



ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL

IN THE YEAR
1976
THIRD SESSION

A. M. PEARSON
COMMISSIONER

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O R D I N A N C E S
of the
Y U K O N T E R R I T O R Y

Passed by the Yukon Council

in the year

1976

THIRD SESSION

E R R A T A

Please note and attach to your copy of Sessional Ordinances.

LIQUOR ORDINANCE

S. 28 pg. 79-80
should read

The *Liquor Ordinance* is amended by repealing Section 44 thereof and substituting the following therefor:

"44.(1) The Board may, in its discretion, issue in accordance with regulations establishing hours, prices, serving facilities and conditions of sale:

(a) a licence allowing the retail sale of liquor in any licensed premises for off premises consumption; or

(b) a licence allowing the retail sale of beer in any licensed premises for off premises consumption during the periods when the licensee of the premises is not permitted to sell beer for consumption on the premises."

S. 53 pg. 90-91
should read

The *Liquor Ordinance* is amended by repealing subsection 103(1) thereof and substituting the following therefor:

"103 (1) Except as otherwise expressly provided by this Ordinance or the regulations, no person shall consume liquor in any public place.

(2) Notwithstanding subsection (1) a person may, unless prohibited by the owner of the place in the manner prescribed or by the regulations, consume liquor in:

over

- (i) a residence;
 - (ii) a public beach, public park, public campground, public picnic ground;
 - (iii) an off-highway area which is reasonably remote from any inhabited settlement and which is used for picnicking, sport fishing, hunting, or other outdoor recreational activity; and
 - (iv) any other place which may be prescribed.
- (3) Proof of Possession in a public place of a bottle or can containing liquor which has been opened is prima facie evidence of consumption by the person found in possession of liquor in such public place.
- (4) Where one of two or more persons, with the knowledge and consent of the rest, has liquor in his custody or possession, the liquor shall be deemed to be in possession of each and all of them.

ORDINANCES OF THE YUKON TERRITORY

1976

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CHAPTER 1
ORDINANCE OF THE YUKON TERRITORY
1976 (Third Session)

EMERGENCY MEDICAL AID ORDINANCE¹

(Assented to December 3, 1976)

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

SHORT TITLE

- | | |
|--|-------------|
| 1. (1) This Ordinance may be cited as the <i>Emergency Medical Aid Ordinance</i> . | Short title |
| 2. (1) In the Ordinance,
(a) "medical practitioner" means a person who is registered as a medical practitioner under the <i>Medical Profession Ordinance</i> and includes a person who is registered as a medical practitioner in any other jurisdiction and entitled to practice medicine in that jurisdiction. | Definitions |
| 3. (1) Where, in respect of a person who is ill, injured or unconscious as a result of an accident or other emergency,
(a) a medical practitioner voluntarily
(i) renders emergency medical services or first aid assistance and
(ii) the services or assistance are not rendered at a hospital or other place having adequate medical facilities and equipment; or
(b) a person other than a medical practitioner voluntarily renders emergency first aid | Application |

assistance the medical practitioner or other person is not liable for damages for injuries to or the death of that person alleged to have been caused by an act or omission on his part in rendering the medical services or first aid assistance, unless it is established that the injuries or death were caused by gross negligence on his part.

Coming into force 4. (1) This Ordinance shall come into force on the day of assent.

CHAPTER 2
ORDINANCE OF THE YUKON TERRITORY
1976 (Third Session)

AN ORDINANCE RESPECTING
THE INSTITUTE OF CHARTERED ACCOUNTANTS

(Assented to December 3, 1976)

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

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|----|--|--|
| 1. | (1) This Ordinance may be cited as the <i>Institute of Chartered Accountants Ordinance</i> . | Short title |
| 2. | (1) In this Ordinance:
"by-laws" means by-laws of the Institute made pursuant to section 8;
"council" means the governing body of the Institute established pursuant to section 6;
"Institute" means the Institute of Chartered Accountants of the Yukon Territory;
"member" means a person who is registered as a member of the Institute;
"provincial institute" means any Institute or Order of Chartered Accountants of any province or Territory of Canada or of Bermuda;
"register" means the register maintained pursuant to section 16;
"registered student" means a student registered under provisions of this Ordinance. | Definitions
"by-laws"
"council"
"institute"
"member"
"register"
"registered student" |
| 3. | (1) There is hereby constituted a corporation to be known as the Institute of Chartered Accountants of the Yukon Territory. | Establishment of Corporation |
| | (2) The head office of the Institute shall be at the | Head office |

City of Whitehorse, or at such other place within the Territory as may be determined by the Council.

Powers

4. (1) The Institute, in addition to the powers vested in it by the *Interpretation Ordinance*, has for its purpose and no other, power to
- (a) purchase, receive, or otherwise acquire; hold, manage and otherwise deal with; and sell, mortgage, lease, or otherwise dispose of, any rights or real or personal property;
 - (b) apply its funds for the carrying out of its objects and for the benefit of needy members or their families and the families of deceased members;
 - (c) invest its funds in such investments in which trustees are authorized to invest under the provisions of the *Trustee Ordinance*;
 - (d) enter into association or affiliation with any other provincial institute with similar objects and to enter into agreements with any such provincial institute respecting matters affecting the administration of the Institute and the training, education and discipline of members and students.

General objects of Institute

5. (1) The objects of the Institute are:
- (a) to promote and increase the knowledge, skill and proficiency of its members and students in all things relating to the business or profession of an accountant;
 - (b) to regulate the discipline and professional conduct of its members and students; and
 - (c) to promote and protect the welfare and interest of the Institute and its members and students.

6. (1) There shall be a council of the Institute which shall consist of not less than three members or such greater number as may be provided by the by-laws of the Institute. Council of Institute
- (2) A majority of the council shall be members resident within the Territory.
- (3) Members of the council shall be elected in accordance with the provisions of this Ordinance and the by-laws of the institute.
- (4) The council shall, from its members, elect a president.
- (5) The council shall appoint a secretary and a treasurer, the same person being eligible for both offices, and may appoint such other officers as may be provided for by the by-laws of the Institute.
- (6) All vacancies which occur on the council by reason of death or otherwise in the interval between two annual meetings, may be filled by the council.
7. (1) The council may exercise all such powers and do such acts and things as the Institute is by this Ordinance or otherwise authorized to exercise and do, and are not by this Ordinance or by the Institute or by the by-laws of the Institute directed or required to be exercised or done by the Institute in annual or special meeting, but subject nevertheless to the provisions of this Ordinance and to the by-laws of the Institute and to regulations not inconsistent with the provisions of this Ordinance or the by-laws of the Institute made by the Institute in annual or special meeting; provided that no regulation shall invalidate any prior act of the council that would have been Administration by Council

valid if such regulation had not been made.

By-laws

8. (1) The council may from time to time pass by-laws to carry out the objects of the Institute and without limiting the generality of the foregoing, the council may from time to time pass by-laws respecting
- (a) membership fees and the termination of membership;
 - (b) nomination, election, appointment, terms of office and remuneration of members of the council or any committee or administrative group with the Institute;
 - (c) the time, place and conduct of general meetings of the Institute;
 - (d) the election or appointment and replacement of officers of the Institute and the powers and duties of those officers;
 - (e) the financing of the Institute and the administration of its funds;
 - (f) the management of the property and affairs of the Institute;
 - (g) rules of professional conduct;
 - (h) terms and conditions upon which persons desiring to become members of the Institute may become registered as students of the Institute;
 - (i) the curriculum of studies and examinations to be taken by such registered students;
 - (j) enrolment of members and registration of students;
 - (k) the granting or revocation of certificates of registration and annual renewals thereof;
- and
- (1) all other matters that are considered necessary

or convenient for the management of the Institute and the promotion of its welfare or the conduct of its business.

- (2) No such by-law or any amendment thereto shall take effect until it has been approved at an annual meeting of the members of the Institute or at a special meeting of members of the Institute called to consider such by-law or amendment.
 - (3) The Institute shall file with the Commissioner a copy of each by-law made pursuant to subsection (1) within one week after approval thereof by the members.
 - (4) A by-law may be annulled by the Commissioner.
9. (1) An annual meeting of the members of the Institute shall be held in every year for the transaction of such business as may be brought before the meeting, at such time and place and in such manner as the by-laws of the Institute provide.
- (2) Other special meetings of the members of the Institute may be convened and held as the by-laws of the Institute from time to time provide.
- (3) The first annual general meeting of the members of the Institute shall be held in the City of Whitehorse within three months after the date of the coming into force of this Ordinance for the purpose of constituting the first council who shall hold office until its successor is elected in conformity with this Ordinance, and up to such time shall have all the powers and be subject to all the obligations attached to members of such council by this Ordinance.
10. (1) Any person who

Ratification of by-laws

Annual general meeting

First annual general meeting

Members in good standing

- (a) is a member in good standing of any Provincial Institute being resident in or carrying on practice in whole or in part in Yukon at the coming into force of this Ordinance; or
 - (b) after the coming into force of this Ordinance, meets such terms and conditions as may be prescribed by by-laws of the Institute is entitled to be registered as a member of the Institute and to receive a certificate of registration.
- (2) The council may elect as a Fellow any member, but such election shall be based solely on conspicuous service to the profession.

Person not registered member in good standing

11. (1) No person is entitled to take or use the designation "chartered accountant", or the initials "F.C.A.", "A.C.A.", or "C.A.", either alone or in combination with any other words, or any name, title or description implying that he is a chartered accountant, or any name, title, initials, or description implying that he is a certified accountant or an incorporated accountant, unless he is a member of the Institute in good standing and registered as such; except that any firm of chartered accountants whose head office is outside the Territory, but who maintains an office and practice within the Territory, is entitled to take and use the designation "chartered accountants" and the initials "C.A.", and to practice as such, but only if at least one member of the firm and the manager thereof for the Territory are members of the Institute and at least one of such members or the manager permanently resides in the Territory;

and if the member or manager of such firm who is a member of the Institute dies or resigns from the firm, the firm is entitled to continue the use of such designations, but only for a period of six months from the death or resignation of the member or manager unless another member or manager of the firm becomes a member of the Institute within that period.

- (2) No person shall take, display, or use in the Territory either of the designations "certified public accountant" or "certified public auditor" alone or in combination with any other word, name, title, initial, letter, or description, nor shall any person by the use of the initials "C.P.A." or in any other manner imply, suggest, or hold out that he is a certified public accountant or certified public auditor.
 - (3) A person who contravenes any of the provisions of this section commits an offence and is liable upon summary conviction to a fine of \$100.00 for the first offence and to a fine of \$200.00 for each subsequent offence. Guilty of offence
 - (4) Each day's continuance of any contravention of the provisions of this section constitutes and is deemed to be a new and distinct offence.
12. (1) Nothing in this Ordinance affects or interferes with the right of a person not a member of the Institute to practice as an accountant in the Territory. Practice as accountant
13. (1) In the case of an offence under this Ordinance punishable upon summary conviction the complaint shall be made or the information laid within one year from the time when the matter of the complaint Time limit on complaint

or information arose.

Institution
register

14. (1) The council shall cause to be kept a register, in which shall be entered in alphabetical order the names of all members, which register shall be subject to inspection by any person free of charge.
 - (2) The register, or a copy of it duly certified by the secretary, is *prima facie* evidence in all courts and before all persons that the persons whose names are entered therein are members of the Institute and the absence or certificate of the secretary of the absence of the name of any person from such register is *prima facie* evidence that such person is not a member of the Institute.
15. (1) The Commissioner shall after consultation with the Institute of Chartered Accountants of British Columbia, by regulation provide for the reprimand, suspension, or expulsion of a member of the Institute of Chartered Accountants of the Yukon Territory by the Council of the Institute of Chartered Accountants of British Columbia or by a committee appointed by the Council of the Institute of Chartered Accountants of British Columbia with or without the imposition of a fine or costs, after due inquiry, by the Council of the Institute of Chartered Accountants of British Columbia or by a committee appointed by the Council of the Institute of Chartered Accountants of British Columbia for professional misconduct or contravention of the by-laws, rules, and regulations of the Institute of Chartered Accountants of the Yukon Territory and for an appeal therefrom.
 - (2) A member who has been reprimanded, suspended, expelled, or fined may, after exhausting all rights

of appeal provided by any regulations made pursuant to subsection (1), appeal to a judge from a decision of the Council of the Institute of Chartered Accountants of British Columbia and the judge may reverse, confirm, or vary the decision, or refer the matter back for further inquiry.

(3) An appeal to a judge shall be brought within thirty days of the date of the decision appealed from.

