) where the offence is under
    - (i) a Statute of the Parliament of Canada,
    - (ii) a Regulation made pursuant to a Statute of the Parliament of Canada,
    - (iii) an Ordinance of the Territory, or
    - (iv) a Regulation made pursuant to an Ordinance of the Territory,and is to be proceeded with by summary conviction in a court, if the accused is subject to a sentence of imprisonment or to a penalty that, in the opinion of the Committee or the court, will interfere substantially with his livelihood;
  - (c) proceedings under the *Juvenile Delinquents Act* or any statute replacing it;
  - (d) proceedings pursuant to the *Extradition Act* and the *Fugitive Offenders Act*; or
  - (e) where the offence is one not provided for in paragraphs (a), (b), (c), or (d) and, in the opinion of the Committee or the court, the accused is not capable of making an informed decision as to his proper course of action, or it appears to the Committee or to the court that the accused may be subject to a sentence of imprisonment or to a penalty that will interfere substantially with his livelihood.

- (2) Where,
- (a) an appeal has been taken by the prosecution;
  - (b) counsel advises that an appeal by the applicant has merit and the Committee agrees; or
  - (c) the Appeal Court or a judge thereof requests that Legal Aid be provided to the applicant.

Legal Aid shall be provided in respect of an appeal in any of the matters referred to in paragraphs (1)(a), (b), (c), (d), or (e).

Legal Aid  
in Civil  
Cases

- 10.(1) Subject to this Ordinance and the regulations and any agreement made thereunder, Legal Aid shall be provided in all civil matters except:
- (a) defamation;
  - (b) estates;
  - (c) incorporation of companies or societies or the formation or dissolution of partnerships;
  - (d) real property transfers;
  - (e) breach of promise of marriage;
  - (f) loss of service of a female in consequence of rape or seduction;
  - (g) alienation of affections or criminal conversation;
  - (h) relator or representative actions;
  - (i) arbitrations or conciliations;
  - (j) proceedings for the recovery of a penalty where the proceedings may be taken by any person and the penalty, in whole or in part, may be payable to the person instituting the proceedings; or
  - (k) proceedings relating to any election.

- 11.(1) Where Legal Aid is provided in a civil matter, the matter shall not be proceeded with unless the legal aid counsel has supplied the Committee with his written opinion that it is reasonable in all the circumstances for him to commence, defend or continue with the proceeding or matter and the Committee has authorized him to do so.

- 12.(1)      The Committee shall prepare and maintain in force two panels of lawyers, the first panel to be comprised of lawyers resident in the Territory and to be called the Resident Panel and the second panel to be comprised of lawyers who are not resident in the Territory, to be called the Non-Resident Panel.                      **Duties of Committee**
- (2)      Where the Committee finds an applicant to be eligible it shall assign a legal aid counsel from the Resident Panel to the applicant and subject to this Ordinance, the Commissioner shall pay the fees and expenses of the counsel in respect of the legal services provided to the applicant.
- (3)      Counsel from the Resident Panel shall be assigned to eligible applicants who qualify in the order in which the counsels' names appear on the panel and subject to the availability and the experience and qualifications of the counsel with the object that all lawyers on the panel share legal aid work reasonably equally.
- (4)      Where there is no lawyer on the Resident Panel who in the opinion of the Committee should be assigned as counsel in a particular matter, the Committee may assign counsel from the Non-Resident Panel after considering the nature of the services required, the experience, qualifications, and availability of the counsel and the wishes of the applicant.
- (5)      The Committee shall tax accounts of legal aid counsel and certify them for payment to the Commissioner.
- (6)      The Committee may authorize one or more of its members to exercise and perform, in accordance with such guidelines as the Committee prescribes, any of the powers and duties of the Committee under this Ordinance.
- 13.(1)      Notwithstanding section 14 a lawyer who is a registered member of the panel may decline to act for any applicant.                      **Lawyer May Decline**
- 14.(1)      A lawyer may not delegate a Legal Aid matter to another lawyer, whether or not that other lawyer is practising in association with him except:
- (a)      under exceptional circumstances and then only with the consent of the applicant and the approval of the Committee; or
- (b)      in respect of interlocutory or other preliminary steps in the matter.
- (2)      A lawyer who has furnished Legal Aid services shall submit a bill of costs to the Committee for taxing.

- (3) A bill submitted under subsection (2) shall be taxed by the Committee on the basis of the tariff established under and in the manner prescribed by regulations.
- (4) A separate bill must be submitted to the Committee for taxation in respect of disbursements and allowances.
- Applicants' Contribution**      15.(1) An applicant's partial charge towards Legal Aid services as mentioned in section 3 is payable to the Commissioner and until paid constitutes a debt due and owing to the Commissioner recoverable in any court of competent jurisdiction.
- (2) Any monies received by a lawyer from or on behalf of an applicant in connection with Legal Aid which the lawyer is furnishing to the applicant, shall be paid into the Yukon Consolidated Revenue Fund.
- (3) All money recoverable by an applicant from an opposing party by way of costs or otherwise, shall be paid to the Commissioner.
- Reimbursement to the Commissioner**      16.(1) Subject to section 17, the Commissioner may retain out of the applicant's fund an amount equivalent to the costs incurred in respect of that applicant, and shall pay the balance of the fund, if any, to the applicant.
- Costs Recovered**                      17.(1) Where an applicant's fund includes costs recovered from an opposing party, the Commissioner may, under section 15 retain the total amount of those costs, notwithstanding that they exceed the costs incurred in respect of that applicant.
- Garnishee Ordinance**                      18.(1) Monies in an applicant's fund which the Commissioner is entitled to retain under sections 16 and 17 are not subject to garnishment under the *Garnishee Ordinance*.
- Costs Against Applicant**                      19.(1) The Commissioner is not liable for the payment of costs awarded against an applicant in any proceeding taken on behalf of the applicant under this Ordinance.
- Applicants Becoming Ineligible**                      20.(1) Where it appears that an applicant who was found eligible is in fact not eligible, or during the course of the proceedings has ceased to be eligible, no Legal Aid shall thereafter be furnished to that applicant and the cost of any Legal Aid furnished while he was not eligible may be retained by the Commissioner out of that applicant's fund, if any, and constitutes a debt due and owing from him to the Commissioner recoverable in any court of competent jurisdiction.
- Costs are Recoverable**                      21.(1) Notwithstanding that an applicant may not be liable for payment of all or of any of the costs incurred, costs are recoverable from an opposing party as if the applicant were liable for payment of all costs incurred.



- 22.(1) The Commissioner may make any regulations necessary to carry out the intent and purpose of this Ordinance. **Regulations**
- (2) Notwithstanding the generality of subsection (1) the Commissioner may make regulations,
- (a) governing the duties and powers of the Committee;
  - (b) prescribing rules under which applications under this Ordinance are to be made and dealing generally with all matters of procedure under this Ordinance;
  - (c) fixing fees, costs, recoveries, charges and expenses payable on proceedings under this Ordinance;
  - (d) requiring and regulating the records to be kept and the reports to be made to the Commissioner; and
  - (e) prescribing forms and providing for their use.
- 23.(1) The Commissioner may, on behalf of the Government of the Yukon Territory, enter into agreements with the Government of Canada respecting the payment by Canada to the Territory of such part of the expenditures required for the purposes of this Ordinance as is agreed upon. **Agreements**
- (2) The Commissioner may, subject to such terms and conditions as may be agreed upon, enter into agreements with appropriate authorities in other jurisdictions for the furnishing of Legal Aid.
- (3) The Commissioner is empowered to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Yukon Territory under any such agreement.
- 24.(1) This Ordinance or any portion thereof shall come into force on such day or days as may be fixed by the Commissioner. **Coming into Force**
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CHAPTER 3  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

AN ORDINANCE TO AMEND THE AREA DEVELOPMENT ORDINANCE

(Assented to December 15, 1975)

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

1. The *Area Development Ordinance* is amended by  
adding the following new subsection:  
"4.(2) The Commissioner may provide for  
the making of decisions by persons  
appointed by him by name or class  
in respect of the matters set out  
in subsection (1) and for appeals  
from such decisions made pursuant  
to paragraphs (1)(a) and (b)."

CHAPTER 4  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

AN ORDINANCE TO AMEND THE COMMUNITY ASSISTANCE ORDINANCE

(Assented to December 15, 1975)

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

1. The *Community Assistance Ordinance* is amended by adding thereto the following new section:

"COMMUNITY TELEVISION

- 75.1(1) The Commissioner may pay an amount not exceeding 90 percent of the approved capital cost of a community television system in any district or unorganized area not already served by a television system and recover an amount not less than ten percent of the capital cost of the system.
  - (2) An application for a payment pursuant to this section shall be made in writing on the prescribed form by an approved community organization representative of the area to be served by the television system.
  - (3) It shall be a condition of payment by the Commissioner for the cost of a community television system that the project is approved by a majority of the persons resident in the area.
  - (4) It shall be a condition of a payment pursuant to subsection (1) that the applicant or the inhabitants of the area pay an amount equal to ten percent of the capital cost of the system.
  - (5) The Commissioner may impose a special levy not exceeding three mills on the assessment of every property in the area until the ten percent share due by the community organization together with any interest due thereon has been recovered.

- (6) It shall be a condition of the payment of the money mentioned in subsection (1) that the community organization pay the annual operating and maintenance costs of the system.
  - (7) Where the organization fails to pay the operating costs mentioned in subsection (6) the Commissioner may pay on behalf of the organization an amount equal to the operating cost and recover such amount together with any accrued interest thereon by levying an annual mill rate on the assessment of every property in the area sufficient to cover such amount."
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CHAPTER 5  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

AN ORDINANCE TO AMEND THE COMPANIES ORDINANCE

(Assented to December 15, 1975)

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 the *Companies Ordinance* is amended by repealing the definition of the word "memorandum" and substituting the following therefor:

"memorandum" means a document described in section 11, and includes the memorandum of association of an existing company as originally executed, or as altered pursuant to this or any former *Companies Ordinance*."

2. Sections 11 to 18 inclusive of the said *Companies Ordinance* are repealed and the following substituted therefor:

"11.(1) Subject to this Ordinance, one or more natural persons may form a company by subscribing his or their names to a memorandum and by complying with the requirements of this Part.

(2) The memorandum shall

- (a) be in Form A in Schedule II or, in the case of a company specially limited under section 134, in Form B in Schedule II;
- (b) be printed or typewritten;
- (c) be divided into paragraphs numbered consecutively;
- (d) set forth opposite the name of every subscriber the number of shares and, where there are shares of different kinds and classes, the number of shares of each kind and class taken by him;
- (e) contain the agreement of each subscriber to be a member of the company;

- (f) contain every restriction upon the business to be carried on by the company or upon the powers of the company; and
  - (g) contain the place in the Territory in which the registered office of the company is to be situated, including the street and mailing address.
- 11.1(1) The liability of a member in respect of any share held by him is limited,
- (a) in the case of a share with par value, to the amount unpaid thereon;
  - (b) in the case of a share without par value, to the amount unpaid thereon of the price or consideration for which the share was issued by the company,
- but a member is not personally liable for more than the amount actually agreed to be paid for any share held by him.
- 11.2(1) Money payable by any member to the company under the memorandum is a debt due from him to the company of the nature of specialty debt.
- 11.3(1) No member of a company is personally liable for the debts, obligations or acts of the company.
- 11.4(1) The provisions of the Ordinance repealed by this Ordinance, and the provisions of the articles of an existing company, that relate to
- (a) the payment of calls by, and dividends to, and the liability of, the holder of shares that are not fully paid; and
  - (b) the enforcement of the liability referred to in clause (a), continue to apply in respect of shares that are not fully paid on the coming into force of this Ordinance.
- 12.(1) The memorandum shall be signed by every subscriber, each in the presence of and attested by a witness who is not a subscriber.
- 13.(1) A company other than a specially limited company shall have the word "Limited", "Incorporated", "Corporation", the abbreviations "Ltd.", "Inc." or "Corp." as part of and at the end of its name.

- (2) A specially limited company shall have one of the words required by subsection (1) followed by the words "Non-Personal Liability" or the abbreviation "N.P.L." as part of and at the end of its name.
- (3) For all purposes whatsoever the words "Limited", "Incorporated", "Corporation" or "Non-Personal Liability" shall be interchangeable with its abbreviation "Ltd.", "Inc.", "Corp." or "N.P.L."
- 14.(1) Subject to this Ordinance and its memorandum, a company has the power and capacity of a natural person of full capacity.
- 15.(1) No company shall carry on any business that it is restricted from carrying on by its memorandum.
  - (2) No company shall exercise any power that it is restricted from exercising by its memorandum, or exercise any of its powers in a manner inconsistent with the restrictions in its memorandum.
  - (3) No act of a company, including any transfer of property to or by a company, is invalid by reason only that the act contravenes subsections (1) or (2).
- 16.(1) Where the words "the objects for which the company is established are", or words of like effect, are contained in the memorandum of a company incorporated before the coming into force of this section, other than a specially limited company, those words shall be deemed to be struck out and the words, "the businesses that the company is permitted to carry on are restricted to the following" shall be deemed to be substituted therefor.
- 17.(1) A company or society may not be incorporated nor may an extra-territorial company be registered by a name identical with that by which a company or society or firm in existence is carrying on business or has been incorporated or registered or so nearly resembling that name as in the opinion of the Registrar to be calculated to deceive, or by a name of which the Registrar shall for any other reason disapprove, except where such company or society or firm in existence is in the course of being dissolved or has ceased to carry on business, and signifies its consent by resolution duly passed and filed with the Registrar.

- (2) Any company or society that has, through inadvertence or otherwise, become incorporated or registered by a name identical with that by which a company or society or firm has been incorporated or registered, or has been carrying on business prior to the incorporation or registration of such first-mentioned company or society, or so nearly resembling that name as to be calculated to deceive, shall change its name in the manner provided by this section.
- (3) Any company may at any time by special resolution and with the approval of the Registrar signified in writing, change its name.
- (4) The company shall, in the last-mentioned case, publish a notice once in the Yukon Gazette and in some newspaper or newspapers published or circulated in the place in which the registered office of the company is situated, and in the place in which the operations of the company are carried on, of the intention to apply for the change of name, and shall state the name proposed to be adopted.
- (5) Where a company changes its name, the Registrar shall enter the new name on the register in place of the former name, and shall issue a certificate that such company has changed its name; and in such certificate the Registrar shall state the name by which such company shall as from the date of such certificate be known.
- (6) The change of name shall not affect any rights or obligations of the company, or render defective any legal proceedings by or against the company, and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.
- (7) The Registrar may, on request, reserve any name which may be taken by an intended company, or by a company as a change of name, or the name of any extra-territorial company intending to apply for a registration for a period of fourteen days or any extended period he may allow, not exceeding in the whole thirty days.



- 18.(1) Every company, other than a specially limited company may, by special resolution, alter its memorandum by altering any restriction upon the business carried on or to be carried on by it, or upon its powers.
  - (2) An office copy of the special resolution confirming the alteration, together with a copy of the memorandum as altered, shall, within fifteen days from the date of the special resolution, be delivered by the company to the Registrar, and he shall register and certify the same, and the certificate shall be conclusive evidence that all the requirements of this Ordinance with respect to the alteration and the confirmation thereof have been complied with, and the memorandum so altered shall be the memorandum of the company.
  - (3) Where a company makes default in delivering to the Registrar any document required by this section to be delivered to him, the company is liable to a fine not exceeding fifty dollars for every day during which it is in default.
  - (4) The Registrar shall cause the certificates, setting out the memorandum as altered, to be published at the expense of the company in the Yukon Gazette twice at least one week apart."
3. Section 21 of the said Ordinance is repealed and the following substituted therefor:
- "21.(1) Articles shall
- (a) be printed or typewritten;
  - (b) be divided into paragraphs numbered consecutively; and
  - (c) if registered with the memorandum, be signed by each subscriber of the memorandum in the presence of at least one witness, who must attest the signature."
4. Section 25.(3) of the said Ordinance is repealed and the following substituted therefor:
- "25.(3) The Registrar shall, at the cost of the parties applying for registration of a memorandum, publish the certificate of incorporation and a statement showing the business restrictions of the company, once in the Yukon Gazette or in a newspaper published in the Territory at or nearest the place that is to be the chief place of business of the company."

5.      **Section 33 of the said Ordinance is repealed and the following substituted therefor:**
- "33.(1)      Every company shall, in each calendar year, on the anniversary of its incorporation or amalgamation, prepare an Annual Report containing information as at that date.
- (2)      The Annual Report of a company shall be in the form and contain the information required by Form C in Schedule II.
- (3)      The Annual Report of a company shall be filed with the Registrar not later than one month after the anniversary date referred to in subsection (1).
- (4)      If the Annual Report of a company is filed with the Registrar after three months after the anniversary date referred to in subsection (1), the prescribed late filing fee shall be payable to the Registrar.
- (5)      Where a company makes default in complying with the requirements of this section, it is liable to a fine not exceeding \$25.00 for every day during which the default continues and every director and manager of the company who knowingly and wilfully authorizes or permits the default is liable to the like penalty.
- (6)      An extra-territorial company registered under this Ordinance shall, in each calendar year, on the anniversary date of its registration under this Ordinance, file with the Registrar an Annual Report in the form and containing the information required by Form D in Schedule II."
6.      **Section 76 of the said Ordinance is amended by adding thereto the following new subsection:**
- "76.(7)      For the purposes of this Ordinance, any resolution signed by all of the shareholders of the company shall be deemed to have been passed and, if necessary, confirmed at a meeting or meetings of the shareholders duly called and constituted for that purpose."
7.      **Section 78 of the said Ordinance is amended by adding thereto the following new subsection:**
- "78.(4)      A resolution signed by all of the directors of a company, upon being filed in the company minute book, shall be deemed to be a valid resolution passed at a meeting of directors duly called and constituted."
8.      **Sections 88 to 92 inclusive of the said Ordinance are repealed.**

9. Subsection 96.(3) of the said Ordinance is repealed and the following substituted therefor:
- "96.(3) Where default is made in complying with the requirements of this section, every director, manager, secretary or other officer of the company who is knowingly a party to the default is liable to a fine not exceeding \$250.00 for every day during which the default continues, except that, in case of default in filing with the Registrar within one month after the allotment of any document required by this section to be filed, the company, or any person liable for the default, may file an affidavit with the Registrar stating the reason or reasons for the default and the Registrar, if satisfied that the omission to file the document was accidental or due to inadvertence or that it is just and equitable to grant relief, may extend the time for filing of the document for such period as he thinks proper."
10. The said Ordinance is amended by adding after Section 102 the following new section 102.1"
- "102.1(1) A company shall not give, whether directly or indirectly, and whether by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of or in connection with a purchase made or to be made by any person of any shares in the company; but nothing in this section shall be taken to prohibit
- (a) where the lending of money is part of the ordinary business of a company, the lending of money by the company in the ordinary course of its business;
  - (b) the provision by a company, in accordance with any scheme for the time being in force, of money for the purchase by trustees of fully paid shares in the company to be held by or for the benefit of employees of the company, including any director holding a salaried employment or office in the company;
  - (c) the making by a company of loans to persons, other than directors, bona fide in the employment of the company with a view to enabling those persons to purchase fully paid shares in the company to be held by themselves by way of beneficial ownership;

- (d) the making by a private company of a loan to a shareholder or director with a view to enabling him to purchase shares in the company held by an existing member or by a person entitled thereto by reason of the death or bankruptcy of a member.
- (2) No money shall be provided as mentioned in (1)(b) and no loan shall be made as mentioned in paragraphs (1)(c) and (d), unless the provision of the money or the making of the loan is previously authorized by special resolution.
- (3) If a company gives financial assistance or provides money or makes a loan in contravention of this section, the directors of the company are jointly and severally liable to the company for the amount thereof with interest at the rate of ten *per centum* per annum, except that a director is not liable if he proves that the loan was made without his knowledge and consent.
- (4) This section does not apply to a guarantee or the provision of security given by a private company in connection with the purchase made or to be made by any company of not less than ninety *per centum* of the issued common shares in the capital of such private company if the giving of any such guarantee on the provision of such security has been previously authorized by special resolution of such private company."
11. Section 125 of the said Ordinance is repealed.
12. Section 135 of the said Ordinance is repealed and the following substituted therefor:
- "135.(1) Where a certificate of incorporation incorporating any such company, or certificate of registration to any extra-territorial company, has been issued containing the provisions mentioned in section 134, every certificate of shares or stock issued by the company shall bear upon the face thereof, distinctly written or printed in red ink, after the name of the company, the words "issued under section 134, respecting mining companies, of the *Companies Ordinance*", and where such shares or stock are issued subject to further assessments the word "assessable", or if not subject to further assessment the word "non-assessable", as the case may be."

13. Sections 142 to 144 inclusive of the said Ordinance are repealed and the following substituted therefor:
- "142.(1) Every extra-territorial company, other than a company incorporated under authority of an Act of the Parliament of Canada, having gain for its purpose and object within the scope of this Ordinance is hereby required to be registered under this or some former Ordinance, and no company, firm, broker or other person shall, as the representative or agent of or acting in any other capacity for any such extra-territorial company, carry on any of the business of an extra-territorial company within the Territory until such extra-territorial company shall have been so registered.
- (2) This section applies to an extra-territorial company notwithstanding that it was previously registered as a foreign company under the provisions of any other Ordinance.
- (3) Every such company incorporated under authority of an Act of the Parliament of Canada, is also required to be registered under this or some former Ordinance, but the provisions restrictive of its carrying on business before registration do not apply to such company.
- 143.(1) The Registrar may, for good cause shown, dispense with the filing, by an extra-territorial company proceeding to obtain a registration under this Part, of one or more of the documents that compose its charter and regulations, and may allow to be substituted therefor a list of the documents so dispensed with, accompanied by a statement of the reasons for dispensing with the originals, and, if he so requires, by such memorandum of the contents of such originals as he may deem sufficient.
- 144.(1) Any extra-territorial company registered under this or some former Ordinance may sue and be sued in its corporate name, and, if authorized to do so by its charter and regulations, may acquire and hold lands in the Territory by gift, purchase or as mortgagees or otherwise, as fully and freely as private individuals, and may sell, lease, mortgage or otherwise alienate the same."

14. Sections 147 and 148 inclusive of the said Ordinance are repealed and the following substituted therefor:
- "147.(1) Every extra-territorial company duly incorporated under the laws of the United Kingdom, or of the late Province of Canada, or of any of the provinces of Canada, registered prior to the 1st day of May, 1914 or prior to the coming into force of this section, in the Territory as a foreign company under the provisions of any ordinance, may surrender to the Registrar the licence of the company issued under such Ordinance and obtain from him a certificate of registration, the surrender of such licence and the filing of the power of attorney prescribed by subsection 156.(1) shall be deemed to be a sufficient compliance with the requirements of this Part.
- 148.(1) Every extra-territorial company registered in the Territory before the passage of this Ordinance, as a foreign company under the provisions of any ordinance in that behalf, other than a company entitled to obtain and that has obtained a licence under some former ordinance, may obtain a certificate of registration under this Part, and the directors, officers and members thereof, shall be subject to and shall observe, carry out and perform every act, matter, obligation and duty by this Ordinance prescribed and imposed upon companies incorporated thereunder, or upon the directors, officers and members thereof."
15. Sections 151 to 153 inclusive of the said Ordinance are repealed and the following substituted therefor:
- "151.(1) The Commissioner may, by order published in three consecutive issues of the Yukon Gazette suspend or revoke and make null and void any registration effected under this or some former Ordinance to any company that refuses or fails to keep a duly appointed attorney within the Territory, or to comply with any of the provisions of this Part; and, notwithstanding such suspension or revocation, the rights of the creditors of the company shall remain as at the time of such suspension or revocation.
- 152.(1) Sections 102 to 111 of this Ordinance shall apply to every extra-territorial company that is required to be registered under this Part, and that creates any mortgage included within those provisions and comprising property of the company situated within the Territory.

