



ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL
IN THE YEAR
1957
FIRST AND SECOND SESSIONS

F. H. COLLINS
COMMISSIONER

Printed and Published for the Government of the Yukon Territory under
Authority of Chapter 75 of the Consolidated Ordinances of 1914.

BY
H. J. TAYLOR, Queen's Printer



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TABLE OF CONTENTS

FIRST SESSION

Chap.		Page
1.	Motor Vehicles Ordinance	1
2.	Contributory Negligence Ordinance Amendment	80
3.	Insurance Ordinance Amendment	81
4.	An Ordinance to Authorize the Commissioner to Sell Certain Property Situate in Whitehorse	82
5.	Public Service Ordinance Amendment	83
6.	Business Licence Ordinance Amendment	85
7.	Poll Tax Ordinance Amendment	86
8.	Supplementary Appropriation Ordinance, 1957	87
9.	Appropriation Ordinance, 1957-58	89

SECOND SESSION

1.	Miners Lien Ordinance	99
2.	Annual Vacations Ordinance	109
3.	Labour Provisions Ordinance	116
4.	An Ordinance Respecting the Floral Emblem of Yukon Territory	121
5.	Area Development Ordinance	122
6.	Controverted Elections Ordinance	124
7.	Elections Ordinance	131
8.	Whitehorse School Agreement Ordinance	140
9.	Financial Agreement Ordinance, 1957	143
10.	Old Age Assistance and Blind Persons Allowance Ordinance Amendment	148
11.	Disabled Persons Allowance Ordinance Amendment	150
12.	Motor Vehicles Ordinance Amendment	151
13.	Hospital Aid Ordinance Amendment	153
14.	Municipal Ordinance Amendment	154
15.	Supplementary Supply Ordinance	157

ORDINANCES
OF THE
YUKON TERRITORY

Passed in the fourth session of the seventeenth Council of the Yukon Territory begun and holden at the City of Whitehorse on the twentieth day of March, 1957, and prorogued on the sixth day of April, 1957.

CHAPTER 1

ORDINANCES OF YUKON TERRITORY
1957 (First Session)

AN ORDINANCE TO REGULATE THE SPEED AND
OPERATION OF MOTOR VEHICLES ON HIGHWAYS

(Assented to April 5th, 1957.)

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

1. This Ordinance may be cited as the *Motor Vehicles Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance Definitions.
- (a) "chauffeur" means a person who, for gain or reward, drives or operates a motor vehicle on a highway; "Chauffeur".
- (b) "dealer" means any person who carries on the business of buying, selling or exchanging motor vehicles or trailers either as principal or agent; "Dealer".
- (c) "driver" means a person who drives or is in actual physical control of a vehicle; "Driver".
- (d) "gain or reward" means any payment, consideration, compensation or gratuity, directly or indirectly charged, demanded, received or collected for the use of a vehicle by a person who, as owner, lessee, hirer, chauffeur, operator or otherwise, has possession of or control over the vehicle or has directed the movement of the vehicle; "Gain or reward".
- (e) "gross weight" means the maximum weight of the motor vehicle when loaded to maximum capacity; "Gross weight".
- (f) "highway" includes any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley; "Highway".

square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles;

- "Inter-section". (g) "intersection" means the area at the intersection of two or more highways that is or would be enclosed by cross lines connecting the middle points of the curb corners of adjoining highways or, where there are no curbs, connecting the points of intersection of the lateral boundary lines of adjoining highways;
- "Licence". (h) "licence" means a valid and subsisting licence issued under this Ordinance;
- "Livery" or "taxicab". (i) "livery" or "taxicab" means a motor vehicle that is used by its owner, chauffeur or driver for the business of transporting passengers at their request to a stated destination but that is not operated at regular intervals or in accordance with a set time schedule;
- "Motor vehicle". (j) "motor vehicle" means a vehicle not run upon rails, that is designed to be self-propelled, but does not include a traction engine and a vehicle used exclusively for mining, forestry, construction, road maintenance or farming operations and that is not primarily designed to carry a load;
- "Municipality". (k) "municipality" means a municipal corporation;
- "Officer". (l) "officer" means a person who is appointed or authorized to be an officer under this Ordinance;
- "Operator". (m) "operator" means a person, other than a chauffeur, who operates a motor vehicle on a highway;
- "Owner". (n) "owner" means the person in whose name a motor vehicle or trailer is or is required to be registered under this Ordinance;
- "Permit". (o) "permit" means a valid and subsisting permit issued under this Ordinance;
- "Prescribed". (p) "prescribed" means prescribed by this Ordinance or regulation or by the Commissioner under this Ordinance;