16. (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

CHAPTER 3
ORDINANCES OF THE YUKON TERRITORY
1976 (Third Session)

ELECTRICAL PROTECTION ORDINANCE

(Assented to December 3, 1976)

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

- Short title 1. This Ordinance may be cited as the *Electrical Protection Ordinance*.
- Definitions 2. (1) In this Ordinance;
- "apprentice" "apprentice" means a person who has entered into an agreement with the Commissioner pursuant to the Apprentice Training Ordinance under which the person undertakes to pursue a course of training in the Construction Electricians Trade;
- "approved" "approved" with regards to an electrical installation means approved by the Chief Inspector;
- "bond" "bond" means
- (i) lawful money of Canada; or
 - (ii) a Surety bond payable to the Government; or
 - (iii) Government of Canada Savings Bonds, properly assigned to the Commissioner;
- "chief inspector" "chief inspector" means the Chief Electrical Inspector appointed under Section 3;
- "code" "code" means the Canadian Electrical Code Part 1 as amended from time to time;
- "connect" "connect" means to connect terminals or wires capable of supplying electrical energy to any electrical equipment to such electrical equipment;

"contractor" means electrical contractor;	"contractor"
"electrical contractor" means any person, company, firm, organization, or partnership performing or engaging to perform, either for his or its own use or benefit, or for that of another and with respect to an electrical installation or any other work to which this Ordinance applies;	"electrical contractor"
"electrical installation" means the installation of any system of wiring in or upon any land building or premises from the point where electrical power or energy is delivered therein or thereon to the point where such power or energy can be used and shall include electrical equipment and any wiring connected therewith, and the maintenance, alteration, extension and repair of such equipment or wiring; *	"electrical installation"
"electrical permit" or "permit" means an electrical permit or permit issued pursuant to Section 8;	"electrical permit" or "permit"
"employer" means a person other than a licensed contractor who employs one or more journeyman electricians whether employed in the business of the employer or the service of the owner or occupant in a building, plant, an assembly of public buildings, apartment, commercial, or industrial institutional, storage and mixed occupancy buildings or in any other premises that may be designated by the Commissioner;	"employer"
"inspector" means an inspector appointed under Section 3 and includes the Chief Inspector;	"inspector"
"licence" means a licence issued pursuant to this Ordinance;	"licence"
"owner" when referring to electrical equipment or property or wiring includes a lessee;	"owner"

occupant and person in charge of premises;

"registered owner"

"registered owner" means a person who is registered in the records of the Land Registry Office as owner of land and appurtenances thereto;

"qualified journeyman"

"qualified journeyman" means a person who has complied with the Tradesman Qualifications Regulations and is the holder of the Tradesman Qualifications Certificate in the Construction Electricians Trade or who has been issued a temporary certificate by the Chief Inspector;

"single family dwelling"

"single family dwelling" means a dwelling unit consisting of a detached house, semi-detached, or a duplex;

"temporary certificate"

"temporary certificate" means a temporary certificate issued pursuant to Sections 17 and 29 of this Ordinance.

Meaning of terms

- (2) Unless the context otherwise requires, words and expressions used in this Ordinance have the same meaning as in the Code.
- (3) This Ordinance does not apply to the maintenance and repair of any electrical installation to which the *Mine Safety Ordinance* or the Canadian Electrical Code Part V applies.

Appointment of inspectors

3. (1) The Commissioner may appoint a Chief Inspector and one or more inspectors to carry out the provisions of this Ordinance.

Powers of inspectors on inspections

4. (1) An inspector may
 - (a) place in operation or stop or cause to be placed in operation or stopped any electrical equipment that is being inspected;
 - (b) except in the case of a single family dwelling unit, require the preparation and production to him of plans and specifications

of the installation of the electrical equipment and wiring that are satisfactory to him;

(c) remove or cause to be removed any obstruction that may prevent a thorough inspection.

- (2) An inspector may at any reasonable time enter and examine any premises other than a dwelling and the electrical equipment or wiring in or upon such premises.
- (3) An inspector may with the consent of the owner, at any reasonable time enter and examine any dwelling and the electrical equipment and wiring in or upon such dwelling.
- (4) Where an inspector shows a Justice of the Peace that he has reasonable cause to believe and does believe that an electrical installation in a dwelling is a hazard to the occupants of the dwelling or to the public generally or that an offence contrary to this Ordinance has been committed therein, the Justice of the Peace may issue a warrant authorizing and requiring the inspector to enter and examine the dwelling at such time or times as may be stated in the warrant.

- 5. (1) The Canadian Electrical Code Part 1 as amended from time to time is the standard to which all installations of electrical equipment wiring shall conform. Standards for installations
- (2) Where in the opinion of an inspector the installation or use of electrical equipment or wiring contrary to the requirements of the Code would not create an undue hazard to life or property, he may permit such installation or use. Exceptions
- 6. (1) Where in the opinion of an inspector any electrical equipment or wiring constitutes a hazard to life or property, he may; Inspectors powers where installation dangerous

- (a) order the owner of the electrical equipment or wiring to put it in a safe condition within such time as the inspector may fix;
- (b) order the owner not to use electrical energy in such electrical equipment or wiring until it is put in a condition satisfactory to the inspector;
- (c) order the adoption of such practices as will in his opinion make such electrical equipment or wiring safe for use;
- (d) by notice in writing, prohibit all unqualified persons from working on or in proximity to any electrical equipment or wiring while it is energized;
- (e) by notice in writing, prohibit all unqualified persons from entering or remaining in or upon premises where there is such electrical equipment or wiring; and
- (f) order the authority that supplies electric energy to withhold the supply of that energy to the premises in or upon which such electrical equipment or wiring is found until it is put in a condition satisfactory to the inspector.

Electrical
authority
complaisance

- (2) An electrical authority to which an order is given pursuant to paragraph (1)(f) shall forthwith comply with the terms of the order.

Plans to be
submitted for
approval

- 7. (1) Plans and specifications for;
 - (a) the installation of electrical equipment and wiring in any public industrial, commercial or other building in which the safety of the public is concerned;

- (b) the installation of any generator, transformer, switchboard, large storage battery or other larger electrical equipment; and
 - (c) such other installation as may be prescribed;
- shall be submitted to an inspector by or on behalf of the owner of the premises in or upon which it is proposed to make any such installation and work shall not be commenced on the installation until the inspector has approved the plans and specifications in writing. *
- (2) Plans and specifications submitted under sub-section (1) shall not be approved by an inspector until the prescribed fees have been paid by or on behalf of the owner. Fees paid before approval
8. (1) An inspector may issue in respect of any premises a permit entitling the holder of the permit to install, alter or extend any electrical equipment or wiring on such premises. Permit required for installations and repairs to electrical wiring
- (2) No person shall unless he holds a permit, install, alter or extend any electrical equipment or wiring.
 - (3) An inspector shall not issue a permit except to an owner or to an electrical contractor who holds a valid and subsisting licence issued pursuant to Section 14. Issuance of permit
 - (4) Notwithstanding sub-section (2) and (3) where the applicant for a permit satisfies the Chief Inspector;
 - (a) that there is no contractor or Qualified Journeyman available to do the work or;
 - (b) that by reason of distance of the premises from a place where there is a contractor or Qualified Journeyman the expense of doing the work would be unreasonable;

the Chief Inspector may issue a permit.

- (5) Where a person satisfies an inspector that;
 - (a) he is the owner of a single family dwelling which is owned and occupied by him or;
 - (b) the premises in respect of which a permit is applied for is a single family dwelling which will be owned and occupied by him on completion;

An inspector may endorse on the permit permission for the applicant to install, alter or extend any electrical equipment or wiring in the dwelling.

- (6) Section 13 does not apply to work done pursuant to a permit endorsed pursuant to sub-section 5.

Notice to be given for inspection

- 9. (1) A person who does electrical work pursuant to a permit issued under Section 8 shall give sufficient notice to an inspector of the time when the work may be conveniently inspected at any stage in its progress.

Installation to remain accessible until approved

- (2) No electrical equipment or wiring shall be made inaccessible by any person until it has been inspected and approved in writing by an inspector.

Inspector shall permit supply of electricity

- 10. (1) Where an inspector is satisfied that any installation, alteration or extension of, or repair to, any electrical equipment or wiring has been carried out in accordance with this Ordinance, he shall give permission to the appropriate supply authority or person to supply electric energy to such equipment or wiring.

No electricity without permission

- 11. (1) No supply authority or person shall supply any electric energy to any electrical equipment or wiring in or upon any premises unless permission has been given by an inspector under Section 10 to supply electrical energy to such equipment or wiring.

12. (1) An inspector may
- (a) disapprove in whole or in part any plans and specifications submitted to the inspector;
 - (b) require the alteration of any electrical equipment or wiring;
 - (c) require the cutting off of the supply of electrical energy to any electrical equipment or wiring; or
 - (d) refuse to permit the installation or operation of any electrical equipment or wiring.
- (2) An order or decision of an inspector pursuant to subsection (1) may be made orally or in writing but if made orally shall be confirmed by a written order by the inspector.
- (3) Any person aggrieved by an order or a decision pursuant to subsection (1) may appeal the order or decision to the Chief Inspector by forwarding by registered mail a statement in writing on the matter complained of to the Chief Inspector within 21 days after the notification to him of the order or decision appealed or within such further time as the Chief Inspector may allow.
- (4) The Chief Inspector may amend, vary or revoke any order or decision appealed from under subsection (1), and his decision is final and binding.
13. (1) No person shall make an electrical installation or install electrical equipment or advertise or hold himself out as a contractor unless he holds a valid and subsisting licence issued under Section 14.
14. (1) The Commissioner may issue to a Qualified Journeyman or person who employs a Qualified Journeyman an electrical contractor's licence to engage in
- How to commence
- Disposition of appeal
- Contractor must have valid licence
- Commissioner empowered to licence contractors

business as an electrical contractor.

- | | | |
|-----------------------------------|---------|---|
| bond | (2) | Every applicant for an electrical contractor's licence shall deposit with the Territorial Treasurer a bond in the prescribed form and amount. |
| Cancellation of bond | (3) | No surety may cancel a bond for an electrical contractor, without the written consent of the Territorial Treasurer. |
| Continued eligibility | (4) | Where a contractor's licence has been issued to a person who has become eligible by employing a Qualified Journeyman the licence shall be cancelled if the holder ceases to employ a Qualified Journeyman. |
| Supervision of unqualified staff | (5) | A person, whether an apprentice or other employee, or who is a partner of a firm holding a contractor's licence, who is not himself a Qualified Journeyman, shall not perform electrical work to which this Ordinance applies except as an assistant to and under the continuous supervision of a Qualified Journeyman engaged in the same work. |
| Chief Inspectors power to suspend | 15. (1) | Where;
<ul style="list-style-type: none">(a) the holder of a licence has contravened provision of this Ordinance or the regulations in his operations as an electrical contractor;(b) the licence was issued in error and ought not to have been issued;(c) the licence has been used for an improper or fraudulent purpose;(d) the holder of the licence no longer employs a Qualified Journeyman; |

- (e) the holder of the licence has made a material mis-statement in the application for the licence;
- (f) the holder of the licence has failed to comply with any order duly and properly issued by an Inspector within the time stated in the notice of the order;
- (g) the work done by persons employed by the holder of the licence has been consistently below the standards required under any provision of this Ordinance or the regulations;
- (h) the holder of the licence has been consistently lax in rectifying faults and defects in the work undertaken by him;
- (i) the holder of the licence or his agent or employee or a person working directly under his supervision has persistently violated any provision of the Ordinance or the regulations;
- (j) the holder of the licence has failed to notify the Chief Inspector in writing of a change of the Qualified Journeyman in his employment, within 14 days of such change;
- (k) the holder of the licence has demonstrated gross incompetence or untrustworthiness in carrying on the business of electrical contracting;

the Chief Inspector may suspend or revoke a licence or may refuse to grant or renew a licence.

- Formal notice (2) Where the Chief Inspector revokes, suspends or refuses to grant or renew a licence he shall inform the applicant or the licence holder and the Commissioner of his reasons in writing and also the effective date of his action and, in the case of a suspension the duration of such suspension.
- Advisory Board (3) In determining whether to continue a suspension or revocation, or to refuse to grant or renew a licence the Commissioner may and shall when so requested in writing by the applicant or licensee appoint an advisory board consisting of;
- (a) a representative of electrical contractors;
 - (b) a representative of journeyman electricians;
 - (c) a representative of the Commissioner;
- which shall hold a hearing and make a report to the Commissioner with such recommendation as it considers just.
- Chairman of Advisory Board (4) The representative of the Commissioner upon the advisory board shall act as chairman, and for the purposes of their duties in connection with the investigation and hearing contemplated by this section, the board has the same powers as are vested in the Chief Inspector.
- Public notice of suspension (5) Notice of a revocation or suspension of a licence may be published in such manner as the Commissioner considers necessary for the protection of the public.
- Notice of defective work 16. (1) Where an inspector finds that any electrical installations or equipment supplied and installed does not comply with the Ordinance, the inspector shall forthwith send notice of the defective work to the contractor and owner and must therein specify a time

of not less than three days wherein the defects shall be remedied.