153.(1) The certificate of registration issued to any extra-territorial company whose objects are restricted as mentioned in subsection 134.(1) may, if so applied for in the petition for such registration, contain the provision that the company is specially limited as in that section expressed; and in such case the provisions of sections 134 to 138 apply to such extra-territorial company."

16. Sections 154 to 165 inclusive of the said Ordinance are repealed and the following substituted therefor:

"154.(1) For the purposes of this Part, the expression,

- (a) "business" means such lawful objects and purposes for which an extra-territorial company is established as are within the legislative authority of the Territory and includes the sale of its shares or debentures by or on behalf of the company, but does not include the business of banking, the construction and operation of a railway or the operation of air transport, canals, telegraphs, telephones or irrigation;
- (b) to "carry on business" means to transact any of the ordinary business of an extra-territorial company whether by means of an employee or an agent and whether or not the company has a resident agent or representative or a warehouse, office or place of business in the Territory.

155.(1) Every extra-territorial company that carries on business in the Territory shall be registered under this Part within thirty days after commencing to carry on business in the Territory and shall, except as otherwise provided, comply with the requirements of this Part.

- (2) An extra-territorial company licenced or registered before the 1st day of May, 1914 under any *Companies Act or Ordinance*, shall be deemed to be registered under this Part if its name is on the register of companies or is restored thereto pursuant to section 301.2.
- (3) An extra-territorial company that does not carry on business for gain may be exempted, with the approval in writing of the Registrar from all or any of the provisions of this Part.

- (4) An extra-territorial company that is not duly incorporated by or under a Statute, Act or Ordinance of the province, state or country where the company was formed shall not be registered or carry on business in the Territory.
- 156.(1) Every extra-territorial company required to be registered under this Part shall complete and file with the Registrar
- (a) a statement in the prescribed Form E;
  - (b) a Certificate of Good Standing dated not more than thirty days prior to application date; and
  - (c) such other information as the Registrar may require.
- (2) The statement shall declare that the company is a valid and subsisting corporation and legally authorized to transact business under its charter, and shall be duly executed by the company under its common seal, if any, and two directors or officers of the company shall make a statutory declaration on behalf of the company, verifying the particulars set forth in the statement.
- (3) The statement shall be accompanied by a copy of the charter and regulations of the company, verified in a manner satisfactory to the Registrar.
- (4) Where any document required to be filed under this section is not in the English language, the Registrar may require a translation thereof, notarially certified.
- 157.(1) Upon receipt of the statement and other documents prescribed and of the proper fees, the Registrar may, in his discretion, register the company and issue under his seal of office a certificate of registration, which shall set forth
- (a) the corporate name of the company; and
  - (b) where the liability of shareholders in the company is limited, that the company is limited, or where under its charter the name of the company has "non-personal liability" as the last words, and its objects and powers do not extend beyond the objects and powers of a specially limited company, and the liability of its shareholders does not exceed



the liability of shareholders  
in a specially limited company,  
that the company is specially  
limited.

- (2) The Registrar shall publish a notice of the registration at the cost of the company in the Yukon Gazette.
- 158.(1) A certificate of registration given by the Registrar in respect of an extra-territorial company is, so long as it remains in force, conclusive proof that the company has been registered under this Part.
- (2) The expression "certificate of registration" in this section includes an amended or supplementary certificate issued under section 164 and a licence or certificate of registration issued to an extra-territorial company under any former *Companies Ordinance*.
- 159.(1) The Commissioner may suspend or revoke the registration of a company, other than a company incorporated under authority of an act of the Parliament of Canada, for good cause or for failure to comply with any requirement of this Part, and may also remove or cancel a suspension or revocation, subject to any conditions that are deemed proper.
- (2) No suspension or revocation affects the rights of any creditor of the company.
- (3) Notice of any suspension or revocation or removal or cancellation thereof shall be published by the Registrar at the cost of the company in the Yukon Gazette.
- 160.(1) An extra-territorial company that ceases to carry on business in the Territory or ceases to exist shall file with the Registrar notice to that effect and such further evidence as he may require, and thereupon the Registrar may strike the name of the company off the register and cancel its registration.
- (2) The registration of an extra-territorial company that has been cancelled by reason of its ceasing to carry on business in the Territory may be revived by the Registrar upon the company filing such documents as he requires, and upon payment of the proper fees, and the Registrar may issue a fresh certificate of registration and require such publication in the Yukon Gazette as he thinks advisable.

- 161.(1) Subject to the provisions of this Ordinance and the laws of the Territory, an extra-territorial company registered under this Ordinance and not otherwise empowered to do so may, within the Territory, carry on business in accordance with its certificate of registration, and for that purpose exercise the powers contained in its charter and regulations.
- 162.(1) Every extra-territorial company required to be registered under this Part shall
- (a) paint or affix and keep painted or affixed, its name on the outside of its registered office and every other office or place in which its business is carried on in the Territory, in a conspicuous position and in easily legible letters; and
  - (b) have its name mentioned in legible characters in all notices, advertisements and other official publications of the company, and in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of the company, and in all bills of parcels, invoices, receipts and letters of credit of the company used in the transaction of the business of the company within the Territory.
- 163.(1) Every extra-territorial company required to be registered under this Part shall have an attorney resident in the Territory and authorized by the company to accept service of process in all suits and proceedings by or against the company within the Territory and on its behalf therein to receive all lawful notices to the company.
- (2) The first attorney shall be appointed by the company in the statement filed by it under section 156 and where the attorney for any reason ceases to act as such or the company desires to change the attorney, the company shall forthwith file a notice in the prescribed form, executed under its common seal, if any, and stating the full name, address and occupation of the new attorney appointed by it.
  - (3) An attorney appointed pursuant to subsection (2) who intends to resign shall
    - (a) give not less than sixty days' notice to the company at its

head office; and

- (b) give a copy of the notice to the Registrar.
  - (4) Where the attorney is a member of a firm or the manager for the company in the Territory, any other member of the firm or any assistant manager for the company in the Territory, named in the statement or notice, may be appointed an alternative attorney for the purposes aforesaid.
  - (5) Every attorney shall in the presence of a witness sign the statement or notice wherein he is so appointed as evidence of his consent to act as attorney.
  - (6) Service and notification as mentioned in subsection (1) is legal and binding on the company.
- 164.(1) Every extra-territorial company required to be registered under this Part shall file with the Registrar a verified copy of any amendment to its charter or regulations within one month after the date when the amendment takes effect.
- (2) No extra-territorial company registered under this Part shall, without the approval of the Registrar, which shall be signified in writing, use in the Territory any name or title except that under which it is registered.
  - (3) The Registrar may issue a new or supplementary certificate of registration in respect of any amendment as aforesaid, and may require a notice thereof to be published in the Yukon Gazette at the cost of the company, and any former certificate to be surrendered.
- 165.(1) Part III of the *Securities Ordinance* applies *mutatis mutandis* to every extra-territorial company required to be registered under this Part other than a company incorporated under authority of an act of the Parliament of Canada.
- (2) Nothing in this Ordinance applies to any company incorporated under authority of an act of the Parliament of Canada so as to affect its right to do business in the Territory.

- 165.1(1) A company required to be registered under this Part shall on or before the anniversary date of its registration in each year during the continuance of its registration, make a statement to the Registrar containing a summary of the following particulars, that is to say
- (a) the corporate name of the company;
  - (b) the place where the head office of the company outside the Territory is situated;
  - (c) the place where the registered office of the company within the Territory is situated;
  - (d) the place or places where or from which the undertaking of the company is carried on;
  - (e) the name, residence and post office address of the president, the secretary and the treasurer of the company;
  - (f) the name, residence and postal address of each of the directors of the company;
  - (g) the date upon which the last annual meeting of the company was held;
  - (h) the amount of the capital of the company and the number of shares into which it is divided and the part of the capital that can fairly be said to be used in the transaction of business in the Territory; and
  - (i) in concise form, such further information respecting the affairs of the company as the directors may consider expedient.
- (2) The summary mentioned in subsection (1) shall be issued under the common seal of the company and verified by the signature of an officer of the company.
- (3) The Registrar may at any time require the company to supply such further and other information as he deems reasonable and proper.
- (4) Any company making default in complying with the provisions of this section or section 155 is guilty of an offence and liable on summary conviction to a fine of \$25.00 for each day during which the default continues and every director, manager, secretary, agent, traveller or salesman of the company, other than a company incorporated

under authority of an act of the Parliament of Canada, who transacts within the Territory any business whatever for such company, is guilty of an offence."

17. Sections 166, 167 and 168 of the said Ordinance are repealed and the following substituted therefor:

"166.(1) Where an extra-territorial company, without being registered pursuant to this or some former Ordinance carries on in the Territory any part of its business, such company is liable to a penalty of fifty dollars for every day upon which it so carries on business.

167.(1) So long as an extra-territorial company remains unregistered under this or some former Ordinance, it shall not be capable of maintaining any action, suit or other proceeding in any court in the Territory in respect of any contract made in whole or in part within the Territory in the course of or in connection with its business contrary to the requirements of this Part; except, however, that upon the issuance or restoration of the certificate of registration or the removal of any suspension of the certificate, any action, suit or other proceeding may be maintained as if such certificate had been granted or restored or such suspension removed before the institution of any such action, suit or other proceedings.

168.(1) No extra-territorial company required by this Ordinance to be registered is capable of acquiring or holding lands or any interest therein in the Territory, or registering any title thereto under the *Land Titles Act*, unless duly registered under this or some former Ordinance; except that the granting of a certificate of registration shall operate as a removal of any disability under this section."

18. Section 170 of the said Ordinance is repealed and the following substituted therefor:

"170.(1) The Commissioner may, when or after a certificate has been issued, remit in whole or part any penalty incurred under this Ordinance by the company receiving the certificate, or by any representative or agent thereof, and may also remit in whole or part the costs of any action or proceeding commenced for the recovery of any such penalty and thereupon the whole or such part of the costs, as the case may be, are not recoverable."

19. Section 175 of the said Ordinance is repealed and the following substituted therefor:
- "175.(1) In this Part, the word "company" means any unregistered extra-territorial company that has done, entered into or made any act, matter, contract or disposition giving to any person or company a right of action in any court."
20. Paragraph 301.(3)(b) of the said Ordinance is repealed and the following substituted therefor:
- "301.(3)(b) publish in one issue of the Yukon Gazette, notice that the name of the company has been struck off the register."
21. The said Ordinance is amended by adding after section 301 the following new sections:
- "301.1(1) If a company
- (a) by ordinary resolution requests the Registrar to strike it off the register; and
  - (b) files with the Registrar a copy of the resolution and a statutory declaration of one or more directors proving what disposition the company has made of its assets and that the company has no debts or liabilities,
- the Registrar may strike the company off the register and thereupon the company is dissolved.
- (2) The Registrar shall, at the cost of the company, publish once in the Yukon Gazette a notice that the company has voluntarily ceased to do business.
- 301.2(1) Where a company has been dissolved, or the registration of an extra-territorial company has been cancelled, under this Ordinance or any former *Companies Ordinance*, the court may, if it is satisfied that it is just that the company or extra-territorial company be restored to the register, at any time not more than ten years after the date of the dissolution or cancellation, on application by the liquidator, a member, a creditor of the company or extra-territorial company, or any other interested person, make an order, subject to such conditions and upon such terms as the court considers appropriate, restoring the company or extra-territorial company to the register.

- (2) Where a company or an extra-territorial company is restored to the register under subsection (1), the company shall be deemed to have continued in existence, or the registration of the extra-territorial company shall be deemed not to have been cancelled, and such proceedings may be taken as might have been taken if the company had not been dissolved, or the registration of the extra-territorial company had not been cancelled.
  - (3) The Court may make an order pursuant to subsection (1) restoring a company or an extra-territorial company to the register for a limited period, and, after the expiration of that period, the company shall forthwith be struck off the register, or, in the case of an extra-territorial company, its registration cancelled, by the Registrar.
  - (4) The court shall not make an order under this section
    - (a) unless notice of the application and a copy of any document filed in support thereof has been sent to the Registrar and he has consented thereto;
    - (b) until one week after the applicant has published in one issue of the Gazette and has mailed to the last address shown as the registered office of the company, or head office within the Territory of the extra-territorial company, notice of the application.
- 301.3(1) In an order made under section 301.2 the court may give such directions and make such provisions as it considers appropriate for placing the company or extra-territorial company and every other person in the same position, as nearly as may be, as if the company had not been dissolved or the registration of the extra-territorial company cancelled; but, unless the court otherwise orders, the order shall be without prejudice to the rights of parties acquired prior to the date on which the company or extra-territorial company is restored to the register.
- 301.4(1) In any order made under section 301.2 the court may require that the company or extra-territorial company be restored to the register under a different name that is acceptable to the Registrar and, in such event, the provisions of section 17 shall apply.
- 301.5(1) No order made under section 301.2 shall be effective until a certified copy has been accepted for filing by the Registrar.

- (2) The Registrar shall not accept for filing any order made under section 301.2, unless
- (a) he receives proof to his satisfaction that the terms and conditions precedent of the order, if any, have been complied with; and
  - (b) his requirements are fulfilled.
- (3) The Registrar shall publish in the Gazette notice of the restoration of a company or extra-territorial company showing the date of its restoration.

301.6(1) Notwithstanding the provisions of this Ordinance, title to, or any interest in, land that has become the property of Her Majesty pursuant to section 2 of the *Escheats Act (Canada)* shall not be affected in any way by an order made under section 301.2."

22. Section 309.(1)(c) of the said Ordinance is repealed and the following substituted therefor:

"309.(1)(c) if the company is intended to be registered as a limited company, a statement specifying the following particulars:

- (i) the nominal share capital of the company and the number of shares into which it is divided, or the amount of stock of which it consists;
- (ii) the number of shares taken and the amount paid of each share;
- (iii) the name of the company, with the addition of the words "limited" or "ltd."; "corporation" or "corp."; or "incorporated" or "inc." as the last word thereof;
- (iv) in the case of a company intended to be registered as a company limited by guarantee, the resolution declaring the amount of the guarantee."

23. Section 314 of the said Ordinance is repealed and the following substituted therefor:

"314.(1) When a company registers in pursuance of this Part with limited liability, the words "limited" or "ltd."; "corporation" or "corp."; "incorporated" or "inc." shall form and be registered as part and the last word of its name."



24. The said Ordinance is amended by adding thereto the following new section:

- "337.(1) Any two or more companies, including holding and subsidiary companies, may amalgamate and continue as one company.
- (2) The companies proposing to amalgamate may enter into an amalgamation agreement, which shall prescribe the terms and conditions of the amalgamation and the mode of carrying the amalgamation into effect.
- (3) The amalgamation agreement shall further set out
- (a) the name of the amalgamated company;
  - (b) the amount of the authorized capital of the amalgamated company and the division thereof into shares;
  - (c) the business restrictions of the company;
  - (d) the names, occupations and places of residence of the first directors of the amalgamated company;
  - (e) the date when subsequent directors are to be elected;
  - (f) the manner of converting the authorized and issued capital of each of the companies into that of the amalgamated company; and
  - (g) such other details as may be necessary to perfect the amalgamation and to provide for the subsequent management and working of the amalgamated company.
- (4) The amalgamation agreement shall be submitted to the shareholders of each of the amalgamated companies at general meetings thereof called for the purpose of considering the agreement and if three-fourths of the votes cast at each meeting are in favour of the amalgamation agreement
- (a) the secretary of each of the amalgamating companies shall certify that fact under the corporate seal thereof; and
  - (b) the amalgamation agreement shall be deemed to have been adopted by each of the amalgamating companies.

- (5) Where the amalgamation agreement is deemed to have been adopted the amalgamating companies shall, if a copy of the agreement has been submitted to the Registrar and approved in writing by him, apply to the court for an order approving the amalgamation.
- (6) Unless the court otherwise directs, each amalgamating company shall notify each of its dissentient shareholders, in such manner as the court may direct, of the time and place when the application for the approving order will be made.
- (7) Unless the court otherwise directs, notice of the time and place of the application for the approving order shall be given to the creditors of an amalgamating company in such manner as the court may direct.
- (8) Upon the application, the court shall hear and determine the manner and may approve the amalgamation agreement as presented or may approve it subject to compliance with such terms and conditions as it thinks fit, having regard to the rights and interests of all parties including the dissentient shareholders and creditors.
- (9) The amalgamation agreement and the approving order shall be filed with the Registrar together with
  - (a) notice of the location of the registered office; and
  - (b) proof of compliance with any terms and conditions that may have been imposed by the court in the approving order.
- (10) On receipt of the amalgamation agreement, approving order and such other documents as may be required pursuant to subsection (9), the Registrar shall
  - (a) issue a certificate of amalgamation under his seal of office and certifying that the amalgamating companies have amalgamated; and
  - (b) publish in the Yukon Gazette at the expense of the applicants for amalgamation, a notice of the amalgamation setting out
    - (i) the names of the companies that are amalgamated;
    - (ii) the name of the amalgamated company,

- (iii) the authorized capital and business restrictions of the amalgamated company, and
  - (iv) such other information as the Registrar considers necessary.
- (11) On and from the date of the certificate of amalgamation, the amalgamating companies are amalgamated and are continued as one company hereinafter called the "amalgamated company", under the name and having the authorized capital and business restrictions specified in the amalgamation agreement.
- (12) The amalgamated company thereafter possesses all the property, rights, privileges and franchises and is subject to all the liabilities, contracts and debts of each of the amalgamating companies and its capital and business restrictions shall be deemed to constitute the memorandum of the amalgamated company.
- (13) Where the amalgamation agreement does not provide for the adoption of the articles of one of the amalgamating companies, or for the adoption of new articles, as articles of association for the amalgamated company, the shareholders of the amalgamated company, at a general meeting thereof called for the purpose may, if approved by three-fourths of the votes cast thereat, adopt and agree upon articles of association for the amalgamated company.
- (14) Where new articles of association are adopted for the amalgamated company, the articles may be filed with the Registrar at the same time as the amalgamation agreement or subsequently if the articles are certified
- (a) by each secretary of each amalgamating company, where the articles were adopted and agreed upon as a provision of the amalgamation agreement,
  - (b) by the secretary of the amalgamated company, where the articles were adopted and agreed upon by the shareholders of the amalgamated company.

- (15) Where articles of an amalgamating company are not adopted by the amalgamation agreement as the articles of the amalgamated company, and new articles are not filed with the Registrar pursuant to subsection (14), the articles contained in Table A in Schedule I apply as the articles of the amalgamated company.
- (16) Notwithstanding that articles have been adopted by the amalgamation agreement or filed as articles of the amalgamated company, the articles contained in Table A in Schedule I insofar as the articles of the amalgamated company do not exclude or modify them, apply in the same manner and to the same extent as if these articles were contained in the articles adopted and agreed upon for the amalgamated company.
- (17) For the purpose of this section, a company shall be deemed to be another's holding company if, but only if, that other is its subsidiary.
- (18) For the purpose of this section, a company shall be deemed to be a subsidiary of another company if, but only if,
- (a) it is controlled by
    - (i) that other, or
    - (ii) that other and one or more companies each of which is controlled by that other, or
    - (iii) two or more companies each of which is controlled by that other,
  - or
  - (b) it is a subsidiary of a company that is that other's subsidiary.
- (19) An amalgamated company shall, for the purposes of the other provisions of this Ordinance, be deemed to be a company incorporated under this Ordinance within the meaning of section 2 so far as the nature of an amalgamated company will permit."
25. Schedule II of the said Ordinance is amended by repealing Forms A, B, C, D, and E and substituting the following therefor:

## FORM "A"

## COMPANIES ORDINANCE

## MEMORANDUM

I/We wish to be formed into a company with limited liability under the *Companies Ordinance* in pursuance of this Memorandum.

1. The name of the Company is " \_\_\_\_\_ (see note (a))
2. The Company is restricted from carrying on:- \_\_\_\_\_ (see note (b))
3. The Company is restricted from exercising the following powers:- \_\_\_\_\_ (see note (c))
4. The authorized capital of the Company consists of \_\_\_\_\_ shares divided into \_\_\_\_\_ shares with a par value of \_\_\_\_\_ each and \_\_\_\_\_ shares without par value. \_\_\_\_\_ (see note (d))
5. I/We agree to take the number (and kind)(and class) of shares in the Company set opposite my/our name(s). \_\_\_\_\_ (see notes (e) and (f))

Full Name(s), Resident Address(es), Citizenship and Occupation(s) of Subscriber(s)	Number (and kind)(and class) of Shares taken by Sub- scriber(s)

Total Shares taken ..... \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Witness to the above signature(s):  
(Full name, address, and occupation.)

NOTES:

- (a) See Section 13.
- (b) List businesses the Company is NOT to carry on. If no restrictions other than those provided by law apply (see section 154), delete this paragraph.
- (c) List powers the Company is NOT to exercise. If no restrictions other than those provided by law are to apply (see section 154), delete this paragraph.
- (d) In paragraph 4 omit reference to shares without par value if there are only shares with par value; omit reference to shares with par value if there are only shares without par value. If the shares are of both kinds, see paragraph 2(d) of section 11 as to their description.
- (e) Add any additional provisions here.
- (f) The provisions of the Memorandum may only be altered to the extent and in the manner provided by Part II.

FORM "B"

COMPANIES ORDINANCE

MEMORANDUM

I/We wish to be formed into a specially limited company under the Companies Ordinance in pursuance of this Memorandum.

- (see note (a)) 1. The name of the Company is "Non-Personal Liability".
- (see note (b)) 2. The businesses the Company is permitted to carry on are restricted to the following: -
  - (a) Exploring for, developing, mining, smelting and refining minerals and coal;
  - (b) Exploring for, developing and producing petroleum and natural gas.
- (see note (c)) 3. The Company is restricted from exercising the following powers:
  - (a) To lend money to or guarantee the contract of any person or corporation, wheresoever incorporated;
  - (b) To raise or assist in raising money for, or to aid by way of bonus, loan, promise, endorsement, guarantee of debentures or other securities, or otherwise, any person or corporation, wheresoever incorporated.
- (see note (d)) 4. The authorized capital of the Company consists of \_\_\_\_\_ shares, divided into \_\_\_\_\_ shares with a par value of \_\_\_\_\_ each and \_\_\_\_\_ shares without par value.
- (see notes (e) and (f)) 5. I/We agree to take the number (and kind)(and class) of shares in the Company set opposite my/our names.

---

Full Name(s), Resident Address(es), Citizenship and Occupation(s) of Subscriber(s)	Number (and kind) (and class) of Shares taken by Subscriber(s)
--	---

---

Total shares taken ..... \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Witness to the above signature(s):  
(Full name, address, and occupation.)

NOTES:

- (a) See Section 13.
- (b) Paragraph II may not be added to, but deletions are permitted.

Continuation of Form "B"

NOTES: (Cont'd.)