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|---------|--|---|
| (2) | If work is not satisfactorily completed by the annual anniversary date of the contractors licence, the Chief Inspector shall delay the issuing of a new licence until the defects listed are completed. | Correction of defects |
| (3) | If the defects are not remedied within the time specified the Chief Inspector may cause the necessary work to be done or electrical equipment to be supplied by another contractor, in such a manner as to conform to the requirements of this Ordinance and the regulations, and the Treasurer may, after giving written notice to the contractor either by registered mail, or by personal service, apply the bond in whole or in part to the amount expended in doing the work or supplying the equipment. | Chief Inspectors power to correct defects |
| (4) | A notice pursuant to subsection (1) shall be deemed to have been received by the contractor or the owner seven days after such notice has been mailed to the contractor or owner. | |
| 17. (1) | No person may work as or hold himself out as a Qualified Journeyman unless he is a Qualified Journeyman within the meaning of this Ordinance. | Qualification for journeyman status |
| (2) | The Chief Inspector may issue a temporary certificate to any person who satisfies him that he is a Qualified Journeyman from another jurisdiction or holds a Tradesman Qualifications Certificate in the Construction Electricians Trade issued by an authority outside the Yukon Territory for such period as will enable him to obtain a Tradesman Qualifications Certificate in the Construction Electricians Trade pursuant to the Apprentice Training Ordinance but no such temporary certificate will be valid for any period in excess of three months. | Temporary certificate |

- (3) The holder of a temporary certificate issued pursuant to this section may work as, and hold himself out as, a Qualified Journeyman for the period of validity of the certificate.

Qualification for employers staff

- 18. (1) No employer may employ on his staff any person to take charge of an electrical installation or install electrical equipment therein, except a person who is a Qualified Journeyman.

Apprentices

- (2) Notwithstanding sub-section (1) no employer may order or permit any apprentice or other employee or person, not being a Qualified Journeyman, to perform electrical work to which this Ordinance applies, except as an assistant to and under the continuous supervision of a Qualified Journeyman engaged upon the same piece of work.

Progress reports

- (3) Every employer shall on or before the tenth day of each month send or deliver to the Chief Inspector a report of all electrical work done on his premises during the preceding month.
- (4) The report shall be signed by the employer or his designated agent.

Right of employees for public utility companies

- 19. (1) An employee of a recognized electric power or communications public utility may do electrical work connected with the installation, alteration, repair or maintenance of equipment necessary for the operation of the public utility which has been assigned to him as part of his duties by the public utility.

Duties of employees for equipment manufacturers

- (2) A manufacturer of electrical equipment or his employee may do electrical work necessary for the manufacture or repair of such equipment in the manufacturer's factory or shop, but shall not connect alter or maintain electrical equipment in the factory which is not intended to be incorporated into

the manufactured products of the factory.

- (3) A manufacturer of electrical equipment or his employee may do electrical work involved with the testing and adjustment of electrical equipment manufactured at his factory, but shall not connect such equipment.

20. (1) The following work is not prohibited by this Ordinance:

Conclusions

- (a) the connecting or disconnecting of electrical devices approved for detachable connection, by means of a flexible cord and approved attachment plug cap, to corresponding approved receptacles properly connected to an electrical power supply circuit operating at not more than 300 volts, except where the device is a component of a system from which its disconnection may create a hazard;
- (b) the routine replacement of lamps, switches or receptacles connected to conductors of existing branch circuits protected by over-current devices rated or set at not more than 30 amperes, in buildings served at not more than 150 volts to ground;
- (c) the re-winding and repair of electric motors subject to the Canadian Electrical Code Current Edition but not the connection or re-connection of such devices.

21. (1) Licences shall be non-transferrable and no licence holder shall permit his licence to be used or displayed by any person other than himself or his employee.

Licences
non-
transferrable

22. (1) The holder of a licence shall produce such licence at the request of an inspector.

Proof of
licence

- Failure to produce licence 23. (1) A person who fails to produce the licence at the request of an inspector is *prima facie* presumed not to be the holder of a licence.
- Display of licence 24. (1) The holder of every licence referred to in section 14 shall, prominently display it in a place of business or employment or where not so displayed, keep it available for ready production upon the request of an inspector.
- Report to Commissioner 25. (1) The Chief Inspector shall, prior to the thirtieth day of June each year, submit a report to the Commissioner on the administration of the Ordinance during the twelve month period ending on the thirty-first day of March of that year.
- (2) The Commissioner shall lay the report before the Territorial Council within fifteen days after receipt thereof or, if Territorial Council is not then sitting, on any of the fifteen days next thereafter that the Territorial Council is sitting.
- Offence and penalty 26. (1) Any person who contravenes this Ordinance or refuses or neglects to obey an order of the Chief Inspector made pursuant to this Ordinance is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and costs and in addition thereto to a fine not exceeding twenty dollars for every day that the fault continues, and in default of payment to imprisonment for a term not exceeding one month.
- (2) A court which convicts a person of a contravention of this Ordinance or a refusal or neglect to obey an order made pursuant to this Ordinance may order such person to comply with any provision of this Ordinance or the regulations or to carry out the order of the Chief Inspector as the case may be

within such time as may be fixed by the court and any breach of such an order of the court shall constitute a fresh offence pursuant to this Ordinance.

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| 27. (1) Sub-section 9(1) of the <i>Business Licence Ordinance</i> shall not apply in respect of a licence obtained pursuant to this Ordinance. | Business
licence |
| 28. (1) The Commissioner may make such regulations as he deems necessary for carrying out the purposes and provisions of this Ordinance. | Regulations |
| 29. (1) Notwithstanding Section 17 for a period of two years after the coming into force of this Ordinance, the Chief Inspector may issue a temporary certificate to any person who, although not a Qualified Journeyman satisfies the Chief Inspector, that the applicant has been carrying out work as a contractor prior to November 1, 1976 and is reasonably capable of performing electrical work without danger to the public.

(2) The Chief Inspector may impose conditions in respect of the temporary certificate which conditions shall be endorsed upon the certificate including a condition that the holder of the certificate within a time endorsed upon the certificate obtain a Tradesman Qualification Certificate in the Construction Electricians Trade.

(3) The Chief Inspector may cancel any temporary certificate issued pursuant to this section for a breach of a condition or may extend the certificate for a period not exceeding six months in order to enable the holder to obtain his Tradesman Qualification Certificate.

(4) A person who is aggrieved by the refusal of a temporary certificate pursuant to subsection (1) or | Transitory |

a condition imposed in respect of the temporary certificate pursuant to subsection (2) or the cancellation of a temporary certificate pursuant to subsection (3) may appeal the decision and the provisions of subsections 15.(3), (4), and (5) apply *mutatis mutandis*.

- (5) The holder of a temporary certificate issued pursuant to this section may work as, and hold himself out as, a Qualified Journeyman for the period of the validity of the certificate.

Repeal 30. (1) The *Electrical Protection Ordinance*, R.O. 1974, Chapter E-2, is repealed.

Coming into force 31. (1) This Ordinance or any portion thereof shall come into force on such day or days as may be fixed by the Commissioner.

CHAPTER 4
ORDINANCES OF THE YUKON TERRITORY
1976 (Third Session)

FINANCIAL ADMINISTRATION ORDINANCE

(Assented to December 3, 1976)

SHORT TITLE

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| 1. | This Ordinance may be cited as the <i>Financial Administration Ordinance</i> . | Short Title |
| 2. (1) | In this Ordinance | |
| | "allotment" means that portion of an appropriation used for a program purpose; | "allotment" |
| | "appropriation" means an Ordinance authorizing the payment of money out of the Yukon Consolidated Revenue Fund; | "appropriation" |
| | "department" means any department of the Government of the Territory; | "department" |
| | "fiscal year" means the period from the 1st day of April in one year and ending on the thirty-first day of March in the next year; | "fiscal year" |
| | "money" includes negotiable instruments; | "money" |
| | "money paid to the Territory for a special purpose" includes all money that is paid to a public officer under or pursuant to an Ordinance, trust, undertaking, or contract, and is to be disbursed for a purpose specified in or pursuant to such Ordinance, trust, undertaking, or contract; | "money paid to the Territory for a special purpose" |
| | "negotiable instrument" includes any cheque, draft, travellers cheque, bill of exchange, postal note, money order, postal remittance and any other similar instrument; | "negotiable instrument" |
| | "public money" means all money belonging to | "public money" |

the Territory received or collected by a public officer in his official capacity or by any person authorized to receive or collect such money, notwithstanding the provisions of any other Ordinance to the contrary, and includes:

- (a) revenues of the Territory including interest on investments;
- (b) money borrowed by the Territory;
- (c) money received or collected by or on behalf of the Territory; and
- (d) money paid to the Territory for a special purpose;

"public officer" "public officer" includes the Commissioner, the Administrator, and any person employed in the Public Service of the Territory or so designated by the Commissioner;

"public property" "public property" means all property, other than money, belonging to the Territory, and includes inventories of stocks and materials, capital assets and other tangible property acquired through the expenditure of public monies;

"receivable" "receivable" means an amount owing to the Territory and includes amounts owing pursuant to an Ordinance, agreement or contractual arrangement.

"Y.C.R.F." "Yukon Consolidated Revenue Fund" means the Yukon Consolidated Revenue Fund established by the Yukon Act.

PART I

ORGANIZATION

- Treasury Department
- 3. (1) There shall be a department of the Public Service of the Territory called the Treasury Department over which the Territorial Treasurer appointed by the Commissioner shall preside.
 - (2) In this and any other Ordinance of the Territory

"Treasurer" means the Territorial Treasurer.

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| 4. (1) The Treasurer has the management and direction of the Treasury Department, the management of the Yukon Consolidated Revenue Fund, and the supervision, control and direction of all matters relating to the financial affairs of the Territory. | Duties of Territorial Treasurer |
| 5. (1) Notwithstanding any Ordinance, the Treasurer is entitled to free access at all convenient times to all files, documents and other records relating to the Territorial Accounts, and he is also entitled to request and receive from members of the Public Service such information, reports and explanations as he may deem necessary for the proper performance of his duties. | Access to records |

PART II

PUBLIC MONEY

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| 6. (1) Subject to this Part, all public money shall be paid to the Treasurer and deposited to the credit of the Yukon Consolidated Revenue Fund. | Payment to Treasurer |
| (2) The Commissioner shall establish in the name of the Territory accounts with such chartered banks as he designates for the deposit of public money. | Commissioner to establish accounts |
| (3) Every person who collects or receives public money shall keep a record of receipts and deposits thereof in such form and manner as is prescribed. | Regulation of receipt and collection of money |
| (4) Every person employed in the collection or management or charged with the receipt of public | Public money shall be paid to Treasurer |

money and every other person who collects or receives public money shall pay all public moneys coming into his hands to the Treasurer.

- Interest on late payments (5) Notwithstanding any other Ordinance a penalty in the form of interest at a rate to be prescribed may be imposed for any late payment of indebtedness to the Territory.
- Commissioner may acquire securities 7. (1) The Commissioner may, when he deems it advisable for sound and efficient management of public money, purchase, acquire and hold prescribed securities and pay therefor out of the Yukon Consolidated Revenue Fund.
- Commissioner may sell securities (2) The Commissioner may sell any securities purchased acquired or held pursuant to subsection (1) and the proceeds of the sales shall be deposited to the credit of the Yukon Consolidated Revenue Fund.
- Disposal of net income from securities (3) Any net income resulting in any fiscal year from the purchase, holding or sale of securities pursuant to this section shall be credited to revenues of that fiscal year and any net loss resulting in any fiscal year from such purchase, holding or sale shall be charged to an appropriation for that purpose.
- Calculation of income or loss (4) For the purposes of subsection (3), the net income or loss in any fiscal year shall be determined by taking into account realized profits and losses on securities sold, the amortization applicable to the fiscal year of premiums and discounts on securities, and accrued interest applicable to the fiscal year.
- Fee for services by Territory set by Commissioner 8. (1) Where a service or the use of a facility is pro-

vided by the Territory to any person and the Commissioner is of the opinion that the whole or part of the cost of providing the service or the use of the facility should be borne by the person to whom it is provided, the Commissioner may, subject to the provisions of any Ordinance, prescribe the fee that may be charged for that service or use of a facility.

9. (1) Where money has been paid to a public officer for any purpose in excess of the amount required for that purpose the excess amount so paid may be repaid to the person who paid it or his legal representative.
- (2) Where money has been paid to a public officer for any purpose and the Commissioner is of the opinion that
- (a) the purpose for which the money has been paid has not been fulfilled, and
 - (b) no service has been rendered by or on behalf of the Territory,
- the amount so paid may be repaid to the person who paid it or his legal representative.
- (3) Where money has been paid to a public officer for any purpose and the Commissioner is of the opinion that the purpose for which the money has been paid has not been fulfilled but that a service has been rendered, the Commissioner shall determine the amount, if any, that is to be retained in respect of any service rendered and the balance, if any, shall be repaid to the person who paid it or his legal representative.
- (4) Where money paid into the Yukon Consolidated Revenue Fund is not public money the Commissioner
- Disposal of money paid to public officer
- Where money is not public money

may order that the amount so paid be repaid to the person who paid it or his legal representative.

Money for special purpose

10. (1) Money received for a special purpose and paid into the Yukon Consolidated Revenue Fund may be paid out of the Yukon Consolidated Revenue Fund for that purpose.

Remission of tax, fee or penalty

11. (1) The Commissioner whenever he considers it in the public interest may remit any tax, fee or penalty.
- (2) A remission pursuant to this section may be total, partial, conditional or unconditional and may be granted
- (a) before, after or pending any suit or proceeding for the recovery of the tax, fee or penalty in respect of which it is granted;
 - (b) before or after any payment thereof has been made or enforced by process or execution; and
 - (c) in the case of a tax or fee, in any particular case or class of case and before the liability therefor arises.

How remission granted

- (3) A remission pursuant to this section may be granted by
- (a) forbearing to institute a suit or proceeding for the recovery of the tax, fee or penalty in respect of which the remission is granted;
 - (b) delaying, staying or discontinuing any suit or proceeding already instituted;
 - (c) forbearing to enforce, staying or abandoning any execution or process upon any

- judgment;
- (d) the entry of satisfaction upon any judgment; or
 - (e) repaying any sum of money paid to or recovered by the Territory for the tax, fee or penalty.
- (4) Where a remission is granted under this section subject to a condition, and the condition is not performed, it may be enforced, or all proceedings may be had as if there had been no remission. Where remission subject to condition
- (5) A conditional remission, upon performance of the condition, and an unconditional remission, have effect as if the remission was made after the tax, fee or penalty in respect of which it was granted had been sued for and recovered. Effect of remission
- (6) No tax paid on any goods shall be remitted by reason only that after the payment of the tax the goods were lost or destroyed. Where no remission permitted
- (7) Remissions granted under this Ordinance may be paid out of the Yukon Consolidated Revenue Fund. Remission payable out of Y.C.R.F.
- (8) A statement of remissions granted under this section during any fiscal year shall be reported in the Territorial Accounts for that fiscal year. Report in Territorial Accounts
- (9) Where a penalty imposed by any law relating to the revenue has been wholly and unconditionally remitted pursuant to this section, the remission has the effect of a pardon for the offence for which the penalty was incurred, and thereafter the offence has no legal effect prejudicial to the person to whom the remission was granted. Effect of remission of penalty

- Tax defined (10) In this section, "tax" includes any tax, imposed or toll payable under an Ordinance imposed or authorized to be imposed, and "penalty" includes any forfeiture or pecuniary penalty imposed or authorized to be imposed by any Ordinance for any contravention of the laws relating to the collection of the revenue, or to the management of any public work producing toll or revenue, notwithstanding that part of such forfeiture or penalty is payable to the informer or prosecutor or to any other person.
- Deletion from accounts 12. (1) The Treasurer may delete from the accounts, in whole or in part, any obligation or debt due to the Territory or any claim by the Territory that does not exceed \$1,000.
- (2) The Commissioner may delete from the accounts, in whole or in part, any obligation or debt due to the Territory or any claim by the Territory in excess of \$1,000.
- Report in Territorial Accounts (3) Any amounts deleted under this section during any year shall be reported in the Territorial Accounts for that year.

PART III

PUBLIC DISBURSEMENTS

- No disbursement without authority 13. (1) Except as provided in this Ordinance no payments shall be made out of the Yukon Consolidated Revenue Fund without the authority of the Commissioner in Council.
- Authorized expenditures payable out of Y.C.R.F. 14. (1) Where public money is by any Ordinance appropriated for any purpose or contracted to be paid by the Commissioner such money shall be

paid out of the Yukon Consolidated Revenue Fund.

- (2) All persons entrusted with the expenditure of public money shall account for it in such manner, form and time as the Commissioner directs. Duty to account
15. (1) All estimates of expenditures submitted to the Council shall be for:
- (a) payments to be made, during the fiscal year, pursuant to an Ordinance or contract, and
 - (b) goods and services required during the fiscal year.
- (2) Charges shall be made against an appropriation in respect of:
- (a) payments made pursuant to an Ordinance or contract, and
 - (b) goods received or services rendered during the fiscal year and shall include payments made and expenses accrued.
- (3) The charges against an appropriation shall not exceed the amount appropriated.
- (4) Where charges against an appropriation exceed the amount appropriated, such excess shall be reported in the Territorial Accounts of the fiscal year concerned and shall be deemed to be an interim appropriation pursuant to subsection 16(2).
16. (1) Where any matter arises when the Council is not in session in respect of which an expenditure not foreseen or duly provided for by an *Appropriation Ordinance* is urgently required for the public good, the Commissioner may authorize payment of the amount required for such expenditure out of the Yukon Consolidated Revenue Fund. Interim appropriation
- (2) The authorization of the Commissioner, pursuant to this section, shall be deemed to be an interim appropriation and shall be submitted as a supplementary appropriation bill to Council during the current or next following fiscal year.

- Allotments 17. (1) At the commencement of each fiscal year and at such other times as the Commissioner may direct, the Treasurer shall submit to the Commissioner, for approval, a division of each appropriation into allotments and when approved, the allotments shall not be varied or amended and the expenditures charged to the appropriation shall be limited to the amounts of such allotments, but in essential instances the Commissioner may effect such transfers between allotments as will enable expenditures to be reasonably and expeditiously made in accordance with commitments not exceeding the appropriation as a whole.
- Allotments not to be exceeded (2) The Deputy Head or other person responsible for the expenditures provided for in an appropriation for which a division is required to be prepared pursuant to subsection (1) shall ensure that the allotments provided in such division are not exceeded.
- No contract unless funds are available 18. (1) No contract or other arrangement providing for the payment of money by the Territory shall be entered into or have any force or effect unless the prescribed officer certifies that there is a sufficient unencumbered balance available out of an appropriation to discharge any commitments under such contract or other arrangement that would, under the provisions thereof, come in course of payment or be payable during the fiscal year in which the contract or other arrangement was entered into.

- (2) Every contract involving the payment of money by the Territory shall be submitted to the prescribed officer for commitment against the specific appropriation for which it was entered into unless he states that he does not require the contract.
 - (3) Commitment records shall be maintained in the form and manner prescribed. Record of commitments
 - (4) Where the prescribed officer is satisfied that a contract or other arrangement in respect of which he would otherwise have been required to issue a certificate under subsection (1) was entered into in order to defray an immediate expenditure that, through accident to public property or other emergency, was necessary to protect such property or to provide for such emergency, he may issue his certificate accordingly and thereupon the contract or other arrangement is exempt from the operation of subsection (1) from the time the contract or other arrangement was entered into. Certification of funds in the case of emergency
19. (1) No charge shall be made against an appropriation except upon the requisition of the deputy head for which the appropriation was made, or by a person authorized by the Commissioner in writing. No charge except upon requisition
- (2) Every requisition for a payment out of the Yukon Consolidated Revenue Fund shall be in such form accompanied by such documents and certified in such manner as the Commissioner may require. Form of requisition
 - (3) Except as otherwise provided in this Ordinance no requisition shall be made pursuant to sub- Rejection of requisition

section (1) for a payment that

- (a) would not be a lawful charge against the appropriation;
- (b) would result in an expenditure in excess of the appropriation; or
- (c) would reduce the balance available in the appropriation so that it would not be sufficient to meet the commitments charged against it.

Disallowance of costs or charges claimed

- (4) Where, in respect of any contract under which a cost audit is required to be made, the Treasurer reports that any costs or charges claimed by the contractor should not in his opinion be allowed, such costs or charges shall not be allowed to the contractor unless the Commissioner so directs.

Certificate required before payment made

- 20. (1) No payment shall be made for the performance of work, the rendering of a service, or the supply of goods, whether under contract or not, in connection with any part of the Public Service, unless, in addition to any other voucher or certificate that is required, the appropriate deputy head or other person authorized by the Commissioner certifies
 - (a) that the work has been performed services rendered or the goods supplied, as the case may be, and the price is in accordance with the contract, or if not specified by contract, is reasonable; or
 - (b) where payment is to be made before the completion of the work, delivery of the

goods, or rendering of the service,
as the case may be, that the payment
is in accordance with the contract.

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| 21. (1) Unless otherwise prescribed every expenditure of public money shall be made by means of cheque drawn on a chartered bank and prepared and signed in such manner as the Commissioner directs. | Payment
by cheque |
| 22. (1) Every cheque drawn against the Yukon Consolidated Revenue Fund, when paid, shall be delivered into the custody of the Treasurer or his nominee for examination and adjustment with a statement of cheques issued. | Examination
of cancelled
cheques |
| (2) The Commissioner may make regulations governing the destruction of cheques after payment thereof. | Destruction
of cheques |
| 23. (1) The balance of an appropriation granted for a fiscal year that remains unexpended at the end of the fiscal year shall lapse except that accrued expenditures for work performed, goods received, or services rendered prior to the end of the fiscal year or payments required pursuant to paragraph 20(1)(b) shall also be charged to the appropriation for the fiscal year. | Lapse of
appropriation |
| (2) It shall be the responsibility of the appropriate deputy head, or other person authorized by the Commissioner to advise the Treasurer of the amounts to be accrued in respect of his appropriation. | Report of
amounts to
be accrued |
| (3) Payments in respect of accounts which have been accrued shall be charged against the appropriate liability account. | Payment of
accrued
accounts |

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| Advances may be made | 24. (1) The Commissioner may make regulations governing the authorization and accounting for accountable advances chargeable to an appropriation for the service in respect of which the advance is made. |
| Recovery of advances | (2) Any accountable advance or any portion thereof that is not repaid or accounted for as prescribed may be recovered out of any monies payable by the Territory to the person to whom the advance was made. |
| Reporting in the Territorial Accounts | (3) Every accountable advance that is not repaid or accounted for as required by regulations made pursuant to subsection (1) shall be reported in the Territorial Accounts. |
| Disposal of refunds on repayments | 25. (1) An amount received as a refund or repayment of an expenditure or advance and deposited in the Yukon Consolidated Revenue Fund shall be included in the unexpended balance of the appropriation against which it was charged. |
| Accounting for expenditure recoveries | (2) An amount received or receivable pursuant to any Ordinance, agreement or other contractual arrangement in respect of a shared cost program or a service rendered for which an appropriation was intended to provide shall be credited to the expenditure recoveries of the year for which the funds were provided. |
| Implied term in contracts with Territory | 26. (1) It is a term of every contract providing for the payment of any money by the Territory that payment thereunder is subject to there being an appropriation for the particular service for the fiscal year in which any commitment |

thereunder would be payable.

27. (1) The Commissioner may make regulations Regulations
- (a) with respect to conditions under which contracts may be entered into;
 - (b) with respect to the security to be given to and in the name of the Commissioner to secure the due performance of contracts; and
 - (c) with respect to the terms and conditions of contracts.

PART IV

PUBLIC PROPERTY

28. (1) Every department of the Territory shall maintain adequate records of public property for which the department is responsible and shall comply with the regulations governing the acquisition, receipt, custody, issue, disposal and control of public property. Records of public property
29. (1) Where the Commissioner in Council has authorized the operation of a revolving fund, the Commissioner may make regulations Revolving fund
- (a) prescribing the accounts to be kept;
 - (b) prescribing the method of charging and crediting the fund; and
 - (c) prescribing the method of valuing inventory.
30. (1) At the end of each fiscal year a statement of operations shall be included in the Territorial Accounts and any profit shall be transferred from the revolving fund as revenue and any loss shall be charged to an appropriations.

- Board of survey 31. (1) There shall be a board of survey to be appointed by the Commissioner which shall from time to time but not less frequently than once in every four years enquire into the state of public property.
- Deletion of stores (2) Where the board of survey recommends the deletion from inventory of any obsolete or unserviceable stores or materials or any stores or materials lost or destroyed, the Commissioner may direct the deletion of all or any part of such stores or materials from the inventory, but the value of stores or materials so deleted shall not be credited to a revolving fund except with the authority of the Commissioner in Council.
- Report (3) Where the board of survey recommends the deletion from the records of public property other than that accounted for in subsection (2) the Commissioner may direct that such public property or any part thereof shall be deleted.
- Report in Territorial Accounts (4) A statement in such form as the Commissioner directs of all public property, stores and materials deleted pursuant to subsections (2) and (3) shall be included annually in the Territorial Accounts.
- (5) Where public property is lost or destroyed through the negligence of a public officer, the Commissioner may in the manner prescribed recover all or part of the loss from the public officer.
- 'Capital asset'
'stores'
'materials'
defined 32. (1) For the purposes of this Ordinance the Commissioner may by regulation define the expressions "capital asset", "stores", and "materials".