- (c) Paragraph 3 may be added to, but deletions are not permitted.
- (d) In paragraph 4 omit reference to shares without par value if there are only shares with par value, omit reference to shares with par value if there are only shares without par value. If the shares are of both kinds, see paragraph 2(d) of section 11 as to their description.
- (e) Add any additional provisions here.
- (f) The provisions of the Memorandum may only be altered to the extent and in the manner provided by Part II.

FORM "C"

YUKON TERRITORY COMPANIES ORDINANCE

Certificate of Incorporation No. ....

A N N U A L R E P O R T

(see note  
(a))

1. This report contains information as at .....,  
19....

2. Name of Company: .....

3. Is the company a reporting company? .....

4. Date of incorporation or amalgamation: .....

5. Annual General Meeting:

(1) State whether annual general meeting was held  
or waived during the preceding 13 months (or  
in the case of the first annual general meeting  
during the preceding 15 months):  
.....

(2) State date and place last annual general meeting  
was held: .....

6. Directors:

<u>Name</u>	<u>Resident Address</u>
.....	.....
.....	.....
.....	.....

7. Officers:

<u>Name</u>	<u>Address</u>	<u>Office</u>
.....	.....	.....
.....	.....	.....

Certified correct the                      day of                      , 19 .

.....  
Secretary

NOTES:

- (a) This date must be the anniversary of the incorporation or amalgamation. (see section 33.)
- (b) Section 33 requires that this report be filed within one month of the anniversary of incorporation or amalgamation in each year.



FORM "D"

YUKON TERRITORY

COMPANIES ORDINANCE

ANNUAL REPORT  
As required by PART III of this ORDINANCE

1. This report contains information as at . (see note (a))

2. Name of Company:.....

3. Directors:

Name

Address

.....  
.....

4. Officers:

Name

Address

Office

.....  
.....

5. The charter of the Company has been amended since (see note (b))  
the date of the last report (or in the case of the  
first report of the registration of the Company) in  
the following respect;

.....  
..... (see note (c))

6. All filings required by the Companies Ordinance (see note (d))  
relating to any change in

- 1. the address of the head office within the Yukon Territory,
- 2. the address of the head office outside the Yukon Territory,
- 3. the name or address of any attorney within the Yukon Territory have been made.

7. The shares authorized:  
Number of shares                      Class                      Amount of par value (if any)

.....  
.....

8. The shares issued are:  
Number of shares                      Class                      Amount of par value (if any)

.....  
.....

9. The shares of the Company owned by the Company are:

Number of shares                      Class                      Amount of par value (if any)

.....  
.....

FORM "D" (cont'd.)

10. None of the directors or officers of the Company is a person who would be disqualified under section 79 or 80 respectively of the *Companies Ordinance* from being a director or officer of a Company under the *Companies Ordinance*.
11. The Company has not since the date of its last annual report been convicted of any offence involving fraud or if the company has been so convicted the particulars thereof.
12. The Company keeps at its head office within the Yukon Territory the records and documents required to be kept thereat by section 82 of the *Companies Ordinance*.

Certified correct the                      day of                      19                      .

.....  
Secretary

NOTES:

- (a) See section 33.
- (b) Charter is defined in the Ordinance to include an act, statute, ordinance, letters patent, certificate, declaration or other instrument or provision of law by or under which a corporation has been incorporated or amalgamated and any amendments thereof applying to the corporation and also its memorandum, articles, regulations or by-laws, agreement or deed of settlement, and any amendments thereof.
- (c) Here state short particulars and enclose a verified copy for filing if not already filed. If no amendments so state.
- (d) These are not all the filings required by the Ordinance.

FORM "E"

YUKON TERRITORY

COMPANIES ORDINANCE

Statement on Registration of  
Extra-Territorial Company

- 1. Name of Corporation: .....
- 2. Date of incorporation or amalgamation: .....
- 3. Jurisdiction of incorporation: .....
- 4. The business that the corporation will carry on in the Yukon Territory is: (see note (a))

.....

- 5. The full address of the head office or chief place of business outside the Yukon Territory is:

.....

- 6. The full address of the head office within the Yukon Territory is: .....

.....

- 7. The full name and address of the person appointed by the Corporation as its attorney for the purpose of section 163 of the *Companies Ordinance*:

.....

- 8. The charter documents of the corporation, verified copies of which are attached, are: (see note (b))

<u>Date</u>	<u>Nature</u>
-------------	---------------

.....

.....

.....

- 9. The shares authorized are:

<u>Number of Shares</u>	<u>Class</u>	<u>Amount of par value (if any)</u>
-------------------------	--------------	-------------------------------------

.....

.....

.....

- 10. The shares issued are:

<u>Number of Shares</u>	<u>Class</u>	<u>Amount of par value (if any)</u>
-------------------------	--------------	-------------------------------------

.....

.....

.....

FORM "E" (cont'd.)

11. The shares of the corporation owned by the corporation are:

<u>Number of shares</u>	<u>Class</u>	<u>Amount of par value (if any)</u>
.....	.....	.....
.....	.....	.....
.....	.....	.....

12. The full names and addresses of all the directors of the corporation are:

<u>Name</u>	<u>Address</u>
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

13. The full names and addresses of all the officers of the corporation are:

<u>Name</u>	<u>Address</u>
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

14. Does the corporation intend to offer any of its securities to any person in the Yukon Territory?

.....

15. The corporation will, upon registration, observe and comply with those provisions of the Companies Ordinance applicable to it.

In witness whereof the corporation has executed this Statement the                    day of                    , 19                    .

This Statement is executed in the name of the corporation by .....

(Name of Corporation)

.....  
(print name)

by .....  
(Authorized signing officer)

FORM "E" (cont'd.)

.....  
(address)

.....  
(relationship to corporation)

NOTES:

- (a) State briefly the business the corporation intends to carry on in the Yukon Territory. Do not recite all the objects of the corporation.
- (b) Charter is defined in the Ordinance to include act, statute, ordinance, letters patent, certificate, declaration or other instrument or provision of law by or under which a corporation has been incorporated or amalgamated and any amendments thereof applying to the corporation and also its memorandum, articles, regulations or by-laws, agreement of deed of settlement, and any amendments thereof.

STATUTORY DECLARATION

C A N A D A )  
YUKON TERRITORY ) IN THE MATTER OF THE COMPANIES  
TO WIT ) ORDINANCE  
AND OF

WE, , of , and  
of , do solemnly declare:

1. That we are respectively .....  
(director or secretary or  
..... and .....  
other officer)  
of .....  
(name of corporation)
2. That we have personal knowledge of the matters set forth in the foregoing Statement of the corporation.
3. That the information contained in the Statement is true and correct.
4. That none of the directors of the corporation is a person who is not qualified under section 79 of the *Companies Ordinance* to become or act as a director of a Yukon company.
5. That the corporation has not within the preceding five years been convicted of any offence involving fraud.

AND we severally make this solemn declaration conscientiously believing it to be true.

Severally declared by the above-named declarants at  
in the .....  
of .....  
this day of , .....  
19 .....  
.....  
A Notary Public in and for the  
Yukon Territory

C O N S E N T

I, , of , hereby  
consent to act as the attorney of the above-mentioned  
extra-territorial company.

Dated this day of , 19 .

.....  
(signature)

26.      The said Ordinance is amended by adding thereto  
the following new section:

"338.(1) This Ordinance or any portion thereof  
shall come into force on such day or  
days as may be fixed by the Commissioner."

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CHAPTER 6  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

AN ORDINANCE TO AMEND THE ELECTIONS ORDINANCE

(Assented to December 15, 1975)

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

1. The *Elections Ordinance* is amended by  
repealing sections 15, 16, 17 and 18 and  
substituting the following therefor:
  - "15.(1) There shall be paid to each member  
of the Council an indemnity calculated  
at the rate of eight thousand, eight  
hundred dollars per annum.
  - (2) In addition to the amount provided  
in subsection (1), there shall be  
paid to each member of Council  
representing the electoral districts  
of
    - (a) Hootalinqua
    - (b) Kluane
    - (c) Mayo
    - (d) Watson Lake
    - (e) Ogilvie
    - (f) Klondike
    - (g) Pelly Riveran allowance in respect of duty expenses  
calculated at the rate of four thousand  
dollars per annum, and to each member  
of Council representing the electoral  
districts of
    - (h) Whitehorse South Centre
    - (i) Whitehorse North Centre
    - (j) Whitehorse West
    - (k) Whitehorse Porter Creek
    - (l) Whitehorse Riverdale



- an allowance in respect of duty expenses calculated at the rate of two thousand dollars per annum.
- (3) In lieu of the amount provided in subsection (2) there shall be paid to the members of the Advisory Committee on Finance an allowance in respect of duty expenses calculated at the rate of four thousand dollars per annum.
  - (4) For the purposes of this section, a person shall be deemed to have become a member of the Council on the day last fixed for the election of a member for the electoral district represented by him, and if re-elected, he shall be deemed to have served continuously.
  - (5) In addition to the amount provided in subsections (1) and (2) there shall be paid:
    - (a) to the member of Council appointed Speaker of the House by the Council an allowance in respect of duty expenses calculated at the rate of four thousand dollars per annum, and
    - (b) to the member of the Council appointed Deputy Speaker of the House and Chairman of Committees by the Council an allowance in respect of duty expenses calculated at the rate of two thousand dollars per annum.
16. In addition to the amounts provided in section 15 there shall be paid to each member of the Council appointed to the Advisory Committee on Finance by the Commissioner on the recommendation of the Council, a salary calculated at the rate of fourteen thousand, two hundred and twelve dollars per annum.
17. For the purposes of subsection 15.(5) and section 16, members of the Council shall be entitled to the allowance provided from the day of their appointment and to continue until such time as the member vacates his seat on the Council or is replaced by another appointment, providing that if a member is re-elected at a general election and is reappointed at the first Session of the Council thereafter, he shall be deemed to have served continuously.

18.            The indemnities and duty expenses mentioned in sections 15 and 16 shall be payable every fourteen days."
2.            Section 19 of the said Ordinance is repealed and the following sections substituted therefor:
- "19.(1)      There shall be paid an expense allowance of forty-five dollars per day to members of Council who are absent from their normal place of residence attending:
- (i)          Sessions of the Council
  - (ii)        Meetings of committees of Council
  - (iii)       Meetings at the request of the Speaker or Clerk of the Council.
- (2)          The allowance shall be payable for the time required to travel to and from the session or meeting.
- (3)          A member shall be paid travel allowance for travel incurred in respect of travel expenses at the rate in force from time to time in respect of members of the public service.
- (4)          For the purposes of this section, members of the Advisory Committee on Finance shall be deemed to reside at the seat of Government.
20.          The indemnities, salaries and duty expense allowances payable pursuant to sections 15 and 16 and the expenses payable pursuant to subsection 19.(1) shall be adjusted on April 1 of each year in accordance with the percentage change in the average weekly earnings of workmen in the Territory pursuant to the Industrial Composite of Average Weekly Wages and Salaries established by Statistics Canada for the 12-month period ending on September 30 of the immediately preceding year, rounded to the nearest dollar."
3.            The said Ordinance is further amended by adding thereto the following new section:
- "21.(1)      The members of the Council shall be deemed to be workmen who are actually engaged in the business of the Council and any Workmen's Compensation in respect of them shall be paid by the Commissioner."
4.            Section 9 of the *Workmen's Compensation Ordinance* is repealed.

5.            (1)            Section 1 of this Ordinance shall be deemed to have come into force on the 18th day of November, 1974.
  - (2)            Sections 2, 3 and 4 of this Ordinance shall come into force upon assent.
-

CHAPTER 7  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

AN ORDINANCE TO AMEND THE GAME ORDINANCE

(Assented to December 15, 1975)

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 the *Game Ordinance* is amended by  
repealing the definitions "big game", "game",  
"game guardian", "hunting" and "predatory animal"  
and substituting the following therefor:

"big game" means

- (a) bison (buffalo), mountain sheep, and  
mountain goat;
- (b) any member of the deer family,  
whether known as caribou, moose,  
deer, wapiti (elk) or otherwise;
- (c) bear, wolf and coyote; and
- (d) any other animal declared by the  
Commissioner to be big game;

"conservation officer" means any person appointed  
as such under this Ordinance;

"game" means big game, fur-bearing animals, game  
birds and small game which are wild by nature  
and while in a state of nature and includes  
the head, skin or any part thereof;

"hunting" means any chasing, pursuing, searching  
for, worrying, following after or on the trail  
of, stalking or lying in wait for the purpose  
of taking game, and any trapping, attempting  
to trap, or shooting at game, whether or not  
the game is then or subsequently captured,  
killed or injured;

"predatory animal" means any animal prescribed  
by the Commissioner as a predatory animal."

2. Section 2 of the said Ordinance is further amended  
by adding thereto the following new definitions:

"bird of prey" means any hawk, falcon, eagle,  
owl, osprey, vulture and any other species  
of the Orders Falconiformes or Strigiformes;

"small game" means hare, ground squirrel, marmots and any animal prescribed as small game by the Commissioner;

"wildlife" means any vertebrate animal of any species other than fish that is wild by nature in the Territory;"

3. (1) In the following subsections and paragraphs the expression "game guardian" is repealed and the expression "conservation officer" substituted therefor:

5.(3), 12.(3), 12.(4), 15.(2), 19.(3), 24.(1)(a), 24.(1)(b), 34.(1), 37.(1), 40.(1), 40.(2), 41.(2), 43.(1), 47.(3), 48.(3), 48.(5), 65.(2), 67.(1), 71.(1), 72.(1), 75.(1), 86.(1)(c), 89.(1)(f), 92.(1), 93.(1), 94.(1), 94.(2), 96.(1), 97.(1), 98.(1), 99.(1), 99.(1)(b), 99.(1)(c), 100.(1), 101.(1), 101.(2), 102.(1).

(2) In the following subsections the expression "deputy game guardian" is repealed:

15.(2), 19.(3), 94.(1), 94.(2), 96.(1), 97.(1), 98.(1), 99.(1), 100.(1), 101.(1), 101.(2), 102.(1).

(3) In the following subsections the expression "honorary game guardian" is repealed and the expression "honorary conservation officer" substituted therefor:

93.(1), 94.(1), 94.(3).

4. Section 7 of the said Ordinance is amended by adding thereto the following new subsection:

"(3) Notwithstanding subsection (1), any person may, with the written permission of the Director, possess and use drugs for the purpose of taking, tranquillizing or immobilizing wildlife for scientific purposes."

5. Section 8.(1) of the said Ordinance is repealed and the following substituted therefor:

"8.(1) No person shall for the purpose of hunting big game use or employ;

- (a) any automatic firearm of any description which is capable of firing more than one bullet during one pressure of the trigger;
- (b) any firearm which can be altered so as to operate as an automatic firearm;
- (c) a pistol or revolver;
- (d) a shotgun smaller than 20 gauge;
- (e) any rifle less than .24 calibre;
- (f) any shotgun ammunition other than one solid ball commonly known as a slug;

- (g) any contrivance for the purpose of silencing or deadening the sound of the report of any firearm;
- (h) full metal-cased or jacketed non-expanding bullets commonly known as "service ammunition";
- (i) bullets commonly known as "tracer";
- (j) a bow having less than 45 pounds pull or an arrow less than 28 inches in length which is not affixed with a double or triple bladed broadhead tip;
- (k) a muzzle loaded or black powder rifle of less than .45 calibre; or
- (l) a cross bow."

6. Paragraph 8.(2)(c) of the said Ordinance is repealed and the following substituted therefor:

"(2)(c) Operate a vehicle at any time in any manner intended or reasonably expected to harass, drive or pursue any wildlife."

7. Subsection 14.(1) of the said Ordinance is repealed and the following substituted therefor:

"14.(1) No person who has killed game other than bear shall;

- (a) abandon any portion of the flesh thereof that is suitable for human food;
- (b) allow any portion of the flesh thereof that is suitable for human food to be destroyed or spoiled;
- (c) allow any portion of the flesh thereof that is suitable for human food to be used as bait in hunting operations or be fed to captive fur-bearing animals or domestic animals, including dogs.

(2) No person who has killed a fur-bearing animal or bear shall allow the pelt to become deteriorated, spoiled or destroyed.

(3) No person shall for the purpose of hunting or taking big game use or employ any bait of any kind."

8. Section 18 of the said Ordinance is repealed and the following substituted therefor:

"18.(1) Except as provided by subsection (2);

- (a) the owner or person in charge of any hotel, restaurant, public dining room, club, school, mission, hostel, hospital, camp or dining room of a mining, logging, construction or other commercial or industrial

establishment or any place where meals are served for which a charge is made, either directly or indirectly, who serves or causes to be served meat of wildlife for food or who brings the meat of wildlife into or has possession of meat of wildlife in or permits any other person to bring meat of wildlife into or have possession of meat of wildlife in that place; and

- (b) any person who brings meat of wildlife into or has possession of meat of wildlife in that place, is guilty of an offence.

(2) The Director may, subject to any condition he may impose, permit the meat of wildlife to be had in possession and served;

- (i) in hotels, restaurants, public dining rooms of clubs or other organizations on special occasions,
- (ii) in schools, missions, hostels or hospitals in case of need; and
- (iii) in any outfitters' camps during the hunting season."

9. The title to Part III and section 21 of the said Ordinance is repealed and the following substituted therefor:

"PART III

SPECIAL PROHIBITIONS AND RESTRICTIONS

GAME AND GAME BIRDS

21.(1) No person shall hunt, take, wound or kill game unless he is authorized to do so by this Ordinance or by a licence or permit issued under this Ordinance.

(2) No person shall take or kill game except in accordance with the regulations."

10. Section 22 of the said Ordinance is repealed and the following substituted therefor:

"22.(1) Every person who kills any big game shall retain in his possession distinctive evidence of the sex and species of the big game until he has conveyed the big game to his residence or had it inspected by a conservation officer.

(2) No person shall have in his possession any big game whose distinctive evidence of sex and species has not been retained pursuant to subsection (1).

(3) For the purpose of this section "distinctive evidence of the sex and species" of big game means;

(a) where the big game is a male sheep or goat, the head or skull with horns;

(b) where the big game is a male moose or caribou, the head or skull with antlers, or the scrotum attached to a portion of the carcass; or

(c) where the big game is a female animal,

(i) the head, or

(ii) the udder attached to a portion of the carcass."

11. Subsection 23.(2) of the said Ordinance is repealed.

12. Section 24 of the said Ordinance is amended by adding thereto the following:

"(2) A conservation officer may kill or destroy any wildlife at any time;

(a) if he finds that such wildlife is destructive of private property or a danger to public safety; or

(b) if the wildlife is wounded or diseased."

13. Subsection 25.(6) of the said Ordinance is repealed and the following substituted therefor:

"(6) No person shall destroy, tear down, deface or damage a poster, notice or sign that has been erected pursuant to this Ordinance or the regulations."

14. Subsection 26.(1) and (2) of the said Ordinance are repealed and the following substituted therefor:

"26.(1) The Director may issue licences to export wildlife.

(2) No person shall ship or remove any wildlife from the Territory, except under a licence issued under subsection (1)."

15. Section 27 of the said Ordinance is repealed and the following substituted therefor:

"27.(1) Except as authorized by this Ordinance, no person shall hunt, take, wound or kill or have in his possession any game birds, birds of prey or other birds that are wild by nature or molest, injure, destroy or take the nests or eggs of any such birds.



(2) Any person not authorized by this Ordinance to capture birds of prey who is in possession of any decoy, appliance or materials of any kind commonly used for the capture of birds of prey, other than in his permanent place of residence is guilty of an offence and any such appliance or material may upon being found by a conservation officer or deputy conservation officer, be forthwith seized by him and if seized shall be taken before a justice of the peace."

16. Subsection 45.(1) of the said Ordinance is repealed and the following substituted therefor:
- "45.(1) The Director may issue a licence to a person to take and export wildlife, its products and parts for scientific purposes."
17. Subsection 58.(1) of the said Ordinance is repealed and the following substituted therefor:
- "58.(1) A certificate of registration of a guiding area reserves to the person to whom the certificate was issued the sole and exclusive right and privilege of outfitting and guiding any person for the purpose of hunting big game within the area described in the certificate of registration."
18. Section 58 of the said Ordinance is further amended by adding thereto the following new subsection:
- "(3) Any person who for gain or reward or the hope or expectation thereof outfits or guides another person for the purpose of hunting big game except in accordance with a valid licence or certificate of registration of a guiding area issued pursuant to this Ordinance commits an offence."
19. Section 61 of the said Ordinance is amended by adding thereto the following new subsection:
- "(2) Where the Director is satisfied that an outfitter is not harvesting the game in the area described in his certificate of registration on a sustained yield basis but is depleting such game, the Director may suspend or cancel the licence."
20. Subsection 62.(1) of the said Ordinance is repealed and the following substituted therefor:
- "62.(1) Subject to subsection 61.(2) the holder of a certificate of registration of a guiding area may, within a period of sixty days preceding the date on which it expires or sixty days after that date, apply for renewal, and if the Director is satisfied that the holder has complied with this Ordinance and the regulations he is entitled to a renewal thereof for further period of five years in priority over all other applicants."

21. Subsection 66.(2) of the said Ordinance is repealed and the following substituted therefor:
- "(2) The Director may, upon application therefor, issue an assistant trapper's licence to any person who,
- (a) is over the age of sixteen years;
  - (b) is a Canadian citizen;
  - (c) has resided continuously in the Territory for two years immediately prior to his application, and
  - (d) has the written consent of the holder of the registered trapping area on which he intends to trap."
22. Section 77 of the said Ordinance is repealed and the following substituted therefor:
- "77.(1) The Director, upon application therefor, may issue a licence to take live wildlife for propagation, display or export.
- (2) No person shall take or keep live wildlife in captivity for propagation, display or export without first obtaining a licence pursuant to subsection (1)."
23. Subsection 78.(1) of the said Ordinance is repealed and the following substituted therefor:
- "78.(1) Live wildlife, whether taken for propagation, display or export, shall be taken only during the period and in the numbers specified in the licence and by the use of box traps or other devices approved by the Director."
24. Subsection 87.(2) of the said Ordinance is repealed and the following substituted therefor:
- "(2) A person who is not a resident in the Territory may purchase without a licence, skins or pelts of a fur-bearing animal for his own use, but not for barter or sale, the total value of which, in any licence year, may be prescribed."
25. Paragraphs 89.(1)(e) and (g) of the said Ordinance are repealed.
26. Subsection 91.(1) is amended by repealing paragraphs (b) and (c) and substituting therefor the following:
- "91.(1)(b) One or more persons to act as conservation officers who shall perform such duties as may be assigned by the Director.
- (c) One or more persons or class of persons to act as deputy conservation officers.
- (d) One or more persons to act as honorary conservation officers."

27. Paragraph 92.(2)(b) of the said Ordinance is repealed.
  28. Section 94 of the said Ordinance is amended by adding thereto the following new subsections:
    - "(4) Every deputy conservation officer has the authority of a conservation officer except to the extent prescribed by the Commissioner.
    - (5) Every conservation officer is a peace officer for the purpose of administering this Ordinance and any enactment prescribed by the Commissioner."
  29. Section 103 of the said Ordinance is amended by adding:
    - "(3) Notwithstanding subsection (1), the justice may in any case direct the immediate disposal of any perishable game for the benefit of any charitable institution or needy person."
  30. This Ordinance or any portion thereof shall come into force on such day or days as may be fixed by the Commissioner.
-

CHAPTER 8  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

AN ORDINANCE TO AMEND THE  
HOSPITAL INSURANCE SERVICES ORDINANCE

(Assented to December 15, 1975)

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

1. The *Hospital Insurance Services Ordinance* is amended by adding the following new section:
  - "18.(1) Every person employed in the administration of the Ordinance shall preserve secrecy with respect to all matters that come to his knowledge in the course of employment, and which pertain to insured services rendered and benefits paid therefor, and shall not communicate any such matters to any other person except as otherwise provided in this section.
  - (2) A person referred to in subsection (1) may furnish information pertaining to the date on which insured services were provided, the name and address of the person or facility which provided the service, the benefits paid and the person or facility to whom they were paid, but the information shall be furnished only
    - (a) in connection with the Administration of this Ordinance, the regulations or the *Federal Act*;
    - (b) in proceedings under this Ordinance, the regulations or *Federal Act*; and
    - (c) to the person or facility which provided the service or the person who received the service, or the solicitor, personal representative or guardian, committee of estate, trustee in bankruptcy or other legal representative of the facility or person."

- (3) Information in the hands of the Administrator may be published in statistical form if the individual names of persons are not thereby revealed or made indentifiable.
  - (4) With the consent of the Administrator, information of the kind referred to in subsection (2) and any other information pertaining to the nature of insured services provided and any diagnosis given by the facility which provided the services, may be disclosed or communicated to the appropriate person or persons for the purpose of investigating a complaint against a medical practitioner or a facility or for use in proceedings involving a medical practitioner or a facility.
  - (5) No action lies against a facility or a member of its staff in respect to information furnished to the Administrator concerning insured services rendered by such facility."
-

CHAPTER 9  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE

(Assented to December 15, 1975)

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 the *Labour Standards Ordinance* is amended by deleting the definition "shop" therefrom.
2. Section 2 of the said Ordinance is further amended by repealing the definition "standard hours of work" and substituting the following therefor:  
  
"standard hours of work" means the hours of work described in subsection 5.(1);"
3. Subsections 5.(1), (2), (3) and (4) of the said Ordinance are repealed and the following substituted therefor:  
  
"5. (1) Subject to this Part, the working hours of an employee shall not exceed eight hours in a day and forty hours in a week.  
  
(2) Subject to this Part, no employer shall cause or permit an employee to work in excess of the standard hours of work.  
  
(3) This Part does not apply to
  - (a) employees who are members of the employer's family;
  - (b) individuals who search for minerals;
  - (c) travelling salesmen;
  - (d) individuals whose duties are solely of a supervisory or managerial character;
  - (e) members or students of such professions as may be designated by the regulations as professions to which this Part does not apply; and

- (f) such other persons or classes of persons as may be designated by the regulations as persons or classes of persons to which this Part does not apply."

4. Section 8 of the said Ordinance is repealed and the following substituted therefor:

- "8. (1) Except as may be otherwise prescribed by the regulations, standard hours of work in a week shall be so scheduled and actually worked that each employee has at least two full days of rest in the week and, wherever practicable, Sunday shall be one of the normal days of rest in a week."
-

CHAPTER 10  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

AN ORDINANCE TO AMEND THE LEGAL PROFESSION ORDINANCE

(Assented to December 15, 1975)

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 the *Legal Profession Ordinance* is amended by adding thereto the following new definitions:  

"Discipline Committee" or "Committee"	"Discipline Committee" or "Committee" means the Discipline Committee appointed by the Commissioner pursuant to section 33;
"Discipline Secretary"	"Discipline Secretary" means the Discipline Secretary appointed by the Commissioner pursuant to section 33."
2. Sections 17, 18, 19, 20 and 22 of the said Ordinance are repealed.
3. Section 21 of the said Ordinance is repealed and the following substituted therefor:  

Struck off Roll or Suspended	"21.(1) Whenever any barrister and solicitor is struck off the Roll or suspended from practising, the Discipline Secretary shall certify the same to the Secretary who shall file such certificate and shall make a note opposite the name of the person on the Roll of his having been struck off the same or suspended and, in the case of suspension, of the time of such suspension."
------------------------------	---
4. The said Ordinance is further amended by adding thereto the following new Parts and sections:

"PART II

Protection of Persons Dealing with  
Barristers and Solicitors

- 26.(1) In this Ordinance  

"depository"	"depository" means any bank, trust company or person holding by way of deposit or otherwise any moneys,
--------------	---



trust funds or assets of any kind relating to the business of a person as a barrister and solicitor including a former barrister and solicitor;

"property" or "property of a barrister and solicitor" means any thing wherever situated, kept by, acquired by or given to a barrister and solicitor by or for a client or any other person and without restricting the generality of the foregoing includes ledgers, books of account, records, files, documents, papers, securities, shares, trust moneys in cash or on deposit, negotiable instruments, corporate seals and chattels or any of them, where they in any way relate to his practice or former practice as a barrister and solicitor or the business or affairs of his clients or former clients or any of them, and whether or not they were acquired before or after he ceased to practice as a barrister and solicitor.

"property" or "property of a barrister and solicitor"

Accounting by Barristers and Solicitors

- 27.(1) The Chairman of the Discipline Committee may at any time if he is of the opinion that a barrister and solicitor has failed to account to a client or to deliver to a client any property
- (a) instruct the Discipline Secretary to direct the barrister and solicitor to give to the client or to the Discipline Secretary, or both, an accounting of the property; or
  - (b) instruct the Discipline Secretary to direct the barrister and solicitor to pay the property into or deposit the property with the court,
- and may fix a time within which the barrister and solicitor is to comply with the direction.
- (2) Property paid or deposited under subsection (1) may, upon a summary order of a judge of the court, be paid out or delivered to the person or persons named in the order as being entitled thereto.

- (3) Failure of a barrister and solicitor to comply with a direction given under subsection (1) subjects the barrister and solicitor to attachment by a judge of the court and may be the subject matter of a charge of conduct unbecoming a barrister and solicitor.

Seizure of Property

- 28.(1) Upon a summary application made *ex parte* by the Committee, a judge of the court may order the sheriff to enter upon any premises where any property that relates to a transaction between the barrister and solicitor and any of his clients, is or may be kept, and to seize and remove the property and place it in the custody of the Discipline Secretary or any other person named in the order.
- (2) A sheriff executing an order under subsection (1) has all the powers of a person lawfully charged with the execution of a writ of execution or a distress warrant under the *Distress Ordinance*.
- (3) The Discipline Secretary shall cause any property placed in custody under subsection (1) to be examined by such persons as may be designated by the Chairman of the Committee and thereafter shall return the property to the barrister and solicitor or otherwise deal with it as a judge of the court may direct on notice being given to the barrister and solicitor.
- (4) An order under this section may be varied or set aside on two days' notice.

Custodian

- 29.(1) In any of the following cases, namely
- (a) when the name of a barrister and solicitor has been struck off the Roll;
  - (b) when a barrister and solicitor has been suspended;
  - (c) when a barrister and solicitor has died or become mentally incapacitated;
  - (d) when by reason of illness or for any other reason a barrister and solicitor is unable to practise as a barrister and solicitor;

- (e) when a barrister and solicitor has absconded or is otherwise improperly absent from his place of business or has neglected his practice for an unduly extended period;
  - (f) when there is reason to believe that the trust moneys held by a barrister and solicitor are not sufficient to meet his trust liabilities; or
  - (g) when sufficient grounds otherwise exist, a judge of the court may, upon application by the Committee either *ex parte* or on such notice as the judge may require, by order appoint a person as custodian to have custody of the property of the barrister and solicitor and to manage or wind up the legal business of the barrister and solicitor.
- (2) An order under subsection (1) may direct the sheriff to seize and remove and place in the custody of the custodian all property of the barrister and solicitor and to that end the order may authorize the sheriff to enter upon any premises or open any safety deposit box or other receptacle when there are grounds for believing that property of the barrister and solicitor may be found thereon or therein.
- (3) Unless otherwise directed, the order shall be promptly served upon the barrister and solicitor.
- (4) Upon the receipt by any person of notice that an order has been made pursuant to this section, he shall retain and shall not dispose of any property of a barrister and solicitor until directed by the custodian or by order of the court as to the disposition thereof.
- (5) A judge may in an order under subsection (1) or may at any time and from time to time by a subsequent order made *ex parte* or upon such notice as the judge may require
- (a) direct any bank or other depository of property of a barrister and solicitor to deal with, hold, pay over or dispose of such property to the custodian, or in such other manner as the judge may deem proper;

- (b) remove any custodian appointed by such order and appoint another custodian;
- (c) give directions and advice to the custodian as to the disposition of the property in his hands or any part or parts thereof; and
- (d) give such directions or make such further orders as the nature of the situation requires.

30.(1) Where property of a barrister and solicitor has been placed in the custody of a custodian under section 29, the Discipline Secretary or such solicitors or other persons, if any, as the Chairman of the Committee may designate, shall examine the property and there- after the custodian shall, by such notice as he thinks proper, including publication in a newspaper if he thinks fit, inform clients of the barrister and solicitor or other persons as he may consider necessary

- (a) that the property of the barrister and solicitor is in the custody of the custodian and that an examination thereof indicates that the client or other person appears to have an interest therein; and
- (b) that the client or other person may apply to the custodian in person or by solicitor or agent for the delivery to him of the property in which he appears to have an interest or for leave to make copies of any documents and papers among the property that he may deem necessary to copy, in respect of any trans- actions or dealings he had with the barrister and solicitor, subject to any solicitor's lien of the barrister and solicitor upon or with respect to such property.

(2) Where the custodian is satisfied that a person is entitled to any property in his custody and that no solicitor's lien is claimed thereon or appears to exist, or if any such lien is satisfied, he may deliver the property to the person claiming it.

(3) Where a barrister and solicitor whose property has been placed in the custody of a custodian under section 29 claims to be entitled to a solicitor's lien upon or in respect of any part or parts thereof

- (a) he shall, within thirty days from the service of the order upon him, file notice of his claim for lien with the custodian with particulars thereof;
  - and
  - (b) the custodian shall forthwith give notice of the claim for lien to the apparent owner of the property against which the lien is claimed and thereafter the rights of the parties shall be determined according to law.
- (4) Where a barrister and solicitor fails to file a claim for lien pursuant to this section, any lien that he might otherwise be entitled to is extinguished and the custodian is entitled to deliver any property to the claimant thereof if otherwise satisfied that it is proper to do so.
  - (5) Notwithstanding anything in this section, a judge may summarily determine the validity of any claim to a solicitor's lien.

General

- 31.(1) Notwithstanding anything in this Part, a judge may at any time enlarge or shorten the time within which any thing is required to be done under this Part or dispense with any of such requirements.
- (2) Neither the custodian, the Committee, its officers or anyone designated by the Committee nor anyone acting for any of them, incurs any liability or obligation as trustee or otherwise to the barrister and solicitor or to any of the barrister and solicitor's clients or former clients or to the barrister and solicitor's estate or to any other person by reason of any proceeding taken under this Part.
- (3) No liability attaches to the persons enumerated in subsection (2) or any of them for any thing done or omitted to be done in good faith under this Part.
- (4) A judge may fix and award the costs and fees to be taxed, allowed and paid by the barrister and solicitor or any other person in respect of proceedings under section 29 or 30, including the costs and fees payable to a custodian, but no costs shall be awarded against the Committee, its officers or anyone

designated by the Committee or anyone acting for any of them by reason of or in respect of any proceedings under this section and taken in good faith.

- (5) The Legal Adviser shall when so instructed by the Chairman of the Committee, order and provide for an audit of a barrister and solicitor's books and accounts, in which case the provisions of the *Legal Profession Accounts Ordinance* shall apply.

### PART III

#### Discipline

- 32.(1) The question of whether a barrister and solicitor or former barrister and solicitor or a student-at-law is guilty of conduct unbecoming a barrister and solicitor or a student-at-law, as the case may be, or a breach of any provision of this Ordinance or the regulations or rules made thereunder, shall be determined by the Committee or, on appeal, by the Court of Appeal.
- (2) Any act or conduct that in the judgment of the Committee or the Court of Appeal, as the case may be,
- (a) constitutes misappropriation or wrongful conversion by a barrister and solicitor of money or other property entrusted to or received by him in his capacity as a barrister and solicitor;
  - (b) constitutes other professional misconduct;
  - (c) is such as to be harmful to the best interests of the public; or
  - (d) tends to harm the standing of the legal profession generally,
- is conduct unbecoming a barrister and solicitor, within the meaning of this section.
- 33.(1) The Commissioner shall, on the advice of the Chief Justice of the Supreme Court of British Columbia, appoint a Discipline Committee consisting of a Chairman and not less than eight members.
- (2) Only persons who are enrolled on the Roll or who are members in good standing in the law society of a province, are eligible to be appointed to the Committee.

- (3) The Committee shall appoint from amongst its members a Vice-Chairman who shall, in the absence of the Chairman, have all the powers of the Chairman.
- (4) For the purposes of this Ordinance, the Committee has all the powers of a board of inquiry appointed pursuant to the *Public Inquiries Ordinance*.
- (5) Each of the members of the Committee shall hold office during pleasure for a term of three years except that of those first appointed, three shall be appointed for a term of one year and three shall be appointed for a term of two years.
- (6) The members of the Committee shall be paid such remuneration as the Commissioner prescribes.
- (7) The members and staff of the Committee shall be paid such transportation, accommodation and living expenses incurred in connection with their duties while away from their ordinary place of residence as the Commissioner prescribes.
- (8) The Committee may be called together at any time by the Chairman, the Vice-Chairman or the Discipline Secretary for the purpose of carrying out its functions.
- (9) Except in respect of hearings in disciplinary matters, a quorum shall consist of five members.
- (10) Where a hearing or investigation is convened pursuant to sections 37, 40 or 41, a quorum shall consist of three members but in such case a vacancy does not impair the right of the remaining two members to act.
- (11) In the absence of the Chairman, the Vice-Chairman shall preside at meetings of the Committee and in the absence of the Chairman and the Vice-Chairman, the members present shall select a chairman from amongst their number who shall, for the purposes of such meeting, have all the powers of the Chairman.
- (12) The Chairman shall be the chief executive officer of the Committee and shall be responsible for the custody and care of all records and documents belonging to or pertaining to the Committee and has supervision over and direction of the work and staff of the Committee.

- (13) The Committee may meet at such times and places whether within or without the Territory as it considers necessary or desirable for the proper conduct of its business.
  - (14) The Commissioner shall, upon the recommendation of the Committee, appoint a person to act as Discipline Secretary of the Committee.
  - (15) The Chairman may, with the approval of the Commissioner, from time to time appoint one or more persons having special knowlege to assist the Committee in carrying out its functions or as special counsel to the Committee.
  - (16) The Committee may authorize a member or other person to investigate and report on any question or matter arising in connection with the business of the Committee.
  - (17) A person authorized pursuant to subsection (16) has all the powers of the Committee for the purpose of taking evidence or requiring the necessary information for his report.
  - (18) A person appointed pursuant to subsections (15) and (16) shall be paid such remuneration as the Chairman, with the approval of the Commissioner, may determine.
- 34.(1) The Committee may make rules
- (a) providing for the making of preliminary investigations into any matter regarding the conduct of a barrister and solicitor or a student-at-law, whether a complaint is made or not;
  - (b) governing proceedings of and before the Committee;
  - (c) subject to this Part, prescribing the powers and duties of a person conducting a preliminary investigation appointed under this Part; and
  - (d) subject to this Part, prescribing the procedure for preliminary investigations.
- 35.(1) A person conducting a preliminary investigation may require the barrister and solicitor concerned and any other barrister and solicitor to produce to him any books, papers and other



documents in the barrister and solicitor's possession or under the barrister and solicitor's control and may require the attendance at the investigation of the barrister and solicitor concerned and any other barrister and solicitor.

- (2) The Committee may summarily apply *ex parte* to the court for an order
- (a) directing the barrister and solicitor concerned and any other barrister and solicitor to produce to the person conducting a preliminary investigation any books, papers and other documents in his possession or under his control, if it is shown that the barrister and solicitor has failed to produce them when required by that person; or
  - (b) directing any person, including any bank, trust company or other corporation in which a barrister and solicitor has trust moneys on deposit, to produce to a person conducting a preliminary investigation any books, papers, documents or records that are or may be related to the subject matter of the complaint being investigated.
- (3) A person making a preliminary investigation into a matter concerning the conduct of a barrister and solicitor may investigate any other matters regarding the conduct of the barrister and solicitor concerned that arises in the course of the investigation.

36.(1) The Chairman or a member of the Committee designated by him shall review any matter regarding the conduct of a barrister and solicitor brought to his attention by the Discipline Secretary or otherwise, whether a complaint is made or not, and shall either

- (a) direct that no further action be taken if he is of the opinion that the matter concerning the barrister and solicitor's conduct does not constitute conduct unbecoming a barrister and solicitor;
- (b) direct that a preliminary investigation be held regarding the matter; or

- (c) direct that the matter be dealt with by the Committee.
- 37.(1) Upon the conclusion of a preliminary investigation, the Chairman or a member of the Committee designated by him, shall either
- (a) direct that no further action be taken if he is of the opinion that the matter concerning the barrister and solicitor's conduct does not constitute conduct unbecoming a barrister and solicitor; or
  - (b) direct that the matter be dealt with by the Committee.
- 38.(1) Where a matter regarding the conduct of a barrister and solicitor is brought to the attention of the Chairman or a member of the Committee as a result of a complaint and where the Chairman or a member of the Committee directs pursuant to sections 37, 40 or 41 that no further action be taken with respect to the matter, the complainant may appeal his direction to the Committee who, in either or both cases, may make any direction regarding it that the Chairman could have made under those sections.
- 39.(1) Where the Chairman or a member of the Committee directs that a matter regarding the conduct of a barrister and solicitor is to be dealt with by the Committee, he shall
- (a) direct the Discipline Secretary to give to the barrister and solicitor notice, with reasonable particulars, of the matter to be investigated; and
  - (b) convene the Committee to investigate the matter.
- (2) Notwithstanding subsection (1), the Chairman or the member may order a preliminary inquiry respecting the matter prior to convening the Committee.
- (3) Proceedings before a person conducting a preliminary inquiry shall be held in camera.
- 40.(1) Complaints concerning a barrister and solicitor or student-at-law may be made to the Discipline Secretary or any member of the Committee.

- (2) The Discipline Secretary shall consider all complaints received by him whether orally or in writing but shall attempt in every case to obtain the complaint in writing; and further, the Discipline Secretary on his own motion shall consider any conduct on the part of a barrister and solicitor coming to his attention which might amount to conduct unbecoming a barrister and solicitor.
- (3) The Discipline Secretary shall forthwith after receiving any complaint, notify the complainant in writing that the complaint will be referred to the Chairman or to a member of the Committee.
- (4) The Discipline Secretary, after considering a complaint or the conduct of a barrister and solicitor which might amount to conduct unbecoming a barrister and solicitor and after making such enquiries as the case requires, shall refer the matter to the Chairman or a member of the Committee.
- (5) Upon any complaint or other matter concerning the conduct of a barrister and solicitor being referred by the Discipline Secretary to the Chairman or a member of the Committee, the Chairman or a member of the Committee, after requiring the Discipline Secretary to obtain such further particulars, if any, shall determine whether the complaint or matter is such as to require no further action or to require an explanation from the barrister and solicitor concerned.
- (6) Where an explanation is required, the Discipline Secretary shall inform the barrister and solicitor of the essence of the complaint and shall request an explanation before a stated time.
- (7) Failure of a barrister and solicitor to reply in writing to a letter from the Discipline Secretary or Chairman in connection with any matter concerning the conduct of the barrister and solicitor, is conduct unbecoming a barrister and solicitor.
- (8) On receipt of an explanation or where no explanation is received from the barrister and solicitor concerned within the stated time, the Chairman or a member of the Committee shall either

- (a) direct that no further action be taken;
  - (b) direct that a preliminary investigation be held regarding the complaint or matter concerning the conduct of the barrister and solicitor; or
  - (c) direct that a matter regarding the conduct of the barrister and solicitor is to be dealt with by the Committee.
- 41.(1) Where a preliminary investigation is directed to be held, the Chairman of the Committee shall appoint the Discipline Secretary or special counsel to conduct it.
- (2) At the conclusion of a preliminary investigation the person conducting it shall prepare a report concerning the investigation of the complaint and forward a copy of it to the Chairman of the Committee.
- (3) Upon reviewing the report of a person who has conducted a preliminary investigation, the Chairman of the Committee shall direct
- (a) that no further action be taken; or
  - (b) that a matter regarding the conduct of a barrister and solicitor is to be dealt with by the Committee.
- 42.(1) Where a member of the Committee directs that a matter regarding the conduct of a barrister and solicitor is to be dealt with by the Committee, he shall
- (a) direct the Discipline Secretary to give the barrister and solicitor notice in writing of the intention to investigate the matter regarding the conduct of the barrister and solicitor at the time and place fixed for the hearing; such notice shall be served upon the barrister and solicitor whose conduct is being investigated and the complainant, if any, at least ten days before the hearing; and
  - (b) convene a meeting of the Committee to conduct an investigation into the matter.

- (2) The matter shall thereafter proceed to a hearing in accordance with this Part.
  - (3) The Chairman of the Committee, on notice to the barrister and solicitor whose conduct is being investigated or to his counsel, may, from time to time, adjourn any hearing whether or not the hearing has commenced to such other time or place as he decides without the necessity of the Committee being together to make such adjournment or adjournments.
- 43.(1) The Committee may by resolution direct that any proceedings commenced under this Part be discontinued where they are satisfied that the circumstances of the case do not justify the continuation of the proceedings and if the reasons for the discontinuance are given in the resolution.
- (2) Where a discontinuance of proceedings is directed under subsection (1), no new or further proceedings shall be taken under this Part in respect of any of the same matters that were under investigation in the discontinued proceedings, except with the approval of the Committee.
- 44.(1) Notwithstanding any other provision of this Ordinance, the Chairman, with the concurrence of not less than three other members, may suspend a barrister and solicitor pending the investigation of a matter concerning his conduct and pending the making of a finding of the Committee as to the matter.
- 45.(1) The Committee and the barrister and solicitor whose conduct is being investigated and the complainant, if any, may be represented by counsel before the Committee and in any related court proceedings.
- 46.(1) The Committee shall investigate the facts relevant to the matter of the conduct of the barrister and solicitor concerned.
- (2) The Committee may also investigate any other matter concerning the conduct of the barrister and solicitor that arises in the course of the investigation, but in that event, the Committee shall declare its intention to investigate the new matter and shall permit the barrister and solicitor sufficient opportunity to prepare his answer to the new matter.