PART V

ASSIGNMENT OF TERRITORIAL DEBTS

33. (1) In this Part:
- "contract" means a contract involving the payment of money by the Territory; "contract"
- "Territorial debt" means any existing or future debt due or becoming due by the Territory, and any other choice in action in respect of which there is a right of recovery enforceable by action against the Territory; "Territorial debt"
34. (1) Except as provided in this Ordinance or any other Ordinance, Except as provided
- (a) a Territorial debt is not assignable; Territorial debt is not assignable
- and
- (b) no transactions purporting to be an assignment of the Territorial debt confers on any person any rights or remedies in respect of such debt.
35. (1) An absolute assignment, in writing under the hand of the assignor, not purporting to be by way of charge only, of
- (a) a Territorial debt that is an amount due or becoming due under a contract, or
- (b) any other Territorial debt of a class prescribed pursuant to paragraph 38(1)
- (b)
- of which notice has been given to the Territory pursuant to Section 36 is, subject to all equities that would have been entitled to priority over the right of the assignee if this section

had not been enacted, effectual in law to pass and transfer from the date of the service of the notice

- (c) the legal right to the Territorial debt;
- (d) all legal and other remedies for the Territorial debt; and
- (e) the power to give a good discharge of the Territorial debt without the concurrence of the assignor.

- (2) An assignment made in accordance with this Part is subject to all conditions and restrictions in respect of the right of transfer that relate to the original Territorial debt or that attach to or are contained in the original contract.
- (3) Notwithstanding subsection (1), any amount due or becoming due by the Territory as or on account of salary, wages, pay or pay and allowances is not assignable except as prescribed and no transactions purporting to be an assignment of any such amount is effective to confer on any person any right or remedies in respect of that amount.

Notice of assignment

- 36. (1) Notice in the prescribed form of an assignment referred to in subsection 35(1) shall be given to the Territory by serving it on or sending it by registered post to the Treasurer, together with a copy of the assignment accompanied by such other documents completed in such manner as may be prescribed.

Notice to be acknowledged

- (2) Service of the notice referred to in subsection (1) is not effected until acknowledgement of the notice, in prescribed form, is sent by the Treasurer to the assignee by registered mail.

37. (1) This Part does not apply to any negotiable instrument. Negotiable instrument
38. (1) The Commissioner may make regulations: Regulations
- (a) designating persons as paying officers for the purposes of this part;
 - (b) prescribing additional classes of Territorial debts for the purpose of subsection 35(1)(b) and conditions under which assignments are acceptable pursuant to subsection 35(3);
 - (c) prescribing the documents to be submitted in connection with a notice of assignment, the forms of such documents and the manner in which they are to be completed; and
 - (d) generally, for carrying into effect the purposes and provisions of this part.
- (2) This Part does not apply to any assignment of Territorial debt made before the coming into force of this section.

PART VI

TERRITORIAL ACCOUNTS

39. (1) The Treasurer shall cause accounts to be kept in such a manner as to show How accounts to be kept
- (a) the charges made against each appropriation;
 - (b) the revenues of the Territory;
 - (c) any other payments into and out of the Yukon Consolidated Revenue Fund; and
- in order to give a true and fair view of the financial position of the Territory

- (d) the assets and direct and contingent liabilities of the Territory; and
- (e) such reserves with respect to the assets and liabilities as are established by authority of the Commissioner.

Annual revenues

40. (1) Only money received or receivable by the Territory in respect of taxes, fees, penalties or services for the current fiscal year or prior fiscal years shall be included in the annual revenues of the current fiscal year.

Annual report

41. (1) A report, called the Territorial Accounts, shall be prepared by the Treasurer for each fiscal year and shall be laid before Council by the Commissioner, or distributed to the members of the Council, on or before the 31st day of October next following the end of that year or if Council is not then sitting, within any of the first fifteen days next thereafter Council is sitting.
- (2) The Territorial Accounts shall be in such form as the Commissioner may direct and shall include:
- (a) a report on the financial transactions of the fiscal year;
 - (b) any statements certified by the Auditor General pursuant to the Yukon Act; and
 - (c) such other information or statements as are required in support of the statements referred to in paragraph (b) or as are required by any Ordinance.

PART VII

CIVIL LIABILITY AND OFFENCES

42. (1) Whenever the Treasurer has reason to believe that any person
- (a) has received money for the Territory and has not duly paid it over;
 - (b) has received money for which he is accountable to the Territory and has not duly accounted for it; or
 - (c) has in his hands any public money applicable to any purpose and has not duly applied it,
- the Treasurer may cause a notice to be served on such person, or his representative in case of his death requiring him within such time from the service of the notice as may be named therein, duly to pay over, account for or apply such money, as the case may be, and to transmit to the Commissioner proper vouchers that he has done so.
- (2) Where a person has failed to comply with a notice served on him under subsection (1) within the time stated therein, the Commissioner shall state an account between such person and the Territory showing the amount of the money not duly paid over, accounted for or applied, as the case may be, and, in the discretion of the Commissioner, charge interest on the whole or any part thereof at a rate in accordance with section 6(5) from such date as the Commissioner may determine, and in any proceedings for the recovery of such money a copy of the account

Accountability for money

Notice

Where person fails to comply with notice

stated by the Commissioner, certified by him, shall be *prima facie* proof that the amount stated therein, together with interest, is due and payable to the Territory without proof of the signature of the Commissioner or his official character, and without further proof thereof, and such amount and interest may be recovered as a debt due to the Territory.

Affidavit

43. (1) Where it appears

- (a) by the books or accounts kept by or in the office of any person employed in the collection or management of the revenue,
- (b) in any accounting by such person, or
- (c) by his written acknowledgement or confession,

that such person has, by virtue of his office or employment received money belonging to the Territory and has refused or neglected to pay over such money to the proper persons at the proper times, an affidavit deposing such facts taken by any other person having knowledge thereof, shall in any proceedings for the recovery of such money be received in evidence and shall be *prima facie* proof of the facts stated therein.

Accountability
for money

44. (1) Where by reason of any malfeasance, wilful neglect of duty or gross negligence by any person employed in the collection or receiving any public money, any sum of money is lost to the Territory, such person is accountable for such sum as if he had collected and received it and

it may be recovered from him as if he had collected and received it.

45. (1) Every officer or person acting in any office or employment connected with the collection, management or disbursement of public money who
- Offences and penalty
- (a) receives any compensation or award for the performance of any official duty, except as prescribed by law;
 - (b) conspires or colludes with any other person to defraud the Territory;
 - (c) designedly permits any violation of the law by any other person;
 - (d) wilfully makes or signs any false entry in any book or wilfully makes or signs any false certificate or return in any case in which it is his duty to make an entry, certificate or return;
 - (e) having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against the Territory, under any revenue ordinance of the Territory, fails to report, in writing, such knowledge or information to his superior officer; or
 - (f) demands or accepts or attempts to collect, directly or indirectly, as payment or gift or otherwise, any sum of money, or other thing of value, for the compromise, adjustment or settlement of any charge or complaint for any violation or alleged violation of law;

commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars and to imprisonment for a term not exceeding five years.

Idem

46. (1) Every person who
- (a) promises, offers or gives any bribe to any officer or any person acting in any office or employment connected with the collection, management or disbursement of public money, with intent
 - (i) to influence his decision or action on any question or matter that is then pending, or may, by law, be brought before him in his official capacity; or
 - (ii) to influence such officer or person to commit, or aid or abet in committing any fraud on the revenue, or to connive at, collude in, or allow to permit any opportunity for the commission of any such fraud; or
 - (b) accepts or receives any such bribe; commits an offence and is liable on summary conviction to a fine not exceeding three times the amount so offered or accepted and to imprisonment for a term not exceeding five years.
47. (1) All books, papers, accounts and documents kept or used by, or received or taken into the possession of any person who is or has been employed in the collection or management of the revenue

or in accounting for the revenue by virtue of that employment, shall be deemed to be chattels belonging to the Territory; and all money or valuable securities received or taken into the possession of any such officer or person by virtue of his employment shall be deemed to be money and valuable securities belonging to the Territory.

PART VIII

MISCELLANEOUS

- | | |
|--|--|
| 48. (1) Where, in the opinion of the Commissioner, any person is indebted to the Territory in any specific sum of money, the Commissioner may authorize the Treasurer to retain by way of deduction or set-off out of any sum of money that may be due and payable by the Territory to such person. | Retention of money by deduction or set-off |
| (2) Notwithstanding subsection (1) the Treasurer may recover any overpayment made out of the Yukon Consolidated Revenue Fund on account of salary, wages, pay or pay and allowances out of any sum on money that may be due and payable by the Territory to the person to whom the overpayment was made. | |
| 49. (1) The Commissioner may make regulations for carrying the purposes and provisions of this Ordinance into effect. | Regulations |
| 50. (1) The Financial Administration Ordinance, 1958, is repealed. | .Repeal |
| 51. (1) This Ordinance shall come into force upon assent. | Coming into force |

CHAPTER 5
ORDINANCE OF THE YUKON TERRITORY
1976 (Third Session)

AN ORDINANCE TO AMEND THE HIGHWAYS ORDINANCE

(Assented to December 3, 1976)

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 *Highways Ordinance* is amended by deleting in subsection 2.(1) "overload" (i) and (ii) the words "pounds" and substituting the word "kilograms".
2. Paragraph 30.(1)(e) is amended by deleting "twenty feet" and substituting the words "six metres".
3. Subsection 30.(1)(f) is amended by deleting "thirty feet" and substituting the words "nine metres".
4. This Ordinance or any portion thereof shall come into force on a day to be fixed by the Commissioner.

CHAPTER 6
ORDINANCES OF THE YUKON TERRITORY
1976 (Third Session)

AN ORDINANCE TO AMEND THE HOME OWNERS' GRANT ORDINANCE

(Assented to December 3, 1976)

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 *Home Owners' Grant Ordinance* is amended by repealing Section 4 and substituting the following therefor:
 - "4. (1) Every application shall be made on the prescribed form and delivered to the Territorial Treasurer not later than the 31st of December of the year in respect of which the application is made and shall be accompanied by proof of payment in full of the taxes payable in respect of the eligible residence for the taxation year in respect of which the application is made."
2. "This Ordinance shall come into force upon assent."

CHAPTER 7
ORDINANCE OF THE YUKON TERRITORY
1976 (Third) Session

AN ORDINANCE TO AMEND THE INSURANCE PREMIUM TAX ORDINANCE

(Assented to December 3, 1976)

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 Insurance Premium Tax Ordinance* is amended by repealing subsection 4(1) and substituting the following therefor:

"4(1) An insurance company that is liable to pay
a tax under this Ordinance shall, on or before
the fifteenth day of March in the year following
the taxation year, file a return showing the
amount of tax payable by the company in respect
of the taxation year and shall remit to the
Treasurer the amount of the tax, if any, payable
by it in respect of the taxation year."

CHAPTER 8

ORDINANCE OF THE YUKON TERRITORY

1976 (THIRD SESSION)

AN ORDINANCE TO AMEND THE JUSTICE OF THE PEACE ORDINANCE

(Assented to December 3, 1976)

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 *Justice of the Peace Ordinance* is amended by adding thereto the following new section:
 - "11.(1) The Commissioner may by order authorize any Justice of the Peace appointed pursuant to this Ordinance to deal with juvenile delinquents and any Justice so authorized is a judge of the juvenile court for all the purposes of the Juvenile Delinquent Act (Canada).
 - (2) An order issued pursuant to subsection (1) may apply to the whole of the Territory or to any portion or portions of the Territory designated in the order.
- Appointment
of juvenile
court judges
- Coming into
force
- 12.(1) This Ordinance shall come into force on the day of assent."

CHAPTER 9
ORDINANCE OF THE YUKON TERRITORY
1976 (Third Session)

AN ORDINANCE TO AMEND THE LIQUOR ORDINANCE

(Assented to December 3, 1976)

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 *Liquor Ordinance* is amended by repealing the definitions "board, inspector, licence, licensee, public place, director, and spirits" and substituting the following therefor:
 - "Board" means the Board of Directors of the Yukon Liquor Corporation established pursuant to Section 3.
 - "Corporation" means Yukon Liquor Corporation established pursuant to Section 3.
 - "General Manager" means the General Manager of the Yukon Liquor Corporation appointed pursuant to Section 9.
 - "inspector" means a person appointed as an inspector pursuant to this Ordinance and includes a member of the Royal Canadian Mounted Police engaged in the enforcement of this Ordinance.
 - "licence" means a licence issued under this Ordinance and includes a permit issued under this Ordinance.
 - "licensee" means a person named as a licensee in a licence and includes a person as a permittee in a permit.
 - "permit" means a permit to sell or serve liquor pursuant to this Ordinance.
 - "public place" means any place to which the public have access as a right or by invitation expressed

or implied, and includes a vehicle in a public place.