- 47.(1) A member of the Committee may continue to act as such for the purpose of completing and deciding upon any investigation begun while he was a member notwithstanding that he is no longer a member.
- 48.(1) Testimony may be adduced before the Committee in such manner as the Committee considers proper and the Committee is not bound by the rules of law concerning evidence applicable to judicial proceedings.
- 49.(1) Where it is established or admitted that a barrister and solicitor has received any moneys upon trust, the burden of proof that the moneys have been properly dealt with lies upon the barrister and solicitor.
- 50.(1) The barrister and solicitor whose conduct is being investigated is a compellable witness in any proceedings under this Part.
- (2) A witness may be examined on oath on all matters relevant to the investigation and shall not be excused from answering any question on the ground that the answer
- (a) may tend to incriminate him;
  - (b) might subject him to punishment under this Part; or
  - (c) might tend to establish his liability
    - (i) to a civil proceeding at the instance of the Crown or of any person, or
    - (ii) to prosecution under any statute,
- but the answer so given, if it is such as tends to incriminate him, shall not be used or received against him in any civil proceedings or in any proceedings under any other Ordinance.
- (3) A barrister and solicitor may not in any proceedings under this Part refuse to give evidence or produce any books, papers or documents on the ground of solicitor and client privilege.
- (4) Where with respect to a question or the production of a document a client of a barrister and solicitor objects to the barrister and solicitor answering a question or producing a document

upon any of the grounds mentioned in subsections (2) or (3) and but for this section or any act of the Parliament of Canada he or the barrister and solicitor would have been excused from answering the question or from producing the document, then although the barrister and solicitor or the client is by reason of this section or by reason of any act of the Parliament of Canada compelled to answer or produce, the answer so given or the document so produced shall not be used or receivable in evidence in any legal proceeding thereafter taking place against him.

- (5) For the purpose of obtaining the testimony of a witness who is out of the Territory, a judge of the Court upon an application *ex parte* by the Committee may direct the issuing of a commission for the obtaining of the evidence of the witness and the commission shall be issued and the evidence taken pursuant to the rules of the Court in that behalf.
  - (6) The attendance of witnesses before the Committee and the production of books, papers and other documents may be enforced by a notice issued by the Discipline Secretary requiring the witness to attend, and stating the time and place at which the witness is to attend and the documents, if any, he is required to produce.
  - (7) Upon the written request of the barrister and solicitor whose conduct is being investigated or of his counsel or agent, the Discipline Secretary shall without charge issue and deliver to the barrister and solicitor such notices as he may require for the attendance of witnesses or the production of documents.
  - (8) A witness, other than the barrister and solicitor whose conduct is being investigated, who has been served with a notice to attend or a notice for the production of books, papers or other documents under subsection (6) or (7) is entitled to be paid the same fees as are payable to witnesses in an action in the court.
- 51.(1) A witness
- (a) who fails
    - (i) to attend before the Committee in obedience to a notice to attend, or

(ii) to produce any books,  
papers or other documents,  
in obedience to a notice  
to produce them, or

(iii) in any way to comply with  
either notice,

or

(b) who refuses to be sworn or to  
answer any question directed  
to be answered by the Committee,

is liable to attachment upon application  
to a judge of the court and may be  
proceeded against as for a civil contempt  
of that court.

(2) Where the witness under subsection (1)  
is the barrister and solicitor whose  
conduct is being investigated, his  
failure or refusal may be held to be  
conduct unbecoming a barrister and  
solicitor.

(3) The Committee, upon proof of service  
of the notice of the investigation  
upon the barrister and solicitor  
whose conduct is being investigated,  
may

(a) proceed with the investigation  
in the absence of the barrister  
and solicitor; and

(b) act and report upon the matter  
being investigated in the  
same way as though the barrister  
and solicitor were in attendance.

52.(1) If the Committee considers that the  
conduct of the barrister and solicitor  
is conduct unbecoming a barrister  
and solicitor but that a reprimand  
is sufficient punishment with or  
without the imposition of a fine or  
costs under subsection (2), it may  
find him guilty of conduct unbecoming  
a barrister and solicitor and reprimand  
him.

(2) Where the Committee has reprimanded  
a barrister and solicitor under  
subsection (1), it may, in addition,

(a) order the barrister and solicitor  
to pay for each matter concerning  
his conduct of which he is found  
guilty, a fine of not more than  
three hundred dollars within  
the time fixed by the order; or

(b) order the barrister and solicitor  
to pay the costs of the investigation,



and may order that the barrister and solicitor be suspended in default of paying any fine or costs so ordered to be paid until such payment is made.

- (3) Where the Committee considers that the conduct of the barrister and solicitor is not conduct unbecoming a barrister and solicitor, it may so find and in that case, unless an appeal is taken by the Chairman of the Committee under subsection (6), no further proceedings shall be taken under this Part in respect of the matters investigated by the Committee.
  - (4) Where the Committee makes a finding under subsection (1) or (3), the Committee shall give a report containing its findings, any order made under subsection (2) and the reasons for its decision to the Chairman of the Committee and the Discipline Secretary.
  - (5) Where the barrister and solicitor is found guilty by the Committee of conduct unbecoming a barrister and solicitor, he may appeal the Committee's finding of guilt or its order, if any, under subsection (2), or both, to the Court of Appeal.
  - (6) Where the Chairman of the Committee receives a report from the Committee under subsection (4), he may appeal to the court the reprimand given by the Committee or an order of the Committee under subsection (2) or its findings under subsection (3).
  - (7) Where an appeal is made to the court under this section, the Committee shall comply with section 53 and the matter shall be thereafter proceeded with under this Part as if the Committee had made no finding or order under this section.
- 53.(1) Except where the Committee has made a finding under section 52 and no appeal has been taken under that section either by the barrister and solicitor or the Chairman of the Committee, the Committee shall forward its findings regarding all matters investigated by it to the Discipline Secretary and the Chairman.
- (2) The Discipline Secretary shall obtain a copy of the evidence adduced before the Committee and copies of such exhibits as the Committee considers essential for a proper understanding of the evidence.

- (3) The documents comprising the evidence and the exhibits supplied to the Discipline Secretary shall be known as the "record".
- 54.(1) Where the Committee has made a finding of guilty of conduct unbecoming a barrister and solicitor and ordered him to pay the cost of the investigation, the Discipline Secretary shall inform the Committee as soon as possible after the investigation of the expenses incurred in connection with the hearing which shall include
- (a) the expenses of the Committee;
  - (b) the cost of any transcripts;
  - (c) witness fees;
  - (d) the fee payable to the solicitor acting on behalf of the Committee at the hearing; and
  - (e) any other expenses incidental to the investigation.
- (2) The Committee shall thereafter fix the costs.
- (3) On being informed by the Committee of the amount at which the costs have been fixed and which are payable by the barrister and solicitor, the Discipline Secretary shall prepare a statement of costs which shall be signed by the Chairman of the Committee and the Discipline Secretary shall mail or deliver the statement to the barrister and solicitor or a certified copy thereof.
- (4) If no appeal is taken, the barrister and solicitor shall pay such costs as he has been ordered to pay by the Committee within thirty days of the date on which the statement of costs is mailed or delivered to him.
- (5) Where a barrister and solicitor has not been suspended or struck off the Roll but has been reprimanded and ordered to pay costs, he shall stand suspended unless he pays the costs within the thirty day period and shall remain suspended until the costs are paid and the Discipline Secretary shall give such notices of the suspension as are required.
- 55.(1) Where a barrister and solicitor is found guilty by the Committee of conduct unbecoming a barrister and solicitor, the Committee may
- (a) order that the name of the barrister and solicitor be struck off the Roll; or

- (b) order that the barrister and solicitor be suspended for a stated period of time; or
  - (c) reprimand the barrister and solicitor.
- (2) In addition to an order of suspension or a reprimand, the Committee may
- (a) order the barrister and solicitor to pay for each offence of which he is found guilty, a fine of not more than five thousand dollars within the time fixed by the order;
  - (b) order the barrister and solicitor to pay the costs of the investigation in an amount and within the time fixed by the Committee; and
  - (c) order that the barrister and solicitor be suspended in default of paying any fine or costs ordered to be paid until such time as the fine or costs are paid.
- 56.(1) Where a student-at-law has been found guilty by the Committee of conduct unbecoming a student-at-law, the Committee may
- (a) terminate his articles; or
  - (b) order that his articles be suspended for a stated period of time; or
  - (c) reprimand him.
- (2) In addition to an order of suspension or a reprimand, the Committee may
- (a) order the student-at-law to pay for each offence of which he is found guilty, a fine of not more than two hundred dollars within a time to be fixed by the order;
  - (b) order the student-at-law to pay the costs of the investigation in an amount and within the time fixed by the Committee; and
  - (c) order that the articles of the student-at-law be suspended in default of paying any fine or costs ordered to be paid until such time as the fine or costs are paid.

Appeal to Appellate Division

- 57.(1) Where a barrister and solicitor has been found guilty of conduct unbecoming a barrister and solicitor, the barrister and solicitor may appeal to the Court of Appeal from the finding of guilt or the order of punishment or both.
- (2) The appeal shall be commenced
- (a) by filing a notice of appeal with the Registrar of the court; and
- (b) by serving a copy of the notice of appeal upon the Discipline Secretary,
- both within thirty days from the date on which the finding and the order of punishment, if any, is made by the Committee.
- (3) The Chairman may extend the time for filing or service under subsection (2).
- (4) The barrister and solicitor may, after commencing the appeal and upon notice to the Discipline Secretary, apply to a judge of the court for an order staying the imposition of any punishment imposed by the Committee but the order shall be refused if the judge is satisfied that the offence involves the conversion or misappropriation of property or that, having regard to the nature of the offence, it is proper to refuse it.
- 58.(1) The appeal shall be founded upon a copy of the report of the Committee, a copy of the record, a copy of the finding and order, if any, of the Committee, all of which shall be certified by the Discipline Secretary.
- (2) The Discipline Secretary, on being paid the sum of twenty-five dollars as well as any disbursements and expenses in connection therewith, shall on request furnish to the appellant or to his solicitor or agent the number of copies of the documents mentioned in subsection (1) so requested but not exceeding nine in any case.
- (3) The procedure in an appeal shall, with the necessary changes, be the same as that provided in the Rules of Court for appeals from a judgment of a judge of the Supreme Court to the Court of Appeal.

- 59.(1) The court upon hearing the appeal may
- (a) make any other finding that in its opinion ought to have been made; or
  - (b) quash or confirm the finding of guilt; or
  - (c) confirm or vary the punishment imposed or order a different punishment; or
  - (d) confirm or vary any order of the Committee as to costs or make a new order as to costs; or
  - (e) refer the matter to the Committee for further consideration by them.

General

- 60.(1) Where a barrister and solicitor or a student-at-law has been convicted of an indictable offence, the Committee may, without notice or an investigation under this Part
- (a) suspend the barrister and solicitor or the articles of the student-at-law pending the determination of any appeal from the conviction or of any proceedings to have the conviction quashed; or
  - (b) upon the conclusion of an appeal from the conviction or any other proceeding to quash the conviction and whether or not a suspension has been ordered under paragraph (a),
    - (i) suspend the barrister and solicitor or the articles of the student-at-law for a stated period of time, or
    - (ii) order that the name of the barrister and solicitor be struck off the Roll or terminate the articles of the student-at-law.
- 61.(1) Where a barrister and solicitor's name has been struck off the Roll under this Part or he has been suspended, a notice thereof shall be given forthwith by the Discipline Secretary to the judges, magistrates and the clerks of the court and the magistrate's court.

- (2) The Discipline Secretary shall give notice of any suspension or striking off of a barrister and solicitor to the secretary of any provincial law society of which the barrister and solicitor is a member or the law society of which the barrister and solicitor was a member at the time of his enrolment in the Territory.
- (3) Where the name of a barrister and solicitor has been struck off the Roll under this Part or when a barrister and solicitor has been suspended, the Discipline Secretary shall, if authorized by the Committee,
  - (a) publish or cause to be published notice thereof in such form and in such manner and through such media of disseminating news as the Committee may direct; and
  - (b) notify all members of the Yukon Bar; and
  - (c) if so directed, cause a notice or notices of the striking off or suspension to be posted in or at the barrister and solicitor's office or his other place or places of business, .

and no liability attaches to the Committee or to any person acting for or on the instructions of the Committee for publishing, posting or otherwise circulating or disseminating such a notice.

- 62.(1) When the name of any barrister and solicitor has been struck off the Roll under this Part, he shall not be reinstated as a barrister and solicitor except by order of the Committee.
- (2) When the articles of a student-at-law are terminated under this Part, he shall not be admitted again as a student-at-law except by order of the Committee.
- (3) No order shall be made under this section within one year after
  - (a) the date on which the person's name was struck off the Roll or on which the person's articles were terminated, as the case may be; or
  - (b) where an order was granted under section 57 staying the imposition of a punishment imposed by the

Committee and the punishment is later confirmed by the court under section 59, the date on which the court made its order confirming the punishment.

- 63.(1) There shall be established a Yukon Law Foundation to be administered by six persons, three of whom shall be named by the President of the Yukon Law Society and three of whom shall be named by the Commissioner, provided, however, that of the three persons named by the Commissioner at least one of such persons shall be a member of the public service.
- (2) Every barrister and solicitor carrying on the practice of law in the Territory shall instruct the bank or trust company in which the barrister and solicitor maintains a client's or trust account pursuant to section 4 of the *Legal Profession Accounts Ordinance*, to remit the interest earned thereon to the Yukon Law Foundation which Foundation shall maintain an account in the name of the Yukon Law Foundation in a chartered bank in the Territory into which account all such funds shall be deposited.
- (3) Payments from such account shall only be made by the Yukon Law Foundation with respect to expenses incurred by the Territory:
- (a) in the administration of this Ordinance;
  - (b) in the administration of the *Legal Aid Ordinance*;
  - (c) in the administration of the law library.
- (4) Nothing in this section affects any arrangement made between a barrister and solicitor and his client to deposit money received from or on behalf of the client or to which the client is entitled in a separate account for the client at interest, which interest shall be the property of the client.
- 64.(1) Where proceedings were commenced pursuant to section 17 or 18 of the Ordinance prior to the coming into force of this Part, they shall be dealt with, continued or determined by the Committee in accordance with this Part.

- (2) Notwithstanding any other rule of law, the Committee has the jurisdiction to deal with any matter pursuant to this Part notwithstanding that the conduct or misconduct of a barrister and solicitor occurred prior to the coming into force of this Ordinance.
- 65.(1) The Commissioner may, on the recommendation of the Committee, make regulations of general application respecting the ethical conduct of barristers and solicitors or may adopt by regulation a code of ethical conduct in force in a province or recommended by the Canadian Bar Association together with such amendments as may be made from time to time.
- 66.(1) The Commissioner may make any regulations necessary to carry out the purposes and provisions of this Ordinance.
- 67.(1) This Ordinance or any portion thereof shall come into force on such day or days as may be fixed by the Commissioner."
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CHAPTER 11  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

AN ORDINANCE TO AMEND THE  
MEDICAL PROFESSION ORDINANCE

(Assented to December 15, 1975)

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 the *Medical Profession Ordinance* is amended by adding thereto the following new definitions:  
  
"approved" means approved by the Commissioner after consultation with the Yukon Medical Association,  
  
"Registrar" means the Territorial Secretary.
2. Sections 3, 4, 5 and 15 are amended by deleting the expression "Territorial Secretary" and substituting the expression " Registrar" therefor.
3. Section 4 of the said Ordinance is repealed and the following substituted therefor:  
  
"4.(1) (a) a person who on the 1st day of December, 1975 was entitled by law to practice medicine in the Territory, and  
  
(b) (i) is a graduate in medicine from an approved university or school of medicine and is a Licentiate of the Medical Council of Canada or a Certificant or a Fellow of the Royal College of Physicians and Surgeons of Canada; or  
  
(ii) is a graduate in medicine from an approved university or medical school in Canada, the United States of America, Great Britain, Eire, Australia, New Zealand or South Africa and has completed twelve months of satisfactory internship in an approved hospital; or

(iii) is a graduate in medicine from an approved university or a school of medicine of a country not listed in sub-paragraph (ii) but listed in the World Directory of Medical Schools of the World Health Organization and has completed twelve months of satisfactory internship followed by a further twelve months of post graduate training in an approved hospital;

may apply to the Registrar for registration; and the Commissioner may, after consultation with the Yukon Medical Association, direct that the applicant be registered.

(2) Notwithstanding subsection (1),

- (a) an applicant who has previously practised medicine or surgery outside of the Yukon Territory must hold certificates of good standing from every place in which he has practised medicine or surgery;
- (b) an applicant who is not a Canadian citizen must satisfy the Registrar that he is legally entitled to reside in Canada;
- (c) an applicant must be able to speak, read and write English to the satisfaction of the Registrar; and
- (d) an applicant shall produce to the Registrar proof in a form satisfactory to the Registrar that he meets the qualifications and conditions of his registration and he shall be required to satisfy the Registrar as to his good character and good professional conduct.

(3) Every person who applies for registration in the Medical Register shall, with his application for registration, pay to the Registrar the prescribed fee.

4. Section 8 of the said Ordinance is repealed and the following substituted therefor:

"8. (1) The Commissioner may, after consultation with the Yukon Medical Association, issue a temporary permit to practice medicine in the Territory to a person who is a graduate in medicine from an approved university or school of medicine and who complies with the provisions of subsection (3).

- (2) A temporary permit shall be for a period not exceeding twelve months from the date of issue.
  - (3) The holder of a temporary permit may be required to make all reasonable efforts to qualify for registration and on so doing shall immediately make application under section 4.
  - (4) Where the Commissioner is satisfied that it is proper to do so, he may, after consultation with the Yukon Medical Association, renew a temporary permit for one further period of twelve months."
5. Section 15 of the said Ordinance is amended by adding thereto the following new subsections:
- " (4) The Commissioner may after consultation with the Yukon Medical Association, cause to be removed from the register, any name or other entry in respect of any person which in his opinion has been obtained by fraud or misrepresentation or has been incorrectly made.
- (5) Where under subsection (4), the name of a person or an entry in respect of any person is removed from the register, the Registrar shall forthwith notify the person in writing, and such person may at any time apply to have his name restored to the register, but the Commissioner may, after consultation with the Yukon Medical Association, refuse to restore to the register any name or entry so removed."
6. Sections 16, 17, 18, 19, 20, 21 and 22 of the said Ordinance are repealed and the following substituted therefor:
- "16.(1) The Commissioner may appoint a Board of Inquiry to investigate any charge or complaint made against any person registered under this Ordinance or into the conduct, mental condition or capability or fitness to practice of any such person.
- (2) The Commissioner shall appoint a Board of Inquiry pursuant to subsection (1) if he is requested in writing to do so by three members in good standing of the Yukon Medical Association.
- (3) Except as provided in subsection (4), a Board of Inquiry shall consist of not less than three persons who are registered in the Canadian Medical

Register as duly qualified medical practitioners.

- (4) A Board of Inquiry appointed to inquire into the mental condition of a person registered under this Ordinance shall consist of two psychiatrists and one other medical practitioner, all of whom are registered in the Canadian Medical Register as duly qualified medical practitioners.
- 17.(1) A Board of Inquiry appointed pursuant to section 16 may make rules and regulations under which the inquiry is to be held and has power
- (a) to summon and bring before it any person whose attendance it considers necessary to enable the Board properly to inquire into the matter complained of;
  - (b) to swear and examine all persons under oath;
  - (c) to compel the production of documents;
  - (d) to do all things necessary to provide a full and proper inquiry;
  - (e) to receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it sees fit, whether admissible in a court of law or not, and the Board may refuse to accept any evidence that is not presented in the form or at the time required;
  - (f) make or cause to be made such examination of records and such inquiries as it deems necessary; and
  - (g) adjourn or postpone the proceeding from time to time.
- (2) Any witness summoned before the Board is entitled to the same fees and expenses as he would receive in a court.
  - (3) A majority of the members of the Board is a quorum.
  - (4) Every person who
    - (a) fails, without valid excuse, to attend an inquiry under this section,

- (b) fails to produce any document, book or paper in his possession or under his control, as required under this section, or
- (c) at an inquiry under this section
  - (i) refuses to be sworn or to affirm or to declare, as the case may be, or
  - (ii) refuses to answer any proper question put to him by the Board of Inquiry,

commits an offence.

- 18.(1) The Board shall give the complainant and the respondent full opportunity to be heard, to cross examine witnesses, to call evidence in defence and reply and to representation by Counsel.
- 19.(1) Not less than two weeks before the hearing of any complaint by the Board, a notice shall be served upon the complainant and the respondent containing a copy of the charges made against the respondent or a statement of the subject matter of the Inquiry, together with notice of the time and place of the hearing.
  - (2) A charge or complaint need not be made in any particular form or manner.
  - (3) Where the complainant or the respondent fails to appear, the Board may hold the hearing in his absence if it is satisfied that the complainant or respondent was served with a notice pursuant to subsection (1) or is evading service.
- 20.(1) The Board shall meet on the day fixed for the hearing to consider the charge or complaint and shall decide upon a recommendation to the Commissioner.
  - (2) Upon reaching its decision, the Chairman of the Board shall communicate the decision together with written reasons therefor to the Commissioner and shall, at the same time, send a copy of the decision and recommendation to the complainant, the respondent and the Yukon Medical Association.
  - (3) The Board's decision shall be based on a majority vote of the members present at the hearing.

- 21.(1)    The Commissioner shall fix
- (a)    the remuneration to be paid to the members of the Board, and
  - (b)    travelling and living expenses to be paid to the members of the Board in connection with the performance of their duties when absent from their ordinary place of residence.
- (2)    The Board shall choose a member from among their number to be the Chairman thereof.
- 22.(1)    Neither the Board nor its members shall be liable for anything done or purported to be done in good faith pursuant to this Ordinance.
- 23.(1)    Every medical practitioner shall report to the Commissioner the mental condition of any person registered under this Ordinance whom he examines and finds to be suffering from a mental ailment that in the opinion of the examining medical practitioner might constitute a danger to the public if the person is permitted to practice as a medical practitioner.
- 24.(1)    The Commissioner shall promptly appoint a Board of Inquiry to investigate the report mentioned in Section 23.(1).
- (2)    Notwithstanding subsection (1) the Commissioner may, after consultation with the Yukon Medical Association, suspend from practice a person reported upon pending the findings of the Board.
  - (3)    If the report of the Board is not to the effect that the person is mentally fit to practice as a medical practitioner, the Commissioner shall suspend the person from practice, or if he has been suspended, his suspension shall continue.
  - (4)    A person who has been suspended pursuant to this section by the Commissioner, shall be entitled to a re-hearing by a Board upon application in writing supported by a medical report of a psychiatrist registered in the Canadian Medical Register that the person is mentally fit to practice as a medical practitioner.
- 25.(1)    A person against whom a finding has been made by a Board of Inquiry may, within thirty days after the finding has been made, appeal from such finding to a judge.

- (2) The judge before whom an appeal is made pursuant to subsection (1) may hear the appeal at such time and in such manner as he deems just and he may by order, quash, alter or confirm the finding of the Board.
- 26.(1) A medical practitioner who practices medicine is guilty of misconduct
- (a) if he has been convicted in Canada of an indictable offence or elsewhere of an offence, that if committed in Canada would be an indictable offence, upon proof of such conviction;
  - (b) if his rights or privileges under the *Narcotic Controls Act (Canada)*, *Food and Drug Act (Canada)* or the regulations under either of them have been restricted or withdrawn, upon proof thereof; or
  - (c) if he has been guilty in the opinion of a Board of Inquiry appointed under section 16.(1) of misconduct in a professional respect or of conduct unbecoming a medical practitioner or of medical incompetence.
- 27.(1) Where the Board finds that a medical practitioner has been guilty of a contravention of this Ordinance, or professional misconduct, or is incapable, or is unfit or is incompetent to practice medicine, or that the medical practitioner is suffering from a mental ailment, mental disturbance, or addiction to alcohol or drugs that might, if the member continued to practice as a physician or surgeon, constitute a danger to the public, and no appeal has been taken from the findings, or the time for appeal has expired, the Commissioner shall carry out the recommendation of the Board, and
- (a) in the case of a reprimand, reprimand the practitioner in writing and note the reprimand in the Register;
  - (b) in the case of a fine, make an order fining the practitioner, which order shall be filed in the appropriate court and have the same effect as an order of that court;

- (c) in the case of a recommendation to strike off the Register and cancel his licence, have the name of the practitioner struck off the Register and cancel his licence;
  - (d) in the case of a recommendation to strike off the Register and suspend his licence, have the name of the practitioner struck off the Register and suspend his licence for such time as the Board has recommended; and
  - (e) in the case of a recommendation that the medical practitioner be permitted to practice subject to restriction, impose the restriction.
- (2) Where a judge on appeal confirms or alters the findings of a Board of Inquiry, his order in the case of a fine shall be carried out in the usual way and in the case of any other punishment referred to in subsection (1) shall be directed to the Commissioner and carried out by him in the same manner as provided by subsection (1).
- 28.(1) Where the complaint is to the effect that a medical practitioner is not bringing to his practice of medicine or surgery adequate skill or knowledge, the Board may require the medical practitioner to undergo such examination as the Board may specify.
- (2) If as a result of any investigation or examination the Board is of the opinion that the medical practitioner should not be permitted to practice or that his practice should be restricted, it may recommend
- (a) that the name of the practitioner be struck off the Register and his licence be suspended for such time and subject to such conditions as the Board may recommend;
  - (b) that the member be required to give an undertaking to restrict his practice in such manner as the Board may recommend.
- 29.(1) A medical practitioner whose name has been struck off the Register and whose licence has been cancelled or suspended pursuant to section 27 may



- (a) where he has not taken an appeal to the court apply to the Commissioner to have his name restored to the Register at any time after the expiry of one year from the date of the finding of the Board of Inquiry; or
  - (b) where he has appealed to the court, apply to a judge at any time after the expiry of one year from the date of an order under subsection 25.(2) for an order directing the Registrar to restore the name to the Register.
- (2) The Commissioner, after consultation with the Yukon Medical Association or a judge may upon application under subsection (1) order the Registrar to restore the name to the Register and renew his licence and restore his rights and privileges in such manner and upon such conditions as the Commissioner or the judge may decide.
- (3) The Registrar shall carry out the provisions of any order made pursuant to subsection (2).
- 30.(1) Nothing in this Ordinance applies to or affects
- (a) a duly qualified medical practitioner of any province or country meeting in consultation in the Territory with a medical practitioner of the Territory;
  - (b) the furnishing of first aid or temporary assistance in the case of emergency;
  - (c) the domestic administration of family remedies;
  - (d) the practising by any person of the religious tenets of his church or religion without pretending a knowledge of medicine or surgery, unless he violates any laws regulating or with respect to contagious diseases or sanitary matters;
  - (e) the manufacture, fitting or selling of artificial limbs or similar appliances;
  - (f) the practice of chiropractic by a chiropractor duly licensed under the *Chiropractic Ordinance*;

- (g) the practice of dentistry by a dentist duly licensed under the *Dental Profession Ordinance*;
  - (h) the practice of optometry by an optometrist duly licensed under the *Optometry Ordinance*;
  - (i) the practice of pharmacy by a pharmaceutical chemist duly licensed under the *Pharmaceutical Chemists Ordinance*; and
  - (j) the practice of nursing by a nurse.
- 31.(1) No person shall be appointed as medical officer, physician or surgeon in any branch of the public service of the Territory or in any hospital or other charitable institution, unless he is registered under this Ordinance.
- (2) A medical practitioner, physician or surgeon employed by Canada or the Territory is entitled to be registered in the Register and licenced to practice medicine in the Territory but the provisions of subsection 4.(3) and section 5 do not apply to him.
- 32.(1) Where the words "duly qualified medical practitioner" or "legally qualified medical practitioner" or any other words implying legal recognition of a person as a medical practitioner are used in any law of the Territory, they shall, insofar as that law applies to the Territory, be construed to mean
- (a) a person who holds a licence under this Ordinance; and
  - (b) a person referred to in paragraph 31.(2).
- (2) The provisions of this Ordinance in respect to discipline shall apply to a person holding a permit pursuant to section 8 and be applied *mutatis mutandis* as if his name was on the Register.
- 33.(1) Nothing in the *Dental Profession Ordinance* or the *Pharmaceutical Chemists Ordinance* shall be construed to prohibit a medical practitioner from doing, in the course of administering medical aid or treatment, anything for which a licence is required under any of the said Ordinances or from doing anything in an emergency, to attempt to relieve the pain or suffering of a person or animal."

7. This Ordinance or any portion thereof shall come into force on a day or days to be fixed by the Commissioner.
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CHAPTER 12  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

AN ORDINANCE TO AMEND THE MOTOR VEHICLES ORDINANCE

(Assented to December 15, 1975)

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 the *Motor Vehicles Ordinance* is amended by adding thereto the following new definitions:  

"air cushion vehicle"	"air cushion vehicle" means a vehicle designed to derive support in the atmosphere primarily from reaction against the earth's surface resulting from the expulsion of air from the vehicle;
"semi-trailer"	"semi-trailer" means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some parts of its own weight and that of its own load rests upon or is carried by another vehicle;
"trailer"	"trailer" means a vehicle other than a semi-trailer, that is drawn upon the highway by a motor vehicle but does not include an implement of husbandry temporarily drawn, propelled or moved on a highway or a sidecar attached to a motorcycle;"
  
2. Section 3 of the said Ordinance is repealed and the following substituted therefor:  

"3. (1)	Subject to section 23, no person shall operate or permit to be operated a motor vehicle, semi-trailer or trailer on a highway in the Territory unless the motor vehicle, semi-trailer or trailer is registered pursuant to this Ordinance;"
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3. Section 5 of the said Ordinance is repealed and the following substituted therefor:  

"5. (1)	The owner of a motor vehicle, semi-trailer or trailer may apply to the Registrar to have the motor vehicle, semi-trailer or trailer registered.
(2)	The application shall be made in the prescribed form and be accompanied by

the fee established by Schedule II of this Ordinance.

- (3) Every lessee of a motor vehicle exceeding a registered gross weight of 20,000 pounds shall file with the Registrar in the name of the lessee a copy of the lease agreement.
  - (4) Every leased motor vehicle exceeding a registered gross weight of 20,000 pounds shall be registered in the name of the lessee.
  - (5) Upon expiry or cancellation of a lease agreement, the lessee shall forthwith notify the Registrar of Motor Vehicles, in writing, the date of expiry or cancellation and return the registration and licence plates.
  - (6) The lease agreement must stipulate that the lessee is responsible for all fees and penalties due under the provisions of the
    - (i) *Motor Vehicles Ordinance*;
    - (ii) *Workmen's Compensation Ordinance*;
    - (iii) *Labour Standards Ordinance*; and
    - (iv) *Yukon Health Care Insurance Plan Ordinance*.
  - (7) The operator of a leased motor vehicle required to be registered pursuant to subsection (4), shall carry a copy of the lease in the vehicle at all times.
  - (8) The Registrar may suspend the certificate of registration of any motor vehicle found to be operating in contravention of this section."
4. (1) Subsection 6.(5) of the said Ordinance is repealed and the following substituted therefor:
- " (5) Where the Registrar is satisfied that an operating authority has been granted in respect of a public service vehicle and has issued a public service vehicle licence in respect of the vehicle, he shall also issue a licence plate to the licensee."
- (2) Subsection 6.(12) of the said Ordinance is repealed.

- (3) Section 6 of the said Ordinance is further amended by adding thereto the following new subsection:

" (15) No person apply to the Registrar for a public service vehicle licence plate unless a certificate of operating authority has been issued to him by the Transport Public Utilities Board."

5. Subsections 8.(4) and (9) of the said Ordinance are repealed and the following substituted therefor:

" (4) No liveryman's licence is transferable and unless suspended or cancelled expires at the end of the fiscal year it was issued.

(9) Upon receipt of the liveryman's licence and the prescribed fee, the Registrar may issue applicable licence plates for each motor vehicle the liveryman wishes to register."

6. Subsection 9.(5) of the said Ordinance is repealed and the following substituted therefor:

" (5) In any prosecution for an offence contrary to subsections (2) or (3), the onus is on the accused person to prove that a valid and subsisting liability policy of insurance was in force in respect of the vehicle and where a person is required to produce a motor vehicle liability insurance card, the onus is on the accused person to prove that at the time he was required to produce the card, there was in force a valid and subsisting motor vehicle liability policy of insurance in respect of the vehicle described in the card."

7. Section 11 of the said Ordinance is repealed and the following substituted therefor:

"11.(1) Where the Registrar is satisfied that an applicant for the registration of a motor vehicle has complied with sections 5 and 9, or an applicant for the registration of a semi-trailer or trailer has complied with section 5, he shall register the motor vehicle, semi-trailer or trailer in the register referred to in section 4 by entering therein

- (a) the name and address of the owner;
- (b) the number of the owner's certificate of registration; and

(c) a description of the motor vehicle, semi-trailer or trailer."

8. Subsection 12.(1) of the said Ordinance is repealed and the following substituted therefor:

" (1) Where a motor vehicle, semi-trailer or trailer is registered under this Ordinance, the Registrar shall issue a certificate of registration and licence plate or plates showing in plain figures the number of the certificate of registration for the current year in respect of that motor vehicle, semi-trailer or trailer."

9. (1) Subsections 13.(1) and (5) of the said Ordinance are repealed and the following substituted therefor:

" (1) Subject to section 21, no person shall operate on a highway a motor vehicle, semi-trailer or trailer that does not have firmly attached thereto the number plate or plates furnished by the Commissioner in respect of that motor vehicle, semi-trailer or trailer.

(5) A trailer or semi-trailer shall carry one number plate attached to the rear thereof."

(2) Section 13 of the said Ordinance is further amended by adding thereto the following new subsection:

" (7) Notwithstanding subsection (3), a motor vehicle having a registered gross weight in excess of 10,000 pounds, may be issued one number plate only which shall be firmly affixed to the front of the motor vehicle."

10. Section 14 of the said Ordinance is repealed and the following substituted therefor:

"14.(1) Where a number plate of a registered motor vehicle, semi-trailer or trailer is lost, destroyed or is so defaced as to be illegible, the owner shall forthwith apply to the Registrar for re-registration of his motor vehicle, semi-trailer or trailer and shall transmit with his application

(a) the certificate of registration issued to him under section 12;

(b) the remaining or defaced number plate, if any; and

(c) the prescribed fee,

and the Registrar may re-register the motor vehicle, semi-trailer or trailer and issue to the owner a new certificate of registration and new number plate or plates."

11. Section 15 of the said Ordinance is repealed and the following substituted therefor:

- "15.(1) Where the ownership of a registered vehicle passes from the registered owner to another person, whether by the act of the owner or by operation of law, the registration expires forthwith and the registered owner shall remove the licence plates from the vehicle and deliver them together with the certificate of registration to the Registrar.
- (2) At any time during the registration year for which the licence plate or plates are issued, the person to whom they are issued may apply on the prescribed form, to the Registrar to use the plates on a vehicle of the same class to be registered in his name, subject to
- (a) proof of ownership;
  - (b) compliance with the provisions of subsection 9.(1) of this Ordinance; and
  - (c) payment of the prescribed fee.
- (3) Notwithstanding anything in this section but subject to subsection 9.(1) of this Ordinance, where the ownership of a registered vehicle passes by reason of the death of the registered owner to the spouse of the deceased registered owner, the registration of the vehicle does not expire and the spouse may during the remainder of that registration year continue to operate the vehicle.
- (4) Upon every change of mailing address or change of name, the person to whom a certificate of registration is issued shall, in the manner prescribed, forthwith in writing, notify the Registrar of the change."

12. Subsections 16.(1) and (5) of the said Ordinance are repealed and the following substituted therefor:

- " (1) Every dealer, whether motor vehicles, semi-trailers or trailers owned, possessed or controlled by him are registered or not, shall apply to the Registrar for a licence authorizing



the dealer to buy and sell motor vehicles, semi-trailers and trailers for the purpose of demonstration and sale.

- (5) A motor vehicle, semi-trailer or trailer that is owned or possessed by a dealer for purposes of demonstration and sale and not for hire or for use as a service car or truck and that, when driven upon a highway for demonstration or sale, has attached thereto and exposed thereon a set of dealer's number plates, shall be deemed to be registered under this Ordinance."

13. Section 21 of the said Ordinance is repealed and the following substituted therefor:

"21.(1) Where the owner of a motor vehicle, semi-trailer or trailer resides outside the Territory and has complied with the law of his place of residence with respect to the registration and licensing of the motor vehicle, semi-trailer or trailer carrying number plates for the current year assigned under that law to that motor vehicle, semi-trailer or trailer is brought into the Territory for the purpose of touring for pleasure for a period not exceeding ninety days, the motor vehicle, semi-trailer or trailer shall be deemed to be registered pursuant to this Ordinance."

14. Subsections 23.(1) and (7) of the said Ordinance are repealed and the following substituted therefor:

" (1) Where a motor vehicle, semi-trailer or trailer is registered or licensed at a place outside the Territory and is brought into the Territory

- (a) for the purpose of delivering inside the Territory goods loaded thereon;
- (b) for the purpose of being loaded inside the Territory with goods for delivery outside the Territory;
- (c) for both purposes set out in paragraphs (a) and (b); or
- (d) for the purpose of transporting goods through the Territory without loading or discharging any part of such goods inside the Territory;

the Registrar may, upon receiving application therefor by or on behalf of the owner and upon proof satisfactory to the Commissioner that the owner is adequately covered by a policy of motor vehicle liability insurance in respect of such motor vehicle, semi-trailer or trailer, issue to the owner a permit.

- (7) Every person who drives or operates or is in charge of a motor vehicle, semi-trailer or trailer in respect of which a permit has been issued under this section and who fails to observe any of the conditions set out in the permit is guilty of an offence."

15. Section 25 of the said Ordinance is repealed and the following substituted therefor:

"25.(1) No person shall

- (a) deface or alter a number plate issued under this Ordinance;
- (b) use or permit the use on his motor vehicle, semi-trailer or trailer of a defaced or altered number plate;
- (c) without the authority of the owner, remove a number plate of a motor vehicle, semi-trailer or trailer;
- (d) unless otherwise permitted by this Ordinance, use or permit the use of a number plate on his motor vehicle, semi-trailer or trailer other than the number plate issued under this Ordinance for that motor vehicle, semi-trailer or trailer; or
- (e) use or permit the use of a number plate or souvenir plate on his motor vehicle, semi-trailer or trailer of which the validity has expired."

16. Subsection 34.(1) of the said Ordinance is repealed and the following substituted therefor:

- " (1) Every holder of an operator's licence who is convicted of:
- (a) an offence under section 233, 234, 235, 236, 238 or 295 of the Criminal Code,
  - (b) the offence of manslaughter or criminal negligence under section 203 or 204 of the Criminal Code committed in

either case by a person while  
operating a motor vehicle

shall, on being so requested by the  
court, forthwith deliver his licence  
to the judge, magistrate or justice  
making the conviction."

17. Section 38 of the said Ordinance is amended by  
adding thereto the following new subsection:

" (3) No person shall be in possession  
of more than one valid operator's  
licence."

18. Subsection 40.(1) of the said Ordinance is  
repealed and the following substituted  
therefor:

" (1) (a) No person shall operate a  
vehicle on a highway unless  
the vehicle is equipped with  
lighted lamps in accordance  
with this Part:

- (i) during the night;
- (ii) when required by a  
traffic control sign  
to have lighted lamps; or
- (iii) at any time when fog or  
other atmospheric condition  
reduces the degree of  
visibility to two hundred  
feet or less.

(b) Notwithstanding paragraph (a),  
if a vehicle is equipped with  
two fog-lamps mounted on  
opposite sides of the front of  
the vehicle, lighted fog-  
lamps may be used in substitution  
of lighted headlamps when there  
is fog or other atmospheric  
conditions to an intensity rend-  
ering disadvantageous the use  
of headlamps."

19. (1) Subsections 41.(1), (2) and (4) of the said  
Ordinance are repealed and the following  
substituted therefor:

" (1) A motor vehicle, other than motorcycle  
or a pedal bicycle with motor attach-  
ment, shall be equipped with the follow-  
ing lamps:

- (a) not less than two headlamps, one at  
each side of the motor vehicle  
at the front, each of which  
projects a white light for a  
distance of at least three hundred  
feet in front of the motor vehicle;

- (b) at least two tail lamps of not less than three candlepower that show red light plainly visible at a distance of at least two hundred feet behind the motor vehicle and one of which or a separate light which illuminates with a white light the number plate fixed on the back of the motor vehicle so that its letters and figures are plainly visible at the distance of at least sixty feet behind the motor vehicle;
  - (c) at least two stop lamps on the rear of the vehicle which shall display a red light visible from a distance of not less than one hundred feet to the rear of the motor vehicle in normal sunlight and which can be lighted upon application of the foot brake; and
  - (d) a tail lamp or stop lamp upon a vehicle shall be on the vehicle at a height, which shall be measured from the centre of the lamp or stop lamp, of not more than seventy-two inches nor less than twenty inches to the level ground when the motor vehicle is not loaded.
- (2) The headlamps of a motor vehicle shall not be more than fifty inches nor less than twenty-four inches above the plane surface upon which the motor vehicle rests.
- (4) Where a motor vehicle, except a motor vehicle designed for the transportation of passengers and having a carrying capacity of less than nine persons, a semi-trailer or trailer is more than twenty feet in length, or more than eighty inches in width, it shall have affixed in conspicuous positions
- (a) at least one lighted amber clearance light on each side as near to the front and top as practical;
  - (b) at least one lighted amber clearance light on each side as near to the front and bottom as practical;
  - (c) at least one lighted red clearance light on each side as near the rear and top as practical; and

- (d) at least one lighted red clearance light on each side as near the rear and bottom as practical."
- (2) Section 41 of the said Ordinance is further amended by adding the following new subsection:
  - " (5) Where any vehicle or combination of vehicles including a motor vehicle designed for the transportation of nine persons or more, or a semi-trailer or trailer more than thirty feet in length, in addition to the requirements above shall have affixed in conspicuous positions
    - (a) at least one lighted amber clearance light on each side, at the top and as near the centre as practical; and
    - (b) at least one lighted amber clearance light on each side, at the bottom and as near the centre as practical."
- 20. Section 44 of the said Ordinance is repealed and the following substituted therefor:
  - "44.(1) A semi-trailer or trailer shall carry at least two operating red lamps or reflectors at the rear that are clearly visible at a distance of at least two hundred feet."
- 21. Section 45 of the said Ordinance is repealed and the following substituted therefor:
  - "45.(1) A vehicle other than a motor vehicle, semi-trailer, trailer or bicycle that is operated on a highway at night shall carry a lamp, showing white to the front and red to the rear, located on the left side of the vehicle and clearly visible at a distance of at least two hundred feet."
- 22. Subsection 48.(1) of the said Ordinance is repealed and the following substituted therefor:
  - "48.(1.1) Where any vehicle, the gross weight of which is in excess of eight thousand pounds is stopped upon a highway during the period when lighted lamps are required, the operator of the vehicle shall cause to be placed on the highway and maintained
    - (a) two lighted flares, lamps or lanterns; or
    - (b) two reflecting devices

- (1) each reflector of which has a diameter of not less than two and one half inches, and
- (ii) casting a red reflection clearly visible under normal atmospheric conditions from a distance of at least five hundred feet.

(1.2) Any flare, lamp or lantern placed pursuant to this section shall be maintained lighted during such times as lighted lamps are required on vehicles.

(1.3) Notwithstanding subsections (1.1) and (1.2), during the period when lighted lamps are not required, required warning devices may be substituted by red flags of a minimum size of twelve inches by twelve inches."

23. Section 49 of the said Ordinance is amended by adding thereto the following new subsections:

- " (8) Where the flashing amber light mentioned in subsection (7) is not clearly visible to a distance of five hundred feet in both directions on the highway, the operator of the vehicle shall place or cause to be placed devices or signs visible to a distance of five hundred feet in both directions on the highway warning approaching traffic of the work in progress.
- (9) Notwithstanding subsection (3), a disabled motor vehicle on a highway may display all its signal lights lighting intermittently or in flashes."

24. Subsections 50.(5), (6) and (7) of the said Ordinance are repealed and the following substituted therefor:

- " (5) Where a motor vehicle, having a semi-trailer or trailer in tow where the combined weight of the semi-trailer or trailer and its load, but exclusive of passengers, exceeds one thousand five hundred pounds, or where the weight of the semi-trailer or trailer exceeds fifty per cent of the weight of the towing vehicle, the semi-trailer or trailer shall be equipped with brakes capable of being operated by the operator of the towing vehicle when he is seated in the driver's seat.

- (6) The combined brakes of the towing vehicle and the semi-trailer or trailer shall be so constructed and adjusted as to be capable of stopping the combination of vehicles whether loaded or unloaded when operated on a dry, hard, level highway within a distance of thirty-seven feet from a speed of twenty miles per hour.
- (7) The combined brakes of the towing vehicle and the semi-trailer or trailer shall be so adjusted as to prevent side-sway or jack-knifing when applied."

25. (1) Subsection 52.(1) of the said Ordinance is repealed and the following substituted therefor:

"52.(1) Every motor vehicle propelled by an internal combustion engine shall be equipped with an exhaust system consisting of a series of pipes or chambers so proportioned and constructed as to ensure that exhaust gases from the engine are cooled and expelled without excessive noise; and the muffler shall not be cut out or disconnected while the motor vehicle is in operation on any highway."

(2) Section 52 of the said Ordinance is further amended by adding thereto the following new subsection:

" (3) No person shall operate a motor vehicle so as to unduly disturb other persons by causing excessive noise."

26. Subsection 58.(2) of the said Ordinance is repealed and the following substituted therefor:

" (2) No person shall operate a motor vehicle having a semi-trailer or trailer in tow if the semi-trailer or trailer or any load thereon obstructs the view of the driver to the rear unless the towing motor vehicle is equipped with two mirrors, one of the mirrors being located on the left front door, or on the left windshield post or on a projecting rod to the left of the motor vehicle, and the other mirror being located on the right front door, or on the right windshield post or on a projecting rod to the right of the motor vehicle, and unless both mirrors are so adjusted as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of the semi-trailer or trailer."