"spirits" means any beverage that contains alcohol obtained by distillation, mixed with drinkable water and other substances in solutions and includes brandy, rum, whisky, gin, vodka and liqueurs.

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

"2. (2) For the purpose of paragraph (1)(i), any liquor that contains more than two and one-half percent by volume at 16 degrees Celsius or 60 degrees Fahrenheit of absolute alcohol shall be deemed to be intoxicating."

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

"YUKON LIQUOR CORPORATION"

- "3. (1) There shall be a Corporation entitled "The Yukon Liquor Corporation" consisting of those persons who from time to time comprise the Board of Directors.
- (2) The members of the Board of Directors of the Yukon Liquor Corporation shall be not less than three in number and shall be appointed by the Commissioner to hold office at pleasure for a period not exceeding three years from the date of their appointment except that of those first appointed one shall be appointed for a period of one year and one shall be appointed for two years.
- (3) A retiring Board member is eligible for reappointment.
- (4) In the event of the absence or incapacity

of a member of the Board, the Commissioner may appoint a person to take the place of that member for such period of time as he deems fit.

- (5) Where a casual vacancy occurs in the Board, the Commissioner may appoint a person to fill the vacancy for the unexpired portion of the retiring member's term of office.
- (6) No vacancy on the Board impairs the right of the remaining member or members to act until the vacancy is filled.
- (7) Where a licensee appeals a suspension of his licence pursuant to subsection 17(3) and a quorum of the Board is not available to hear the appeal, summarily, a member of the Board may, with the consent of the appellant and the General Manager, hear the appeal and in such case the member hearing the appeal has all the jurisdiction in respect of the matter as a quorum of the Board.
- (8) The Board shall choose a member from among their number to be Chairman.
- (9) Except as provided by subsection 3(7) a majority of the Board shall constitute a quorum.
- (10) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation."

4. Section 5 of the said Ordinance is repealed and the following substituted therefor:

"5. (1) No action or proceedings shall be taken

against any member or members of the Board
or in the name or names of the members of
the Board for anything done or omitted to
be done in or arising out of the performance
of his or their duties under this Ordinance."

5. The *Liquor Ordinance* is amended by repealing sections 6 to 15 and substituting the following therefor:

"6. (1) No member shall be directly or indirectly interested or engaged in any business or undertaking dealing in liquor in the Territory

(a) as owner, part owner, partner, member of a syndicate, shareholder, agent or employee, or

(b) for his own benefit or in any capacity for some other person.

(2) No member of the Board and no person appointed pursuant to Section 9 shall solicit or receive directly or indirectly any commission, remuneration or gift of any kind from a person or corporation having sold, selling or offering liquor for sale to the Corporation pursuant to this Ordinance, or from any applicant for a licence.

POWERS AND DUTIES OF THE CORPORATION

7. (1) The Corporation shall administer and enforce this Ordinance.

8. (1) Subject to this Ordinance and the regulations the Corporation has the sole power and jurisdiction to

(a) establish and operate liquor stores and warehouses,

(b) fix the price at which liquor may be

- sold at liquor stores,
- (c) buy, import, possess and sell liquor,
 - (d) control the sale, advertising, storage, distribution, transport and delivery of liquor,
 - (e) issue, refuse, cancel or suspend licences and permits,
 - (f) determine the classes, varieties and brands of liquor to be kept for sale at liquor stores,
 - (g) control the conduct, operation and equipment of any premises where liquor is sold pursuant to this Ordinance,
 - (h) control the alcoholic content of liquor and the amount to be purchased at one time,
 - (i) control the types and markings of glasses used for serving liquor in licenced premises,
 - (j) determine the liquor purchase records to be kept by licensees,
 - (k) inquire into any matter relating to or arising from the operation of this Ordinance,
 - (l) control and regulate the business activities of agents, representatives and employees of liquor manufacturers and distributors,
 - (m) do all such things as are deemed necessary or advisable for the purpose of carrying this Ordinance into effect.

GENERAL MANAGER AND STAFF

9. (1) There shall be a General Manager of the Corporation who shall be the chief exe-

cutive officer and shall be charged with the general direction, supervision and control of the business of the Corporation and shall under the general direction of the Board administer this Ordinance and supervise persons engaged in the administration of this Ordinance and the regulations.

- (2) The General Manager has signing authority for all expenditures, orders, contracts, written notices, directions and recommendations on behalf of the Board.
- (3) The General Manager may, subject to approval by the Board, enter into arrangements with another liquor board, commission or similar body in a province to supply liquor to a liquor store in that province where it is not feasible for that province to do so.
- (4) The provisions of the *Public Service Commission Ordinance* shall apply to all persons other than the members of the Board, engaged in the administration of this Ordinance.

PROPERTY, FINANCE, ACCOUNTING

10. (1) All money received from the sale of liquor and from licence fees, permits, or any other monies derived from the administration of this Ordinance and the regulations shall be deposited to the credit of a special account of the Yukon Consolidated Revenue Fund known as the Liquor Corporation Account.

- (2) The Liquor Corporation Account shall be in such chartered bank as may be designated by the Commissioner.
- (3) From and out of the Liquor Corporation Account there may be paid all expenses incurred in the administration of this Ordinance, including, without limiting the generality of the foregoing;
 - (a) the cost of all liquor purchased pursuant to this Ordinance;
 - (b) the cost of transporting, storing and insuring such liquor;
 - (c) the rental of lands, buildings or equipment required for storing liquor, liquor stores, offices and the cost of maintaining such lands, buildings or equipment, including insurance thereon;
 - (d) the costs of administering offices and liquor stores, including the rental of equipment, furniture and supplies;
 - (e) the remuneration of persons appointed under this Ordinance for the administration of this Ordinance and the payment of their necessary travelling and removal expenses;
 - (f) the employer's share of unemployment insurance, workmen's compensation and other assessments in respect of the persons referred to in paragraph (e);
 - (g) the printing of licences, permits, listings, notices and other stationery required for the purposes of this Ordinance;

- (h) the payment of such expenses as is deemed necessary concerning any hearing held pursuant to this Ordinance; and
 - (i) any other necessary expenses pursuant to this Ordinance.
- (4) All property, whether real or personal, all monies acquired, administered, possessed, or received by the Corporation and all profits earned in the administration of this Ordinance or regulations shall belong to the Territory.
11. (1) The Corporation shall, at the beginning of each month of the fiscal year, transfer the estimated net revenue of its previous month's operation from the Liquor Corporation Account to the General Account in the Yukon Consolidated Revenue Fund but the total annual amount so transferred shall not exceed the net revenue of the fiscal year established by audit and the amount so established shall be adjusted to the amount to be transferred in the transfer covering the final month of each fiscal year.
12. (1) All accounts, financial transactions, premises and stocks of the Corporation are subject to the audit of the Auditor General of Canada, who shall report annually to the Commissioner on the result of his examination of the accounts and financial statements of the Corporation and the report shall state whether in his opinion;
- (a) proper books of account have been kept,

(b) the financial statements of the Corporation

(i) were prepared on a basis consistent with that of the preceding year and are in agreement with the books of account,

(ii) in the case of the balance sheet, give a true and fair view of the state of the Corporation's affairs as at the end of the fiscal year, and

(iii) in the case of the statement of income and expense, give a true and fair view of the income and expense of the Corporation for the fiscal year, and

(c) the transactions of the Corporation that have come under this Ordinance and regulations,

and the auditor may call attention to any other matter falling within the scope of his examination that in his opinion should be brought to the attention of the Commissioner.

(2) The auditor shall from time to time make to the Corporation such other reports as he may deem necessary.

(3) The annual report of the auditor shall be included in the annual report of the Corporation, and submitted to the Territorial Treasurer for insertion into the public accounts of the Territory.

13. (1) The Corporation shall by July 1 after the end of each fiscal year prepare and submit

to the Commissioner and the Territorial Treasurer an annual report for the twelve months ending on 31st day of March.

14. (1) The annual report shall contain
- (a) a statement of the nature and amount of the business transacted by the Corporation during the year,
 - (b) a statement of assets and liabilities of the Corporation, including a profit and loss account and such other accounts and matters as may be necessary to show the result of the operations of the Corporation for the year,
 - (c) general information and remarks with regard to the working of the laws relating to liquor within the Territory, and
 - (d) the annual report shall be signed by the Chairman of the Corporation and shall have attached thereto the Auditor General's Report.

15. (1) The Commissioner shall table a copy of the annual report at the next ensuing Session of Council."

6. The *Liquor Ordinance* is amended by repealing subsections 16(1) and 16(3) and substituting the following therefor:

- "16. (1) The General Manager may by order for cause that he deems sufficient suspend any licence issued under this Ordinance.
- (3) Where a suspension is ordered pursuant to subsection (1) the suspension may be terminated before the expiration of the twelve

month period by a further order of the
General Manager."

7. The *Liquor Ordinance* is amended by repealing subsections 17(1), 17(2), 17(3), 17(4), 17(5), 17(6), 17(7), 17(8), and 17(9) thereof and substituting the following therefor:

- "17. (1) Where a licence is suspended pursuant to Section 16, the General Manager shall forthwith notify the licensee.
- (2) Notice of suspension of a licence shall be given in writing and served personally or sent by registered mail to the holder of the licence at the address stated therein, and the suspension takes effect on the day and hour specified by the General Manager in the notice.
- (3) A licensee may appeal against the suspension of his licence by serving a notice of appeal on the General Manager within thirty days of the date of the notice of suspension.
- (4) On receipt of the notice of appeal, the General Manager shall refer the matter to the Board for a decision and be bound by their decision.
- (5) On receipt of a request by the Board from the General Manager for a decision in accordance with this section, the Board shall forthwith enquire into the matter and shall, after hearing the licensee and the General Manager and any evidence which may be adduced before them, make a decision.
- (6) The Board may decide that the suspension be continued, that the licence be reinstated either immediately or at a future

date, or that the licence be reinstated or re-issued subject to conditions, or that the licence be cancelled.

- (7) The Board shall give written reasons for its decision to the General Manager and the licensee.
- (8) The General Manager and the licensee may be represented by agent or counsel."

- 8. The *Liquor Ordinance* is amended by repealing subsection 18(1) thereof and substituting the following therefor:

"18. (1) Every member of the Board and every official authorized to issue licences under this Ordinance may administer any oath and take and receive any affidavit or declaration required under this Ordinance or the regulations."

- 9. The *Liquor Ordinance* is amended by repealing subsections 21(1), 21(2), and 21(3) thereof and substituting the following therefor:

"21. (1) Where a person receives notice of the suspension or cancellation of his licence he shall, if so ordered in the notice, forthwith deliver to the General Manager all liquor then in his possession or under his control.

- (2) Where the liquor delivered to the General Manager pursuant to subsection (1) is suitable for resale by the General Manager and has been lawfully acquired by the holder of the licence, the General Manager shall refund the cost of that liquor to the holder.

- (3) Any liquor delivered to the General Manager pursuant to subsection (1) that is not purchased by the General Manager shall be

forfeited to the Corporation to be destroyed or otherwise disposed of by the General Manager.

- (4) Notwithstanding subsections (2) and (3) the cost of liquor shall not be refunded, nor shall any liquor delivered to the General Manager be destroyed or disposed of until after any appeal made against the order of the General Manager or the Board has been decided or the appeal period has expired and if the decision of the General Manager in respect of the suspension or cancellation is reversed by the Board or the Court the liquor shall be dealt with in accordance with any order of the Board or the Court in respect of the appeal."

10. The *Liquor Ordinance* is amended by repealing subsection 22(1) thereof and substituting the following therefor:

- "22. (1) Subject to this Ordinance and the Regulations the Corporation has the jurisdiction to grant:
- (a) Tavern Licences
 - (b) Cocktail Lounge Licences
 - (c) Dining Room Licences
 - (d) Restaurant Licences
 - (e) Beer Canteen Licences
 - (f) Liquor Mess Licences
 - (g) Train, Ship or Aircraft Licences
 - (h) Off Premises Liquor Licences
 - (i) Off Premises Beer Licences
 - (j) Special Licences
 - (k) Club Beer Licences
 - (l) Club Liquor Licences

(m) Brewer's Licences

(n) Brewer's Retail Licences."

11. The *Liquor Ordinance* is amended by repealing subsection 23(1) thereof and substituting the following therefor:

- "23. (1) A licence issued pursuant to subsection 22(1), (a) to (l), authorizes the licensee to purchase from the General Manager and to sell liquor subject to the terms and conditions set out in the licence.
- (2) A licence issued pursuant to subsection 22(1), (m), authorizes the licensee to manufacture the liquor mentioned in his licence and to sell liquor subject to the terms and conditions set out in the licence.
- (3) A licence issued pursuant to subsection 22(1), (n), authorizes the licensee to sell liquor subject to the terms and conditions set out in the licence.
- (4) Except as provided in this Ordinance, no person may sell or keep for sale liquor without a licence.