27. Section 59 of the said Ordinance is repealed and the following substituted therefor:
- " (1). No person shall operate any motor vehicle, semi-trailer or trailer that carries anything projecting more than four feet from the rear of the motor vehicle, semi-trailer or trailer unless there is attached and displayed at the end of the projection
    - (a) during the day a red flag not less than twelve inches square; or
    - (b) during the night a red light plainly visible under normal conditions for five hundred feet to the rear of the motor vehicle, semi-trailer or trailer.
  - (2) No person shall, without the written permission of the Registrar, operate upon a highway a vehicle including load having a width greater than one hundred and two inches."
28. Section 63 of the said Ordinance is repealed and the following substituted therefor:
- " (1) Every motor vehicle and every semi-trailer or trailer on a highway shall carry mudguards or fenders adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle, semi-trailer or trailer or by a semi-trailer or trailer drawn by the motor vehicle.
  - (2) Every truck, truck tractor, semi-trailer or trailer having a manufacturer's rating of one ton or more shall carry rock guards at the rear of such truck, truck tractor, semi-trailer or trailer."
29. The said Ordinance is further amended by adding thereto the following new sections:
- "64.1(1) Every public service vehicle, commercial vehicle and for hire passenger carrying vehicle exceeding a registered gross vehicle weight of twenty thousand pounds shall be equipped with a fire extinguisher of the prescribed type.
  - 64.2(1) The owner of every public service vehicle and every vehicle which is operated for commercial purposes shall cause to be clearly marked in a conspicuous place on both sides of the vehicle in figures or letters not less than two inches in height



- (a) the licenced gross weight of the motor vehicle; and
- (b) the name of the owner or the company on whose behalf the vehicle is being operated,

and no person shall operate on a highway a motor vehicle required to be marked pursuant to this section unless it is so marked.

64.3(1) No person shall drive upon a highway a vehicle that is equipped with or that carries or contains a device capable of detecting or interfering with radar or such other electronic equipment as may be used from time to time for measuring the speed of vehicles."

30. The said Ordinance is amended by adding thereto the following new section:

"75.1(1) No person shall commence the repairs on a motor vehicle that shows evidence of having been involved in an accident or having been struck by a bullet

- (a) unless a notice in the form prescribed by the regulations has been affixed to the motor vehicle by a peace officer or traffic officer; or
- (b) if no notice is affixed to the motor vehicle, until he has been authorized in writing by a peace officer or traffic officer to do so.

(2) A person who contravenes this section is guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars and not more than five hundred dollars."

31. Section 79 of the said Ordinance is amended by adding thereto the following new subsection:

" (5) Notwithstanding any speed limit prescribed by or pursuant to this Ordinance, no driver shall drive at any rate of speed that is unreasonable having regard to all the circumstances of the case, including without restricting the generality of the foregoing:

- (a) the nature, condition and use of the highway;

- (b) the atmospheric, weather or other conditions that might affect the visibility of the driver or the control of the vehicle;
  - (c) the amount of traffic there is or that might reasonably be expected to be on the highway; and
  - (d) the mechanical condition of the vehicle or any equipment of the vehicle."
32. The said Ordinance is further amended by adding thereto the following new subsection:
- "80.1(1) No person, whether as a pedestrian or driver, and whether or not with the use or aid of any vehicle or other thing, shall perform or engage in any stunt or other activity upon a highway that is likely to distract, startle or interfere with other users of the highway."
33. Subsections 95.(1), (2) and (3) of the said Ordinance are repealed and the following substituted therefor:
- "95.(1) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by this Ordinance, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway without giving the appropriate signal required by this Ordinance and unless such movement can be made with reasonable safety."
34. Subsection 101.(2) of the said Ordinance is repealed and the following substituted therefor:
- " (2) When a driver is about to enter or cross a highway from a private road, alley, building, driveway or lane, he shall stop and yield the right-of-way to traffic approaching on the highway so closely that it constitutes an immediate hazard."
35. The said Ordinance is further amended by adding thereto the following new subsection:
- "107.1(1) Any person crossing or walking upon a highway in a manner contrary to sections 103, 104, 105, 107 or any municipal by-law regulating pedestrian traffic shall, upon request, give his name and address to any peace officer."

36. Subsection 111.(1) of the said Ordinance is repealed and the following substituted therefor:
- "111.(1) Except as provided in subsections (3) and (4), a driver of
- (a) a vehicle carrying passengers for hire;
  - (b) a school bus carrying a child;
  - (c) a vehicle carrying explosive substances as cargo; or
  - (d) a vehicle used for carrying flammable liquids or gas whether loaded or not,
- shall, before crossing a track of a railway, stop the vehicle not less than fifteen feet from the nearest rail and remaining stopped, shall listen and look in both directions along the track for an approaching train and for signals indicating approach of a train, and shall not proceed until he can do so safely."
37. Subsection 115.(1) of the said Ordinance is repealed and the following substituted therefor:
- "115.(1) Where a vehicle is standing or parked
- (a) in violation of section 114, 116 or 117;
  - (b) in a position that causes it to interfere with removal of snow from a highway by a person authorized to do so by the Commissioner or a municipality; or
  - (c) in a position that causes it to interfere with fire fighting,
- a traffic officer may move the vehicle or require the driver or person in charge of the vehicle to move it to a position determined by the traffic officer."
38. The said Ordinance is further amended by adding thereto the following new subsection:
- "136.1(1) No person shall operate an air cushion vehicle along a highway in the Territory."
39. Section 158 of the said Ordinance is repealed and the following substituted therefor:
- "158.(1) The Commissioner may appoint one or more qualified persons as testers of speedometers on motor vehicles, of tuning forks and of other devices and may prescribe such forms as may be required for the recording and reporting of tests.

- (2) In any prosecution under an ordinance or a municipal bylaw, a certificate
- (a) stating the result of a test of
    - (i) the speedometer of a motor vehicle indentified therein,
    - (ii) a tuning fork identified therein and used for determining the accuracy of a radar set, or
    - (iii) any other device identified therein and used for or in connection with establishing the speed of vehicles;
  - (b) bearing a date thereon not more than,
    - (i) in the case of a tuning fork, one year before or after the date of the offence charged, or
    - (ii) in the case of a speedometer or other device used for establishing the speed of vehicles, 30 days before or after the date of the offence charged;
- and
- (c) purporting to be signed by a tester appointed under this Ordinance to test devices of the types stated to have been tested,

shall be admitted in evidence as *prima facie* proof of the facts stated therein without proof of the signature or appointment as a tester of the person signing the certificate."

40. Subsection 164.(2) of the said Ordinance is repealed and the following substituted therefor:

- " (2) Where an officer has reason to believe that the licence plate or plates displayed or carried by a motor vehicle are
- (a) not the plate or plates lawfully issued in respect of it;
  - (b) that the plate or plates were obtained in respect of the vehicle by false pretences; or

(c) that the Commissioner has suspended or cancelled the certificate of registration in respect of the vehicle,

the officer may seize the licence plate or plates and hold them pending the receipt of instructions from the Commissioner as to their disposal."

41. Subsection 171.(1) of the said Ordinance is repealed and the following substituted therefor:

"171.(1) Every person who violates a provision of this Ordinance or the regulations for which no other penalty is provided is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars."

42. Section 175 of the said Ordinance is amended by adding thereto the following new subsection:

" (3) Where an application is made for a refund of any fee paid pursuant to this Ordinance, the Registrar may require the applicant to furnish him with such information respecting the matter as he may consider necessary."

43. The following sections are repealed:

2. (1) "gross weight"

"overload"

"oversize"

7. (1) to (6) inclusive

65.(1)

"territorial highway"

155.(1) (s) (t)

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

"176.(1) This Ordinance or any portion thereof shall come into force on such day or days as may be fixed by the Commissioner."

CHAPTER 13  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

AN ORDINANCE TO AMEND THE PHARMACEUTICAL CHEMISTS ORDINANCE

(Assented to December 15, 1975)

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

1. The *Pharmaceutical Chemists Ordinance* is amended by repealing Schedules I, II, III and IV of the said Ordinance and substituting the following therefor:

"SCHEDULE I

Drugs that may be supplied but only pursuant to a prescription of a medical practitioner, dentist or veterinary surgeon.

("F" or "G" indicates that the drug appears in Schedule "F" to the regulations of the *Food and Drugs Act (Canada)* or in Schedule "G" of that Act.)

- F Acepromazine and its salts
- F Aconiazide and its salts
- F Actinomycin D and its derivatives
- F Adrenocortical Hormones and their salts and derivatives
- F Allopurinol
- F Amantadine and its salts
- F Aminocaproic Acid
- F Aminoglutethimide
- F Aminopyrine and any salt, homologue or derivative thereof
- F 4-Amino-N-Methylpteroyl Glutamic Acid and its salts
- F Aminopterin and its salts
- F 4-Amino-Pteroylaspartic Acid and its salts
- F Amitriptyline and its salts
- G Amphetamine and its salts
- F Amphotericin B and its derivatives
- F Apio1  
Atropine and its salts, and internal preparations containing more than 0.125 mg per stated dose, or other preparations containing more than 0.1 per cent by weight
- F Azacyclonal and its salts
- G Barbituric Acid and its salts and derivatives
- F Bemegride
- F Benactyzine and its salts

F Bendazac and its salts  
F Benzoyl Peroxide  
G Benzphetamine and its salts  
F Betahistine and its salts  
F Bethanidine and its salts  
F Bishydroxycoumarin and its salts and derivatives  
F Bleomycin and its salts  
F Bretylium Tosylate  
F Bromal and its derivatives Bromal hydrate, brometone, bromoform  
F Busulfan  
F Butaperazine and its salts  
F Calcium Carbimide  
F Candicidin and its salts and derivatives  
F Capreomycin and its salts and derivatives  
F Captodiamine and its salts  
F Carbamazepine  
Carbimazole  
F Carbomycin and its salts and derivatives  
F Carbromal and its derivatives  
F Carisoprodol  
F Carphenazine  
F Cephalixin  
F Cephaloridine and its salts and derivatives  
F Chloral and its derivatives Chloral hydrate (except in preparations for external use containing not more than 1 percent), alpha-chloralose, butyl chloral hydrate, chloralformamide, chloralimide  
F Chlorambucil and its salts and derivatives  
F Chloramphenicol and its salts and derivatives  
F Chlorazepic Acid and its salts  
F Chlorcyclizine (except in preparations for external use only)  
F Chlordiazepoxide and its salts  
F Chlorisondamine and its salts  
F Chlormezanone  
F Chloroquine and its salts  
F Chlorothiazide and its salts and derivatives  
F Chlorphentermine and its salts  
F Chlorpromazine and its salts  
F Chlorprothixene and its salts  
F Cinchophen and its salts  
F Clemastine and its salts  
F Clofibrate  
F Clomiphene and its salts  
F Clonidine and its salts  
F Cromoglycic Acid and salts  
F Cyclizine  
F Cyclophosphamide  
F Cycloserine and its salts and derivatives  
F Cytarabine and its salts  
F Daunorubicine and its salts  
Deanol  
F Debrisoquin and its salts  
F Deferoxamine and its salts  
F Desipramine and its salts  
Diaminodiphenylsulfone and its analogues and derivatives  
F Diazepam and its salts  
F Diazoxide and its salts  
F Diethylpropion and its salts  
F Diethylstilbestrol and its salts and derivatives  
Digitalis, its glycosides and preparations of both thereof

- F Dihydrostreptomycin and its salts and derivatives (except when sold for veterinary purposes in conformity with requirements listed below)
- F Dimethyl Sulfoxide - Veterinary use ONLY
- F 2:4-Dinitrophenol and any salt, homologue, or derivative thereof (except DNOC, and DNOCHP when sold for agricultural purposes)
- F Diphenidol
- F Diphenylhydantoin (phenytoin) and its salts
- F Disulfiram
- F Doxepin and its salts
- F Droperidol and its salts
- F Ectylurea and its salts
- F Emylcamate
- F Ergot Alkaloids and their salts
- F Erythromycin and its salts and derivatives (except when sold for veterinary purposes in conformity with the requirements listed below)
- F Ethacrynic Acid and its salts
- F Ethambutol and its salts
- F Ethchlorvynol
- F Ethinamate
- F Ethionamide and its salts
- F Ethomoxane and its salts
- F Ethotoin and its salts
- F Ethyl Trichloramate
- F Etryptamine and its salts
- F Etymemazine
- F Fenfluramin and its salts
- F Fluorouracil and its derivatives
- F Fluphenazine and its salts
- F Flurazepam and its salts
- F Framycetin and its salts
- F Furaltadone and its salts
- F Furazolidone and its salts
- F Furosemide
- F Gentamicin
- F Glutethimide
- F Glyburide and its salts and derivatives
- F Griseofulvin
- F Guanethidine and its salts
- F Haloperidol
- F Haloprogin
- Hexachlorophene and its salts when more than 0.75% of Hexachlorophene is present
- F Hexacyclonate Sodium
- F Hexamethonium and its salts
- F Hydralazine and its salts
- F Hydroxyzine and its salts
- F Hydroxychloroquine and its salts
- F 4-Hydroxy-Courmarin and its derivatives when sold or recommended as anti-coagulants
- Hyoscine (Scopolamine) and its salts (except in inhalant preparations containing not more than 0.05 per cent by weight)
- F Ibuprofen and its salts
- F Idoxuridine
- F Imipramine and its salts
- F Indomethacin
- F Iproniazid and its salts
- F Isocarboxazid and its salts
- F Isoniazid
- Isopropamide and its salts
- F Isoproterenol and its salts (Isoprenaline)
- F Kanamycin and its salts and derivatives
- F Ketamine and its salts



- F Levodopa and its salts
- F Levomepromazine and its salts
- F Lincomycin
- F Liothyronine
- F Lithium Carbonate
- F Magnesium Glutamate Hydrobromide
- F Mecamylamine and its salts
- F Meclizine and its salts
- F Meclizine and its salts
- F Mefenamic Acid
- F Melformin and its salts and derivatives
- F Melphalan
- F Menotropins (Human Post-Menopausal urinary gonadotrophins)
- F Mepazine and its salts
- F Mephenoqualone
- F Mephentermine and its salts
- F Meprobamate
- F 6-Mercaptopurine
- F Mescaline and its salts
- F Mesoridazine
- F Metaldehyde
- Metaxalone
- G Methamphetamine and its salts
- G Methaqualone and its salts
- Methimazole
- F Methisazone
- F Methoin (Mephénytoin) and its salts
- F Methotrimeprazine
- Methoxsalen
- F Methylidopa and its salts
- F Methylparafynol
- F Methylphenidate and its salts
- F Methyprylon
- F Methysergide and its salts and derivatives
- F Metronidazole
- F Metyrapone and its salts
- F Mitotane
- F Nalidixic Acid
- F Naloxone and its salts
- Narcotics (as defined in the *Narcotic Control Act (Canada)*, including preparations containing narcotics listed in the Schedule of the *Narcotic Control Act*)
- F Neocincophen and its salts
- F Neomycin and its salts (except when sold for veterinary purposes in conformity with the requirements listed below)
- F Nialamide and its salts
- F Nitrofurantoin and its salts (except when sold for veterinary purposes in conformity with the requirements listed below)
- F Nortryptiline and its salts
- F Novobiocin and its salts and derivatives
- F Oleandomycin and its salts and derivatives
- F Orciprenaline (Metaproterenol) and its salts
- F Oxanamide
- F Oxazepam and its salts
- F Oxyphenbutazone and its salts
- F Pancuronium and its salts
- Papaverine
- F Paraldehyde
- F Paramethadione
- F Pargyline and its salts
- Paromomycin

- F Pemoline and its salts
- F Penicillin and its salts and derivatives  
(except when sold for veterinary purposes  
in conformity with requirements listed  
below)
- G Pentozocine
- F Pentolinium Tartrate
- F Pericyazine and its salts
- F Perphenazine and its salts
- F Phacetoperane and its salts
- F Phenacemide
- F Phenaglycodol
- G Phendimetrazine and its salts
- F Phenelzine and its salts
- F Phenformin and its salts
- F Pheniprazine and its salts
- G Phenmetrazine and its salts
- F Phenthoxate and its salts
- F Phenylbutazone and its salts
- F Phenyldanedione and its derivatives
- F Phentermine and its salts
- Pipamazine
- F Piperacetazine
- F Piperliate and its salts
- F Pipobroman
- F Pipradrol and its salts
- F Polymixin B (Except for topical use or  
for local action in the oral cavity or  
nasal passages)
- F Pralidoxime and its salts
- F Primidone
- F Procainamide and its salts
- F Procarbazine and its salts
- F Prochlorperazine and its salts
- F Prodilidine and its salts
- F Promazine and its salts
- F Propranolol and its salts
- F Propoxyphene and its salts
- F Prothipendyl Hydrochloride
- F Protriptyline
- F Pyrazinamide
- F Rauwolfia and its alkaloids and their salts
- F Rifampin
- Ristocetin
- F Salbutamol and its salts
- F Sex Hormones (except cosmetic preparations  
containing sex hormones, which are  
demonstrated to be free from systemic  
effects)
- F Spectinomycin
- F Spiramycin and its salts and derivatives
- F Streptomycin and its salts and derivatives  
(except when sold for veterinary purposes  
in conformity with requirements listed  
below)
- F Succinimide and its salts and derivatives  
(except those compounds used for  
decontaminating water)
- F Sulfinpyrazine and its salts
- F Sulphonal and alkyl sulphonals
- F Sulphonamides and their salts and derivatives  
(except when sold for veterinary purposes  
in conformity with requirements listed  
below)
- F Tetracycline and its salts and derivatives  
(except when sold for veterinary purposes  
in conformity with requirements listed  
below)

- F Thiabenzadazole (except when sold for veterinary purposes in conformity with the requirements listed below)
- F Thiethylperazine and its salts
- F Thiocarbide
- F Thioguanine
- F Thiopropazate and its salts
- F Thioproperazine and its salts
- F Thioridazine and its salts
- F Thiotepa
- F Thiothixene and its salts
- F Thiouracil and its derivatives
- F Thyroid
- F Thyroxin and its salts
- F Tinadazole
- F Tolbutamide and its salts and derivatives
- F Tranylcypramine
- F Tretamine
- F Triamterine and its salts
- F Trifluoperazine and its salts
- F Triflupromazine and its salts
- F Triiodothyropropionic Acid
- F Trimeprazine and its salts
- F Trimethadione
- F Trimipramine and its salts
- F Tybamate
- F Uracil Mustard and its salts
- F Vaccines, the following: Bovine Parainfluenza; Brucellosis; Equine Influenza; Leptospirosis; Mink Plasmacytosis; Rabies; Vibriosis (Vaginalis)
- F Vancomycin
- F Veratrum Album and its alkaloids and salts of alkaloids
- F Veratrum Viride and its alkaloids and salts of alkaloids
- F Vinblastine and its salts
- F Vincristine and its salts
- F Viomycin and its salts and derivatives
- F Vitamin A in recommended daily dosage of more than 10,000 I.U.
- F Vitamin B12 with Intrinsic Factor Concentrate
- F Vitamin D in a recommended daily dosage of more than 1,000 I.U.

EXEMPTIONS - FOR VETERINARY PURPOSES

The following drugs, their salts and derivatives may be sold by a pharmacist for veterinary purposes if the package is clearly labelled "For Veterinary Use Only" and a record is kept of:

- (a) Date of sale
  - (b) Name, address and signature of purchaser
  - (c) Name and quantity of drug sold
  - (d) Kind of animal and purpose for which drug is required
  - (e) Signature of pharmacist (seller)
- Dihydrostreptomycin
  - Erythromycin
  - Neomycin
  - Nitrofurantoin
  - Penicillin (Except ampicillin; benzathine penicillin; carbenicillin; cloxacillin; dicloxacillin; hetacillin; methicillin; nafcillin and oxacillin; their salts and derivatives)

- Streptomycin
- Sulfonamides (except sulfachlorpyridazine)
- Tetracycline - oral forms only
- Thiabendazole

SCHEDULE II

Drugs that may be sold to adult persons known or introduced to the pharmaceutical chemist after entering the drug in the poison register and the drug is labelled as provided in section 12.

- Aconite and alkaloids and preparations thereof; except external preparations containing less than 0.2 per cent aconitine
- Alkaloids - all poisonous vegetable alkaloids, not specifically mentioned elsewhere in these schedules, and their salts and all poisonous derivatives thereof.
- Amyl Nitrite
- Arsenic and preparations and compounds thereof, except as provided in Schedule III
- Belladonna and preparations and compounds thereof, except plasters and except as provided in Schedule III
- Cantharides and its derivatives and preparations
- Carbon Tetrachloride (when labelled as such and where the label bears the skull and cross bones insignia and the following wording: "POISON - Vapours and odors from this solution are POISONOUS. Use only in open air or well ventilated room"; and where the name of the pharmacy and when such sale is made is displayed on the container). (see *Hazardous Products Act (Canada)*).
- Chloroform
- Conium and preparations thereof
- Copper Salts, Crystal and powder except in preparations containing less than 0.5% copper
- Cottonroot, the oil, derivatives and preparations
- Croton Oil
- Ether
- Ethylchloride
- Formaldehyde (Formalin) and preparations thereof containing over 2% formaldehyde
- Hydrocyanic (Prussic) Acid
- Hyoscyamus and preparations thereof
- Lead Salts and compounds
- Lobelia and alkaloids and preparations thereof, except internal preparations containing not more than 2 mg. lobeline sulphate and external preparations containing not more than the equivalent of 400 mg. of crude lobelia
- Mercurial Salts, except Calomel and preparations containing 5% or less of ammoniated mercury
- Nux Vomica and preparations thereof
- Oil of Bitter Almonds, unless deprived of Hydrocyanic (Prussic) Acid
- Pennyroyal, the oil, derivatives and preparations
- Phenacetin, except in combination with other drugs in recognized therapeutic dosage

- Phenol (Carbolic Acid) except in preparations of 5% or less
- Potassium Antimonytartrate (Tartar Emetic)
- Potassium Cyanide and all other metallic cyanides, including cyanogas
- Rue, the oil, derivatives and preparations
- Santonin
- Savin, the oil, derivatives and preparations
- Stramonium and preparations thereof
- Strophanthus and preparations thereof
- Strychnine or its salts in preparations containing the equivalent of 2% or less of strychnine alkaloids, except as provided in Schedule III; Strychnine, its salts or preparations, containing the equivalent of more than 2% of strychnine alkaloid may be sold under authority or licence of the Director, Fish and Wildlife Branch of Province of British Columbia
- Tansy, the oil, derivatives and preparations
- Yohimbe and its alkaloids and preparations

### SCHEDULE III

Drugs that may be sold by a pharmaceutical chemist to any person when labelled as shown below. All drugs defined in section 2 together with all new drugs other than those drugs named or included in Schedule I, Schedule II or Schedule IV. The following to be labelled "Poison" when repackaged in a pharmacy.

- Barium Salts, water soluble, including chloride and sulphide
- Benzene (benzol)
- Boric (Boracic) Acid and Sodium Borate when labelled to the effect that the drug should not be administered to infants or children under three years of age
- Cedar Oil (leaf and wood)
- Chenopodium Oil
- Chromic Acid and its salts
- Corrosive sublimate
- Creosote and preparations thereof
- Cresol (Cresylic Acid) and its preparations, and the homologues of Cresol and their preparations when stronger than 5% Cresol
- Fluorides for oral or topical use, but counter packages containing less than 500 mg. of sodium fluoride are not required to be labelled "Poison"
- Gamma Benzene Hexachloride
- Guaiacol
- Hellebore
- Henna
- Iodine and preparations thereof
- Methyl Salicylate when labelled "CAUTION - Keep out of the reach of children"
- Nitrobenzene when labelled as such or as Nitrobenzol or as Oil of Mirbane; and when the label bears the name of the pharmacy in which the sale is made and the following wording: "POISON - This chemical is POISONOUS when taken internally, inhaled, or in contact with the skin. HANDLE WITH CARE and avoid skin contact and inhalation of vapours"

- Oxalic Acid and its salts
- Phosphorous in a free state
- Picric Acid (Trinitrophenol) and other nitrophenols
- Picrotoxin
- Potassium Hydroxide
- Potassium Permanganate
- Silver Nitrate
- Sodium Hydroxide
- Stravesacre
- Tetrachlorethylene when labelled as such and where the label bears the skull and cross bones insignia and the following wording: "POISON - Vapours and odors from this solution are POISONOUS. Use only in the open air or well ventilated room"; and where the name of the pharmacy in which such sale is made is displayed on the container
- Trichloroethylene when labelled as such and where the label bears the skull and cross bones insignia and the following wording: "POISON - Vapours and odors from this solution are POISONOUS. Use only in open air or well ventilated room"; and where the name of the pharmacy in which such sale is made is displayed on the container
- Wintergreen Oil when labelled "CAUTION - Keep out of the reach of children"
- Zinc Salts
- Arsenic, Belladonna, and Strychnine when combined with other ingredients in preparation of pills, capsules, tablets, elixirs, or syrups having medicinal qualities other than those possessed by the drugs named in this clause when taken alone, and in doses not exceeding those of the British Pharmacopodeia and generally recognized as safe medication

SCHEDULE IV

Drugs that may be supplied by any person (section 23(F))

- Acetylsalicylic Acid (in original packages)
- Acid Muriatic
- Acid Sulphuric (Commerical)
- Alum
- Ammonium Chloride (in cough preparations only)
- Attapulgit
- Borax
- Bicarbonate of Soda
- Calomel
- Carbonate of Soda
- Carbonate of Magnesia
- Castor Oil
- Cetalkonium Chloride
- Cetylpyridinium Chloride
- Chloride of Lime
- Cream of Tartar
- Cresol (Cresylic Acid) and its preparations and the homologues of Cresol and their preparations when weaker than 5% Cresol and sold in original bottles
- Dimethylpolysiloxane

- Di-Sodium-Dibrom-Oxymercury-Fluorescein, whether described as "Mercurochrome" or any other trade name, mark, or designation
- Domiphen Bromide
- Epsom Salts
- Glauber's Salts
- Glycerin
- Glyceryl Guaiacolate
- Gum Camphor
- Hexetidine (in mouthwashes only)
- Hydrogen Peroxide
- Ipecacuanha (in cough preparations only)
- Ispaghula
- Kaolin
- Pectin
- Phenylephrine Hydrochloride (0.5% or less in nose drops only)
- Phosphate of Soda
- Piperazine and its salts in dosage forms suitable for small animals
- Plantago
- Potassium Chloride
- Psyllium
- Rhubarb Root
- Rochelle Salt
- Salt Petre
- Senna
- Sodium Citrate
- Sodium Salicylate
- Solution of Ammonia
- Spirit of Nitre
- Squill (in cough preparations only)
- Sulphur
- Weak Tincture of Iodine (in original bottle)
- Turpentine
- Witch Hazel

Preparations containing vitamins in which the recommended daily dose is equal to or less than the amount listed below:

Vitamin A	5,000 IU
Vitamin B1	4.5 mg.
Vitamin B2	7.5 mg.
Niacin	45.0 mg.
Pyridoxine	3.0 mg.
D-pantothenic Acid	15.0 mg.
Folic Acid	0.1 mg.
Vitamin B12	14.0 mg.
Vitamin C	150.0 mg.
Vitamin D	400 IU
Vitamin E	25 IU

CHAPTER 14  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

AN ORDINANCE TO AMEND THE PUBLIC HEALTH ORDINANCE

(Assented to December 15, 1975)

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

1. The *Public Health Ordinance* is amended by repealing subsection 9.(1) and substituting the following therefor:
  - "9. (1) A Board of Health established by a council shall consist of the Medical Health Officer or Health Officer of the Municipality and not less than four electors of whom not more than two shall be members of the council."



CHAPTER 15  
ORDINANCES OF THE YUKON TERRITORY  
1975 (Third Session)

THIRD APPROPRIATION ORDINANCE, 1975-76

(Assented to December 15, 1975)

Whereas it appears by message from Peter J. Gillespie, Esq., Administrator of the Yukon Territory, and in the estimates accompanying the same that the sum hereinafter mentioned in Schedule "A" of this Ordinance is required to defray certain expenses of the public service of the Yukon Territory and for the purpose relating thereto, for the twelve months ending the thirty-first day of March, 1976.

Therefore, the Administrator 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 <i>Third Appropriation Ordinance, 1975-76.</i>   | Short Title                      |
| 2. (1) | From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding Sixty-Nine Thousand, Seven Hundred Dollars for defraying the charges and expenses of the public service of the Territory for the twelve months ending the thirty-first day of March, 1976, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. | Amount<br>Granted                |
| 3. (1) | The due application of all monies expended pursuant to section 2 shall be accounted for.  | Monies to<br>be accounted<br>for |

SCHEDULE "A"

Appropriation or Item

Administrative Services \$ 69,700.00

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TABLE OF ORDINANCES

NOVEMBER, 1975

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>	
A-01	Age of Majority		
A-1	Apprentice Training		
A-2	Arbitration		
A-3	Archives		
A-4	Area Development	S.4(2)	- new 1975(3rd) c.3
A-5	Assignment of Book Debts		
B-1	Bills of Sale		
B-2	Blasting		
B-3	Brands		
B-3.1	Building Standards		
B-4	Bulk Sales		
B-5	Business Licence		
C-1	Cancer Diagnosis		
C-2	Cemeteries and Burial Sites		
C-3	Change of Name		
C-4	Child Welfare		
C-5	Chiropractic		
C-6	Choses in Action		
C-7	Citizenship Instruction Agreement		
C-8	Civil Emergency Measures		
C-9	Collection		
	Community Assistance	new s.75.1	- 1975(1st)c.1 - new 1975(3rd)c.4
C-10	Companies	s.2 s.11-18 s.21(1) s.25(3) s.33 s.76(7) new s.78(4) new s.88-92 repealed s.96(3) s.102.1 new s.125 repealed	- 1975(3rd)c.5 - 1975(3rd)c.5 - 1975(3rd)c.5 - 1975(3rd)c.5 - 1975(3rd)c.5 - 1975(3rd)c.5 - 1975(3rd)c.5 - 1975(3rd)c.5 - 1975(3rd)c.5 - 1975(3rd)c.5

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
C-10	Companies (cont'd)	s. 135 - 1975(3rd)c.5 s. 142-144 - 1975(3rd)c.5 s. 147-148 - 1975(3rd)c.5 s. 151-153 - 1975(3rd)c.5 s. 154-165 - 1975(3rd)c.5 s. 166-168 - 1975(3rd)c.5 s. 170 - 1975(3rd)c.5 s. 175 - 1975(3rd)c.5 s. 301.(3)(b)- 1975(3rd)c.5 s. 301.1-301.6-1975(3rd)c.5 new s. 309(1)(c) - 1975(3rd)c.5 s. 314 - 1975(3rd)c.5 s. 337 - new - 1975(3rd)c.5 Schedule II, Forms A,B,C, D, and E - 1975(3rd)c.5 s. 338 - new - 1975(3rd)c.5
	Compensation for the Victims of Crime	new - 1975(1st)c.2
C-11	Conditional Sales	
C-12	Condominium	
C-12.1	Conflict of Laws (Traffic Accidents)	
C-13	Consumers' Protection	
C-14	Contributory Negligence	
C-15	Controverted Elections	
C-16	Cooperative Associations	s. 32.1(8) - 1975(2nd)c.7 s. 32.1(10) - 1975(2nd)c.7 new s. 32.1(11) (12)(13) - 1975(2nd)c.7
C-17	Cornea Transplant	
C-18	Coroners	
C-19	Corporation Securities Registration	
C-19.1	Corrections	
C-20	Court of Appeal	
C-21	Credit Unions	s. 35(1) - 1975(2nd)c.8
C-22	Creditors' Relief	
C-23	Curfew	
D-1	Defamation	
D-2	Dental Profession	
D-3	Dependants' Relief	
D-4	Devolution of Real Property	

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
D-5	Disabled Persons' Allowance	repealed - 1975(1st)c.11
D-6	Distress	
D-7	Dog	
E-1	Elections	s.15-18 - 1975(3rd)c.6 s.19 - 1975(3rd)c.6 s.20 - new - 1975(3rd)c.6 s.21 - new - 1975(3rd)c.6
E-1.1	Electoral District Boundaries Commission	
E-2	Electrical Protection	
E-2.1	Electrical Public Utilities	
E-3	Elevator and Fixed Conveyances	
E-4	Employment Agencies	
E-5	Engineering Profession	
E-6	Evidence	
E-7	Exemptions	
E-8	Expropriation	
F-1	Factors	
F-2	Fair Practices	
F-3	Fatal Accidents	
F-4	Financial Administration	
F-5	Fire Prevention	
F-6	Fitness and Amateur Sport Agreement	
F-7	Flag	
F-8	Floral Emblem	
F-9	Forest Protection	
F-9.1	Fraudulent Preferences and Conveyances	
F-10	Frustrated Contracts	
F-11	Fuel Oil Tax	s.3.1 - 1975(2nd)c.9 s.4.2 - 1975(2nd)c.9 s.5(1)(2) &(3) - 1975(2nd)c.9 s.5(5) - new 1975(2nd)c.9 s.9(2)&(3) - repealed 1975(2nd) c.9 s.9(2) - new 1975(2nd)c.9 s.10(1)&(2) - 1975(2nd) c.9 s.11(1) - 1975(2nd)c.9 s.20(1) - 1975(2nd)c.9

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
F-12	Fur Export	
G-1	Game	s.90(1)(a) - 1975(2nd)c.10 s.2 - 1975(3rd)c.7 s.5(3) - 1975(3rd)c.7 s.8(1) - 1975(3rd)c.7 s.8(2)(c) - 1975(3rd)c.7 s.12(3) - 1975(3rd)c.7 s.12(4) - 1975(3rd)c.7 s.14(1) - 1975(3rd)c.7 s.15(2) - 1975(3rd)c.7 s.18 - 1975(3rd)c.7 s.19(3) - 1975(3rd)c.7 s.21 Part III - 1975(3rd)c.7 s.22 - 1975(3rd)c.7 s.23(2) - 1975(3rd)c.7 repealed s.24(1)(a)(b) - 1975(3rd)c.7 s.24(2) new - 1975(3rd)c.7 s.25(6) - 1975(3rd)c.7 s.26(1)(2) - 1975(3rd)c.7 s.27(1)(2) - 1975(3rd)c.7 s.34(1) - 1975(3rd)c.7 s.37(1) - 1975(3rd)c.7 s.40(1)&(2) - 1975(3rd)c.7 s.41(2) - 1975(3rd)c.7 s.43(1) - 1975(3rd)c.7 s.45(1) - 1975(3rd)c.7 s.47(3) - 1975(3rd)c.7 s.48(3) - 1975(3rd)c.7 s.48(5) - 1975(3rd)c.7 s.58(1) - 1975(3rd)c.7 s.58(3) new - 1975(3rd)c.7 s.61(2) new - 1975(3rd)c.7 s.62(1) - 1975(3rd)c.7 s.65(2) - 1975(3rd)c.7 s.66(2) - 1975(3rd)c.7 s.67(1) - 1975(3rd)c.7 s.71(1) - 1975(3rd)c.7 s.72(1) - 1975(3rd)c.7 s.75(1) - 1975(3rd)c.7 s.77 repealed - 1975(3rd)c.7 s.77 new - 1975(3rd)c.7 s.78(1) - 1975(3rd)c.7 s.86(1)(c) - 1975(3rd)c.7 s.87(2) - 1975(3rd)c.7 s.89(1)(e)(g) - 1975(3rd)c.7 repealed s.89(1)(f) - 1975(3rd)c.7 s.91(1)(b)(c) - 1975(3rd)c.7 repealed s.91(1)(b)(c) & (d) new - 1975(3rd)c.7 s.92(1) - 1975(3rd)c.7 s.92(2)(b) - 1975(3rd)c.7 repealed s.93(1) - 1975(3rd)c.7 s.94(1)(2)(3) - 1975(3rd)c.7 s.94(4) & (5) - 1975(3rd)c.7 new s.96(1) - 1975(3rd)c.7 s.97(1) - 1975(3rd)c.7 s.98(1) - 1975(3rd)c.7 s.99(1) - 1975(3rd)c.7 s.99(1)(b) - 1975(3rd)c.7

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
G-1	Game (cont'd)	s.99(1)(c) - 1975(3rd)c.7 s.100(1) - 1975(3rd)c.7 s.101(1) - 1975(3rd)c.7 s.101(2) - 1975(3rd)c.7 s.102(1) - 1975(3rd)c.7
G-2	Gaols	
G-3	Garage Keepers' Lien	
G-4	Garnishee	
G-5	Gasoline Handling	
	Government Employee Housing Plan	new - 1975(1st)c.5
H-1	Health Care Insurance Plan	
	Highways	new - 1975(3rd)c.1
H-2	Historic Sites and Monuments	s.4(1)&(2) - 1975(2nd)c.11
H-3	Hospital Insurance Services	s.18 - new - 1975(3rd)c.6
H-4	Hotels and Tourist Establishments	
H-5	Housing	
H-5.1	Housing Corporation	
H-6	Housing Development	s.5(2) - 1975(2nd)c.12 s.21(1)(2) &(3) new - 1975(2nd)c.12
I-1	Immunity of Members	
I-2	Insurance	
I-3	Interpretation	
I-4	Intestate Succession	
J-1	Judicature	s.50.1(1) - new 1975(2nd)c.13
J-2	Jury	
J-3	Justice of the Peace	
L-1	Labour Standards	s.49(j) - new 1975(1st)c.14 s.2 - 1975(3rd)c.9 s.5(1)(2)(3) (4) repealed - 1975(3rd)c.9 s.5(1)(2) &(3) - new - 1975(3rd)c.9 s.8(1) - 1975(3rd)c.9
L-2	Landlord and Tenant	
L-3	Lands	
	Legal Aid Ordinance	new - 1975(3rd)c.2
L-4	Legal Profession	s.2 - 1975(3rd)c.10 s.17 repealed - 1975(3rd)c.10 s.18 repealed - 1975(3rd)c.10

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
L-4	Legal Profession (cont'd)	s.19 repealed - 1975(3rd)c.10 s.20 repealed - 1975(3rd)c.10 s.21 repealed - 1975(3rd)c.10 s.21 new - 1975(3rd)c.10 s.22 repealed - 1975(3rd)c.10 s.26 - 67 new - 1975(3rd)c.10
L-5	Legal Profession Accounts	
L-6	Legitimation	
L-7	Limitation of Actions	
L-8	Liquor	
L-9	Local Improvement District	
L-10	Lord's Day	
L-10.1	Lotteries	
L-11	Low Cost Housing	
M-1	Magistrate's Court	
M-2	Maintenance	
M-3	Marriage	
M-4	Married Women's Property	
M-5	Mechanics' Lien	
M-5.1	Mediation Board	
M-6	Medical Profession	s.2 - 1975(3rd)c.11 s.3 - 1975(3rd)c.11 s.4 repealed- 1975(3rd)c.11 s.4 new - 1975(3rd)c.11 s.5 - 1975(3rd)c.11 s.8 repealed- 1975(3rd)c.11 s.8 new - 1975(3rd)c.11 s.15(4)&(5) - 1975(3rd)c.11 - new s.16-22 repealed - 1975(3rd)c.11 s.16-33 new - 1975(3rd)c.11
M-7	Mental Health	
M-8	Miners' Lien	
M-9	Mining Safety	
M-10	Motion Pictures	
M-11	Motor Vehicles	s.2 - 1975(3rd)c.12 s.3 repealed- 1975(3rd)c.12 s.3 new - 1975(3rd)c.12 s.5 repealed- 1975(3rd)c.12 s.5 new - 1975(3rd)c.12 s.6(5) - 1975(3rd)c.12 s.6(12) repealed - 1975(3rd)c.12 s.6(15) new - 1975(3rd)c.12 s.8(4)&(9) - 1975(3rd)c.12



CHAPTER  
NO.

TITLE OF ORDINANCES

AMENDMENTS

M-11

Motor Vehicles (cont'd)

s.9(5) - 1975(3rd)c.12  
s.11 repealed- 1975(3rd)c.12  
s.11 new - 1975(3rd)c.12  
s.12(1) repealed - 1975(3rd)c.12  
s.12(1) new - 1975(3rd)c.12  
s.13(1)&(5) - 1975(3rd)c.12  
s.13(7) new - 1975(3rd)c.12  
s.14 repealed - 1975(3rd)c.12  
s.14 new - 1975(3rd)c.12  
s.15 repealed - 1975(3rd)c.12  
s.15 new - 1975(3rd)c.12  
s.16(1)&(5) - 1975(3rd)c.12  
s.21 repealed - 1975(3rd)c.12  
s.21 new - 1975(3rd)c.12  
s.23(1)&(7) - 1975(3rd)c.12  
s.25 repealed - 1975(3rd)c.12  
s.25 new - 1975(3rd)c.12  
s.34(1) - 1975(3rd)c.12  
s.38(3) new - 1975(3rd)c.12  
s.40.(1) - 1975(3rd)c.12  
s.41(1)(2)  
&(4) - 1975(3rd)c.12  
s.41(5) new - 1975(3rd)c.12  
s.44 repealed - 1975(3rd)c.12  
s.44 new - 1975(3rd)c.12  
s.45 repealed - 1975(3rd)c.12  
s.45 new - 1975(3rd)c.12  
s.48(1) - 1975(3rd)c.12  
repealed  
s.48(1.1) new - 1975(3rd)c.12  
s.48(1.2) new - 1975(3rd)c.12  
s.48(1.3) new - 1975(3rd)c.12  
s.49(8)&(9) new - 1975(3rd)c.12  
s.50(5)(6)&(7) - 1975(3rd)c.12  
s.52(1) - 1975(3rd)c.12  
s.52(3) new - 1975(3rd)c.12  
s.58(2) - 1975(3rd)c.12  
s.59 repealed -1975(3rd)c.12  
s.59 new - 1975(3rd)c.12  
s.63 repealed -1975(3rd)c.12  
s.63 new - 1975(3rd)c.12  
s.64.1 new - 1975(3rd)c.12  
s.64.2 new - 1975(3rd)c.12  
s.64.3 new - 1975(3rd)c.12  
s.75.1 new - 1975(3rd)c.12  
s.79(5) new - 1975(3rd)c.12  
s.80.1 new - 1975(3rd)c.12  
s.95(1)(2)&  
(3) repealed - 1975(3rd)c.12  
s.95(1) new - 1975(3rd)c.12  
s.101(2) - 1975(3rd)c.12  
s.107.1 new - 1975(3rd)c.12  
s.111(1) - 1975(3rd)c.12  
s.115(1) - 1975(3rd)c.12  
s.136.1 new - 1975(3rd)c.12  
s.158 repealed - 1975(3rd)c.12  
s.158 new - 1975(3rd)c.12  
s.164(2) - 1975(3rd)c.12  
s.171(1) - 1975(3rd)c.12  
s.175(3) new - 1975(3rd)c.12  
s.2(1) gross weight  
repealed - 1975(3rd)c.12  
s.2(1) overload & oversize  
repealed - 1975(3rd)c.12

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
M-11	Motor Vehicles (cont'd)	s.7(1)-(6) repealed - 1975(3rd)c.12 s.65(1) "territorial highway" repealed - 1975(3rd)c.12 s.155(1)(s)&(t) repealed - 1975(3rd)c.12 s.176(1) new - 1975(3rd)c.12
M-12	Municipal	s.115.1 new - 1975(1st)c.16 s.8(1) - 1975(2nd)c.14 s.30(1) } - 1975(2nd)c.14 s.43(5) } - 1975(2nd)c.14 s.76(5) } - 1975(2nd)c.14 s.81 - 1975(2nd)c.14 s.82(1) - 1975(2nd)c.14 s.82(4)(5) (6)&(7) } - 1975(2nd)c.14 s.116(1)(d) - 1975(2nd)c.14 s.119(1)(n) & (o) new - 1975(2nd)c.14 s.120.1 new - 1975(2nd)c.14 s.121(6) - 1975(2nd)c.14 s.129.1(1) - new 1975(2nd)c.14 s.129.2(1) & (2) new - 1975(2nd)c.14
M-13	Municipal Aid	
M-14	Municipal Elections	
	Municipal Employees Benefits	new - 1975(2nd)c.1
N-1	Newspaper	
N-2	Noise Prevention	
N-3	Notaries	
	Occupational Training	
O-1	Old Age Assistance and Blind Persons' Allowance	repealed - 1975(1st)c.12
O-2	Optometry	
P-1	Partnership	
P-2	Pawnbrokers and Secondhand Dealers	
P-3	Perpetuities	
P-4	Pharmaceutical Chemists	Schedules I, II, III, IV repealed - 1975(3rd)c.13 Schedules I, II, III, IV new - 1975(3rd)c.13
P-5	Plebiscite	
P-6	Pounds	
P-7	Presumption of Death	

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
P-8	Public Health	s.9(1) - 1975(3rd)c.14
P-8.1	Public Inquiries	
P-9	Public Printing	
P-10	Public Service	
P-11	Public Service Staff Relations	
R-1	Reciprocal Enforcement of Judgments	
R-2	Reciprocal Enforcement of Maintenance Orders	
R-3	Recording of Evidence by Sound Apparatus	
R-4	Regulations	
R-5	Rehabilitation Services	s.2(new definitions)-1975(1st)c.17 s.3 - 1975(1st)c.17 s.5(1)(b) - 1975(1st)c.17 s.6,7 & 8 - 1975(1st)c.17 s.9(1)(f) - deleted word-1975(1st)c.17
S-1	Sale of Goods	
S-2	Saw Logs Driving	
S-3	School	
S-4	Scientists and Explorers	
S-5	Securities	
S-6	Social Assistance	
S-7	Societies	
	Society of Industrial Accountants	new - 1975(2nd)c.2
S-8	Steam Boilers	
	Students' Financial Assistance	new - 1975(2nd)c.3
S-9	Students' Grants	repealed - 1975(2nd)c.6
S-10	Superannuation, Territorial Employees'	s.2 - word "employee" - 1975(2nd)c.16 s.3(1) - 1975(2nd)c.16
S-10.1	Supreme Court	
S-11	Survivorship	

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
T-01	Taxation	s.50(new) - 1975(1st)c.18 s.4(2) - 1975(2nd)c.15 s.18 - 1975(2nd)c.15 s.38(3)&(4) repealed - 1975(2nd)c.15 s.38(3) new - 1975(2nd)c.15 s.39(1) - 1975(2nd)c.15 s.55 - 1975(2nd)c.15 s.60(1) - 1975(2nd)c.15 s.60(3) - 1975(2nd)c.15 s.60(5) - 1975(2nd)c.15 s.61(4)&(5) - 1975(2nd)c.15 s.74(1) - 1975(2nd)c.15 s.114(2)new - 1975(2nd)c.15
T-1	Tenants in Common	
T-2	Tobacco Tax	
T-3	Trade Schools Regulation	
T-4	Transport Public Utilities	
	Travel for Medical Treatment	new - 1975(2nd)c.4
T-5	Trustee	
V-1	Variation of Trusts	
V-2	Vital Statistics	
W-1	Wages Recovery	
W-2	Warehousemen's Lien	
W-3	Wills	
W-4	Woodmen's Lien	
W-5	Workmen's Compensation	s.9 repealed- 1975(3rd)c.6
W-6	Workmen's Compensation Supplementary Benefits	