12. The *Liquor Ordinance* is amended by repealing subsection 24(1) and 24(2) thereof and substituting the following therefor:

- "24. (1) Every applicant for a new licence shall make his application to the Board on the prescribed form and shall provide
- (a) an affidavit in the prescribed form,
- (b) a detailed sketch of the premises showing the rooms, services, buildings, construction material and other pertinent information,
- (c) a statement setting out the hours that he will keep his premises open

during the licence year or any part or parts thereof,

- (d) the report of an inspector and the reports of any inspection required pursuant to any Ordinance or by-law.
- (e) such other requirements as the Board may require, and
- (f) the prescribed fee.

(2) For the purpose of considering an application for a licence under subsection (1), the General Manager or the Board may cause an inspection to be made of the premises and any other investigation the General Manager or the Board thinks necessary.

(3) Where an application for a licence has been refused by the Board no fresh application may be made within a period of one year from the date of the refusal except by special leave granted at the discretion of the Board."

13. The *Liquor Ordinance* is amended by repealing subsection 25(2) thereof and substituting the following therefor:

"25. (2) Proof of publication of the advertisement shall be filed by the applicant with the General Manager prior to the hearing of the application."

14. The *Liquor Ordinance* is amended by repealing subsection 26(1) and 27(1) thereof and substituting the following therefor:

"26. (1) Upon receipt of an application for a new licence the General Manager shall refer the application to the Board for a decision and shall forward to the Board any relevant material or objections which may be received."

"27. (1) Upon receipt of the application for a new licence the chairman shall call a meeting of the Board, which shall forthwith proceed to consider the matter."

15. The *Liquor Ordinance* is amended by repealing subsection 28(1) thereof and substituting the following therefor:

"28. (1) Any person may object to the granting of a licence by filing his objection together with the reasons therefor in writing with the General Manager not later than the fifth day after the latest publication of the advertisement referred to in Section 25 and serving a copy thereof by registered mail upon the applicant."

16. The *Liquor Ordinance* is amended by repealing subsection 29(1) thereof and substituting the following therefor:

"29. (1) If no objection to the granting of the licence has been received in accordance with Section 28 and the Board is satisfied that the requirements of the Ordinance and the regulations have been complied with and that a licence should be issued with or without conditions attached the Board shall so decide.

(2) Where the Board decides that the application for a licence should be granted with conditions it shall give the applicant an opportunity to make representations concerning the conditions."

17. The *Liquor Ordinance* is amended by repealing subsection 30(1) thereof and substituting the following therefor:

"30. (1) Where any objection to the application has been made pursuant to Section 28 the

Board shall fix a day at least ten days after the last day of publication referred to in Section 25 for hearing representations on behalf of the applicant and the General Manager and on behalf of the person or persons who have filed an objection pursuant to Section 28."

18. The *Liquor Ordinance* is amended by repealing subsection 31(1) thereof and substituting the following therefor:
- "31. (1) The Board shall meet on the day fixed for the hearing to consider the application and the objections and shall decide whether the licence be granted or not and if granted the terms and conditions of the grant."
19. The *Liquor Ordinance* is amended by repealing subsections 32(2) and 32(3) thereof and substituting the following therefor:
- "32. (2) Upon reaching a decision the Chairman of the Board shall communicate the decision together with written reasons therefor to the applicant, the General Manager and any persons who may have made objection to the issue of the licence."
20. The *Liquor Ordinance* is amended by repealing subsections 33(2) and 33(3) thereof and substituting the following therefor:
- "33. (2) Where an application is made under this section the General Manager shall refer the matter to the Board and the Board shall proceed to consider the application and the provisions of Sections 26, 27, 28, 29, 30, 31 and 32 shall apply *mutatis mutandis*, but the Board shall make a provisional decision only."

- (3) Where the provisional decision of the Board is that the application should be granted the applicant may be granted a licence if within two years of the making of the provisional recommendation he completes a premises in accordance with the plans and specifications submitted to the Board with his application and forwards to the General Manager the report of an inspector and any inspection required pursuant to any ordinance or by-law that the premises have been so constructed and that all requirements and conditions for the granting of the licence have been met and complied with."

21. The *Liquor Ordinance* is amended by repealing subsections 34(1), 34(2), 34(3), and 34(4) thereof and substituting the following therefor:

- "34. (1) An application for a renewal of an existing licence may be granted by the General Manager without reference to the Board.
- (2) The General Manager may refer an application pursuant to subsection (1) to the Board.
 - (3) Notwithstanding subsection (1) any person may object to the renewal of a licence by filing his objection in the prescribed form with written reasons therefor, with the General Manager, not later than the first day of January prior to the renewal date of the licence.
 - (4) Where any objection is received to the renewal of a licence the matter shall be referred by the General Manager to the Board for a decision.

- (5) Where the application for a renewal is referred to the Board the provisions of Sections 24(2), 27, 29(2), 31 and 32 shall apply *mutatis mutandis*.
- (6) Notice of the objection pursuant to subsection (3) shall be served by the objector on the licensee either in person or by registered mail at the same time as the objection is filed with the General Manager.
- (7) Any objector who has complied with this section may appear at the hearing and may be represented by agent or counsel.
- (8) The licensee and the General Manager may be represented at the hearing by agent or counsel.
- (9) Every licence for the sale of liquor shall be held to be a licence and valid only so long as the premises named therein is operational for at least three months of the licence year.
- (10) When a licence has not been renewed for a period of one year, it shall be deemed a new application."

22. The *Liquor Ordinance* is amended by repealing subsection 35(1) thereof and substituting the following therefor:

"35. (1) The provisions of Section 25 shall not apply to applications for renewal of a licence unless so ordered by the Board or the General Manager."

23. The *Liquor Ordinance* is amended by repealing subsection 36(1) thereof and substituting the following therefor:

"36. (1) The Board, in considering whether or not to grant a new licence shall in addition to any matters brought to its attention

by the applicant or the General Manager consider

- (a) the number of licences in the area in respect to which the application relates;
- (b) the number of different types of licences in the area;
- (c) the population of the area including seasonal variations and also including variations in the immediate area to be served by the licence and more distant areas capable of being served by the licence;
- (d) the economic activity carried on in the area or projected to be carried on, including seasonal variances;
- (e) in the case of an application under Section 33 the projected capital expenditure to be made in respect of the application;
- (f) in the case of an application under Section 24 the amount of capital expenditure already made by the applicant;
- (g) in the case of an application for a tavern or cocktail lounge licence whether the hotel or motel to be licenced contains the qualifying number of rooms on the same lot as the tavern or cocktail lounge premises to be licenced, or on a lot or lots immediately contiguous thereto;
- (h) the need for a new licence in the area either because of the requirements of the stable population of the area or the travelling public,

actual or projected;

- (i) the manner in which the applicant or his associates have operated any previous licence held by him or them;
- (j) the arrangements to be made by the applicant for operating and controlling the premises; and
- (k) the type of structure to be built, or added to present structures, permanent structures having preference."

24. The *Liquor Ordinance* is amended by repealing subsection 37(2) thereof and substituting the following therefor:

"37. (2) A tavern licence shall not be issued unless the licensed premises contain a room set aside and equipped with facilities approved by the General Manager for the sale of beer, ale, cider, fruit juices and soft drinks separately or in combination."

25. The *Liquor Ordinance* is amended by repealing subsection 38(2) thereof and substituting the following therefor:

"38. (2) A cocktail lounge licence shall not be issued unless the licensed premises contain a room set aside, equipped with facilities approved by the General Manager for the sale of liquor, fruit juices and soft drinks, separately or in combination."

26. The *Liquor Ordinance* is amended by repealing subsection 39(1) thereof and substituting the following therefor:

"39. (1) The holder of every tavern licence and cocktail lounge licence shall notify the General Manager at the commencement of the licence of his intended hours of opera-

tion, which hours shall be endorsed upon his licence and shall be the permitted hours during which the premises may remain open during the currency of his licence but the hours may be changed with the written approval of the General Manager."

27. The *Liquor Ordinance* is amended by repealing subsection 42(1) thereof and substituting the following therefor:
- "42. (1) The Board may, subject to this Ordinance, grant to officers commanding units of the Active or Reserve Forces in Canada in the Territory a beer licence in respect of a canteen or a liquor licence in respect of a mess."
28. The *Liquor Ordinance* is amended by repealing Section 44 thereof and substituting the following therefor:
- "44. (1) The Board may, in its discretion, issue in accordance with regulations establishing hours, prices, serving facilities and conditions of sale:
- (a) a licence allowing the retail sale of liquor in any licensed premises for off premises consumption; or
 - (b) a licence allowing the retail sale of beer in any licensed premises for off premises consumption during the periods when the licensee of the premises is not permitted to sell beer for consumption on the premises.
- (2) In considering whether to issue or to renew an off premises beer licence pursuant to subsection (2) the Board shall consider the views of the residents of the area

- (a) in the case of a premises within a municipality or a local improvement district by a resolution of the council of a municipality or the Board of Trustees of the district; and
- (b) in the case of a premises which is not within a municipality or a local improvement district by a petition, public newspaper notice, public meeting or door to door canvass of the opinion of the residents of the area or such combination of these as the Board directs."

29. The *Liquor Ordinance* is amended by repealing subsection 45(1) thereof and substituting the following therefor:

"45. (1) Notwithstanding any other provision of this Ordinance the Board may, subject to the regulations, in its discretion grant a licence for the sale of liquor under circumstances not otherwise provided for in this Ordinance."

30. The *Liquor Ordinance* is amended by repealing subsection 47(1) thereof and substituting the following therefor:

"47. (1) No licence shall be granted under this Ordinance to a club that is a proprietary club or operated for pecuniary gain;

- (a) unless the club premises are constructed, equipped, conducted, managed and operated to the satisfaction of the Board and in accordance with the Ordinance and regulations;
- (b) unless the club has a permanent local membership of not less than thirty members; and

(c) unless the application for the licence is approved by two-thirds of the club members who are present at a general or special meeting called to consider the application and it is further certified that not less than fifty percent of the club members attended such meeting."

31. The *Liquor Ordinance* is amended by repealing subsections 50(1), 50(6), 50(7) and 50(16) thereof and substituting the following therefor:

- "50. (1) Upon the receipt of an application in prescribed form accompanied by the prescribed fee from
- (a) in the case of an application for a reception permit, any person in charge of a reception, or
 - (b) in the case of a reception or special occasion permit, an officer acting on behalf of any corporation or recognized society, association, club or other duly constituted organization, whether incorporated or not,
- the General Manager may, subject to the regulations grant a reception permit or a special occasion permit.
- (6) A permit may be refused but the circumstances of the refusal shall be reported forthwith to the General Manager.
 - (7) Any person aggrieved by the refusal of a permit may, through the General Manager, appeal to the Board and the Board shall deal with the matter forthwith and informally.
- (16) Every permit shall be for a period and

subject to such conditions as may be imposed by the Board."

32. The *Liquor Ordinance* is amended by repealing subsection 51(1) thereof and substituting the following therefor:
- "51. (1) The General Manager may issue to any person a permit to make, transport or possess homemade wine."
33. The *Liquor Ordinance* is amended by adding thereto the following new subsections:
- "51. (3) The General Manager may issue a permit respecting the possession or transportation of wine for a wine competition or wine making course.
- (4) The General Manager may issue to any person an import permit allowing such person to import liquor into the Territory.
- (5) The General Manager may issue a liquor permit for scientific, industrial or medicinal purposes.
- (6) A permit pursuant to subsections (4) and (5) may be granted by the General Manager subject to such terms and conditions as may be fixed by the Board.
- (7) No permit may be issued to a person who is under the age of 19 years."
34. The *Liquor Ordinance* is amended by repealing Section 52 thereof and substituting the following therefor:
- "52. (1) Every licence for the sale of liquor shall be held to be a licence only to the person therein named and for the premises therein mentioned, and is valid only as long as the person continues to be the true owner or lessee of the business there carried on.

(2) Where a licensee dies or sells or otherwise assigns his business or becomes dispossessed of it by bankruptcy or by operation of law, then, subject to Sections 53 and 56, the licence *ipso facto* becomes void and shall be forfeited."

35. The *Liquor Ordinance* is amended by repealing subsections 53(1), 53(2) and 53(3) thereof and substituting the following therefor:

"53. (1) The Board may, in a case to which Section 52 applies and if it seems to it proper, grant an interim licence in respect of such premises to any person who appears to be entitled to the benefit thereof, as personal representative of a deceased licensee or as an assignee, receiver, mortgagee in possession, trustee in bankruptcy or otherwise by operation of law; but no interim licence shall be for a period of more than six months and the person to whom it is granted has all the privileges and is subject to all the liabilities of a licensee under the Ordinance.

(2) Notwithstanding anything herein the Board may grant an interim licence pending the completion of any requirement respecting alterations to a premises or compliance with any condition.

(3) Where a licence becomes void through the death of the licensee, the Board, pending the consideration of the application for the new licence, may issue to the personal representative of the deceased licensee an interim licence for such period additional to the six months provided in sub-

section (1) as the Board may permit."

36. The *Liquor Ordinance* is amended by repealing subsection 55(1) thereof and substituting the following therefor:
- "55. (1) No licence authorizing the sale of liquor may be issued to a corporation or club unless the General Manager has been supplied with the name of the officer or agent who is to be in charge of the premises and responsible for the custody and control of the liquor sold therein."
37. The *Liquor Ordinance* is amended by repealing subsection 56(2) thereof and substituting the following therefor:
- "56. (2) No licence shall be transferred except on the written authorization of the General Manager and subject to such conditions as the General Manager may impose.
- (3) Any corporation or partnership that is a licensee shall notify the General Manager of any sale, assignment, or transfer of shares in the corporation or partnership, and if the purchaser, transferee or assignee is another corporation or partnership, shall provide particulars of the names and shareholdings of the directors and members of that other corporation or partnership.
- (4) Where a licensee is a corporation or partnership any transfer, sale, or assignment of shares in the corporation or partnership which substantially changes the beneficial ownership or control of the corporation or partnership shall invalidate the licence unless the prior approval of the Board to the change has been obtained."

38. The *Liquor Ordinance* is amended by repealing subsection 58(1) thereof and substituting the following therefor:
- "58. (1) Where any licensee is not in personal day to day control of the licensed premises he shall notify the General Manager the name of the person who is in day to day control and managing the licensed premises together with the terms of any contract arrangement between the parties and such person's name shall be endorsed on the licence as manager.
- (2) No person named shall be endorsed on or continued on the licence unless he is a fit person in the opinion of the General Manager to manage and operate the premises in respect of which the licence is issued.
- (3) The General Manager may refer the decision for endorsement of a manager on a liquor licence to the Board."
39. The *Liquor Ordinance* is amended by repealing subsection 60(1) thereof and substituting the following therefor:
- "60. (1) No licence shall be granted to or for the benefit of a person who is appointed under Section 9 and no licence shall be granted in respect of any premises the owner or part owner of which, or of any interest therein, is such an appointee; and every person who knowingly recommends the issue, or is a party to the issue, of a licence in any such case commits an offence."
40. The *Liquor Ordinance* is amended by repealing Section 62 thereof and substituting the following therefor:

"62. (1) The Board shall review once every two years, the provisions of subsections 61(3) and 61(4) and may require as a condition of renewal of the licence in respect of any premises that the number of bedrooms be increased.

(2) Where the Board imposes a condition pursuant to subsection (1), it shall be a condition of any licence renewed thereafter in respect of such premises that the required number of bedrooms be constructed to a standard acceptable to the Board within a period of not less than two years from the next renewal of the licence."

41. The *Liquor Ordinance* is amended by repealing subsection 65(2) thereof and substituting the following therefor:

"65. (2) The Board shall in every licence granted specify the part of the premises to which the sale, serving and consumption of liquor is restricted."

42. The *Liquor Ordinance* is amended by repealing subsection 67(1) thereof and substituting the following therefor:

"67. (1) Every licensee shall post his licence and keep it posted in a prominent position in a part of his licensed premises where liquor is permitted to be sold and shall post, in the licensed premises or at the entrance thereto, any extracts from this Ordinance, signs and notices as the Board may require or permit but shall not post any other signs or notices."

43. The *Liquor Ordinance* is amended by repealing sub-

section 70(1) thereof and substituting the following therefor:

"70. (1) A person entitled to possess or consume liquor may lawfully have or keep

- (a) liquor that is of a kind and up to a quantity that he is permitted under any Act of the Parliament of Canada to import into Canada without any payment of tax or duty thereof, or
- (b) not more than a quart of spirits or wine or two gallons of beer if the liquor was purchased from a liquor board, commission or similar body in another part of Canada."

44. The *Liquor Ordinance* is amended by repealing subsection 75(7) thereof and substituting the following therefor:

"75. (7) Notwithstanding subsection (5), where a licence is suspended pursuant to this section, the licensee may appeal to the General Manager whereupon the provisions of subsections 17(3) to 17(8) shall apply *mutatis mutandis*."

45. The *Liquor Ordinance* is amended by repealing subsection 76(1)(a) thereof and substituting the following therefor:

"76. (1) Except as permitted by this Ordinance or the regulations, no person within the Territory shall

- (a) exhibit or display or permit to be exhibited or displayed without the approval of the General Manager any sign or poster containing the words "bar", "barroom", "saloon", "tavern", "cocktail lounge", "beer", "spirits", or "liquors" or words of like import, or"

46. The *Liquor Ordinance* is amended by repealing subsection 80(1) thereof and substituting the following therefor:
- "80. (1) Where by any provision of this Ordinance, power is given to a justice respecting any matter, thing or person and by the same or any other provision, further or other power is given the Board respecting the same matter, thing or person, the latter power shall be in addition to and not in substitution for the former."
47. The *Liquor Ordinance* is amended by repealing section 81 thereof and substituting the following therefor:
- "81. (1) A magistrate or justice who convicts a licensee of an offence pursuant to this Ordinance, may, in addition to any other penalty, recommend to the Board a suspension or cancellation of a licence held by the licensee.
- (2) Where a recommendation is made by a magistrate or justice under this section the General Manager may cancel or suspend the licence."
48. The *Liquor Ordinance* is amended by adding thereto the following new subsections:
- "83. (6) The Corporation shall establish a system of identification cards to enable persons of 19 years or over to prove their age for all purposes pursuant to this Ordinance.
- (7) Any licensee, his servant or agent, any liquor vendor or any inspector or peace officer may request a person who appears to be below the age of 19 years to produce a proof of age identification card.

(8) In any prosecution for the supply of liquor to a person under the age of 19 years it shall be a defence for the supplier to prove that the person to whom the liquor was supplied produced an identification card bearing a photograph of the person issued pursuant to this Ordinance or to the *Motor Vehicles Ordinance* or a similar act of a province."

49. The *Liquor Ordinance* is amended by repealing subsection 87(1) thereof and substituting the following therefor:

"87. (1) No person selling or offering for sale to or purchasing liquor from the General Manager shall either directly or indirectly (a) offer to pay a commission, profit or remuneration, or (b) make any gift, to a member of the Board or a person appointed pursuant to Section 9(4) or to anyone on behalf of such person."

50. The *Liquor Ordinance* is amended by repealing subsection 91(1) thereof and substituting the following therefor:

"91. (1) Where an offence under this Ordinance or the regulations is committed by an employee of a person holding a licence under this Ordinance, that person shall *prima facie* be deemed to be a party to the offence."

51. The *Liquor Ordinance* is amended by repealing subsection 97(1) thereof and substituting the following therefor:

"97. (1) In a prosecution under this Ordinance or the regulations, the production of a certificate or report signed and sworn or purporting to be signed and sworn by a member of the Board or the General

Manager is evidence of the facts stated therein and of the authority of the person giving or making such certificate or report without proof of his appointment or signature."

52. The *Liquor Ordinance* is amended by repealing subsection 101(1) thereof and substituting the following therefor:

"101.(1) Where liquor is seized by a peace officer he shall forthwith make an inventory thereof and a report in writing of the seizure to the General Manager."

53. The *Liquor Ordinance* is amended by repealing subsection 103(1) thereof and substituting the following therefor:

"103.(1) No person shall consume liquor in any place except,

- (a) a residence
- (b) a public place that is
 - (i) a public beach, public park, public campground and
 - (ii) a location that is off a highway that is reasonably remote from any settlement that is used for picnicking, sport fishing, hunting or other outdoor recreational activity, unless otherwise notified to the public by the owner in the manner prescribed;
 - (iii) at facilities such as a garden, terrace or poolside patio of a licensed premises.
- (c) such other places as may be prescribed.

(2) Proof of possession in a public place of a bottle or can containing liquor which has been opened is *prima facie* evidence of con-

sumption by the person found in possession of liquor in such public place.

- (3) Where one of two or more persons, with the knowledge and consent of the rest, has liquor in his custody or possession, the liquor shall be deemed to be in possession of each and all of them."

54. The *Liquor Ordinance* is amended by adding thereto the following new sections:

"104.(1) The Court has jurisdiction to hear and determine an application to review and set aside a decision or order, other than a decision or order of an administrative nature not required by law to be made on a judicial or quasi judicial basis, made by or in the course of proceedings before the Board upon the grounds that the Board

- (a) failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction;
- (b) erred in law in making its decision or order, whether or not the error appears on the face of the record; or
- (c) based its decision or order on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it.

- (2) Any such application may be made by any party directly affected by the decision or order by filing a notice of the application setting out the grounds within ten days of the time the decision or order was first communicated to that party by the Board

or within such further time as the Court or a judge thereof may allow either before or after the expiry of those ten days.

- (3) The Board may at any stage of the proceedings before it, refer any question or issue of law, or jurisdiction to the Court for hearing and determination.
- (4) An application or reference to the Court made under this section shall be heard and determined without delay and in a summary way.
- (5) Where a re-hearing of any matter is ordered by a Court the re-hearing may be held by the Board composed of the same persons that held the original hearing.
- (6) Except by special leave of the Court no application pursuant to this section shall be made later than six months from the date of the decision of the Board complained of.
- (7) Except by special leave of the Court no application pursuant to this section shall operate as a stay in respect of the decision of the Board complained of. "

"105.(1) The Commissioner may make such regulations or orders as he deems necessary for the purpose of carrying out the purposes and provisions of this Ordinance.

- (2) Notwithstanding the generality of subsection (1) the Commissioner may make regulations
 - (a) fixing the policies to be carried out by the Board in establishing the prices

- of liquor to be sold by the Board,
- (b) prescribing fees,
 - (c) respecting the operation of licensed premises, and
 - (d) respecting the disposal of liquor and packages that have been seized or forfeited under this Ordinance."

"106.(1) This Ordinance or any portion thereof shall come into force upon day or days as proclaimed by the Commissioner."

CHAPTER 10
ORDINANCE OF THE YUKON TERRITORY
1976 (Third Session)

AN ORDINANCE TO AMEND THE MUNICIPAL ORDINANCE

(Assented to December 3, 1976)

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

1. Subsection 100 (1) of the *Municipal Ordinance* is amended by adding thereto the following new paragraph:
"(n) regulating and controlling the architectural design of buildings and prescribing materials to be used for the exterior of buildings in a specially designated zone."
2. This Ordinance shall come into force upon assent.

CHAPTER 11
ORDINANCE OF THE YUKON TERRITORY
1976 (Third Session)

AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE

(Assented to December 3, 1976)

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

1. Subsection 7 (1) of the *Public Service Staff Relations Ordinance* is repealed and the following substituted therefor:

"7.(1) There shall be a Board to be called the Yukon Public Service Staff Relations Board consisting of a Chairman, a Vice-Chairman, not less than three Deputy Chairmen and such other members as the Commissioner considers necessary to discharge the responsibilities of the Board."

2. Subsections 12 (1) and (2) of the *Public Service Staff Relations Ordinance* is repealed and the following substituted therefor:

"12.(1) At any meeting of the Board for the conduct of its business, at least the following members, namely:

- (a) the Chairman or the Vice-Chairman, and
- (b) two other members,

shall be present.

- (2) For the purpose of facilitating the hearing or determination of any matter by the Board, the Chairman may direct that the powers, duties and functions of the Board under this Ordinance shall be exercised and performed by a division of the Board, to consist of,

Public Service Staff Relations Ordinance Chp. 11

- (a) the Chairman, Vice-Chairman or a Deputy Chairman; and
- (b) at least two other members to be designated by the Chairman."

CHAPTER 12

ORDINANCE OF THE YUKON TERRITORY

1976 (Third Session)

AN ORDINANCE TO AMEND THE SECURITIES ORDINANCE

(Assented to December 3, 1976)

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 3(1)(c) of the *Securities Ordinance* is repealed and the following substituted therefor:

3(1)(c) "a trade in a security by a chartered bank, a trust company, insurance company, or credit union."

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<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
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<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
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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) - 1975(3rd)c.12 repealed 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)- 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 - 1975(3rd)c.12 repealed 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 s.7(1) - (6) repealed - 1975(3rd)c.12

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
M-11	Motor Vehicles (cont'd)	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 s.34 repealed- 1976(2nd)c.4 s.34 new - 1976(2nd) c.4
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