- (q) "public service vehicle" means a motor vehicle or trailer operated on a highway by or on behalf of any person for gain or reward, whether such operation is regular or only occasional or for a single trip, but does not include a motor vehicle or trailer owned by a municipality nor a motor vehicle or trailer used by its owner for the distribution or transportation of goods manufactured or sold by him or a single vehicle used by the owner to distribute commodities on his own behalf; **"Public service vehicle".**
- (r) "Registrar" means the Commissioner or any person authorized by the Commissioner to act as Registrar for the purposes of this Ordinance; **"Registrar".**
- (s) "settlement" means any area or place outside the limits of a municipality in respect of which, pursuant to section 151, signs have been erected or notices posted up respecting the rate of speed of vehicles within the limits of that area or place for the safety of the inhabitants thereof; **"Settlement".**
- (t) "traction engine" means a self-propelled vehicle designed primarily for traction purposes and not constructed itself to carry a load, but does not include a truck tractor; **"Traction engine".**
- (u) "trailer" means a vehicle that is drawn on a highway by a motor vehicle, whether or not part of its weight or load rests upon or is carried by that motor vehicle, but does not include an implement of husbandry temporarily drawn, propelled or moved on a highway or a sidecar attached to a motorcycle; **"Trailer".**
- (v) "truck" means a motor vehicle that is constructed for or primarily used for the transportation of goods and chattels; **"Truck".**
- (w) "truck tractor" means a motor vehicle that is used solely for the purpose of supplying power for the propulsion or drawing of a trailer or other vehicle; and **"Truck tractor".**

- "Vehicle". (x) "vehicle" means a device in, upon or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks.

PART I

REGISTRATION AND LICENSING OF VEHICLES

REGISTRATION

Registration required. 3. Subject to section 22, no person shall operate or permit to be operated a motor vehicle or trailer on a highway in the Territory unless the motor vehicle or trailer is registered pursuant to this Ordinance.

Register. 4. The Registrar shall keep a register for the purpose of registering vehicles under this Ordinance.

Application to Registrar. 5. (1) The owner of a motor vehicle or trailer may apply to the Registrar to have the motor vehicle or trailer registered.

(2) The application shall be made on a form approved by the Commissioner and shall be accompanied by the prescribed fees.

PUBLIC SERVICE VEHICLES

Licence required. 6. (1) No person shall operate or cause or permit to be operated a motor vehicle on any highway in the Territory as a public service vehicle unless he or the person for or on whose behalf the motor vehicle is operated holds a subsisting public service vehicle licence authorizing the operation of that motor vehicle in the manner and for the purposes in or for which it is operated; and such licence shall be in addition to the certificate of registration issued pursuant to subsection (1) of section 11.

(2) The owner of a motor vehicle may apply to the Registrar to have a public service vehicle licence issued in respect of such motor vehicle.

(3) An application made under subsection (2) of this section shall be on a form approved by the Commissioner, and

shall be accompanied by the prescribed fee and such additional information as the Commissioner may require.

(4) Upon receipt of an application for a public service vehicle licence and of the required information and the prescribed fees, and after such investigation as the Commissioner deems proper, the Commissioner may grant the licence, in whole or in part, or may refuse the licence and any licence granted shall be subject to such conditions as the Commissioner may prescribe.

Granting of licence.

(5) Where the Commissioner grants a public service vehicle licence, he shall issue licence plates to the licensee.

Issue of licence plates.

(6) A public service vehicle licence may, with the approval of the Commissioner, be renewed in such manner and on payment of such fees as may be prescribed.

Renewal of licences.

(7) No public service vehicle licence shall be assigned or transferred, except with the approval of the Commissioner and subject to payment of the prescribed fee and to such conditions as the Commissioner may impose.

Transfer of licences.

(8) The Commissioner may amend, suspend, or cancel any public service vehicle licence on any of the following grounds:

Amendment, suspension, and cancellation of licences.

- (a) non-compliance by the licensee with any of the conditions of the licence, or with any of the provisions of this Ordinance or the regulations, or any Order of the Commissioner;
- (b) failure of the licensee to exercise any of the rights and privileges granted in the licence or to provide adequate and efficient service; or
- (c) conviction of the licensee in any Court for any offence against this Ordinance or any provision of the *Criminal Code* relating to driving on highways.

(9) Every public service vehicle licence made subject to conditions shall have the conditions printed on the licence and the licensee shall cause the licence to be carefully preserved and carried on the vehicle and to be available at all

Display of licence.

times for the inspection of any person authorized by or under the provisions of this Ordinance to inspect such licence.

Display of licence plates.

(10) Every holder of a public service vehicle licence shall cause to be affixed to the outside of and displayed on the motor vehicle throughout the term of the licence, the licence plates issued pursuant to subsection (5) in a manner so that they are clearly visible from the front and rear.

(11) Where any licensee withdraws from service, sells or otherwise disposes of the motor vehicle for which he holds a subsisting public service vehicle licence, he shall forthwith

- (a) report such fact to the Commissioner;
- (b) remove the public service vehicle licence plates from the motor vehicle; and
- (c) return them to the Registrar.

(12) An owner may apply to the Registrar upon the prescribed form, accompanied by the prescribed fee to transfer the public service vehicle licence plates removed from a motor vehicle under this section to another motor vehicle.

Capacity markers.

(13) Every holder of a public service vehicle licence shall cause to be clearly marked in a conspicuous place on both sides of the vehicle in figures or letters not less than one inch in height, the gross weight of the motor vehicle; and no person shall operate on a highway a motor vehicle for which a public service vehicle licence is required unless it is marked as required by this subsection; in this subsection "gross weight" means the maximum weight of a motor vehicle when loaded to the maximum capacity authorized under the licence for the vehicle.

Operation in conformity with law.

(14) Every public service vehicle licensee shall operate his licensed vehicle and conduct his business in conformity with the licence and the conditions of the licence, and with the provisions of this Ordinance and the regulations and Orders of the Commissioner.

LIVERY LICENCES

Livery business.

7. (1) No person shall carry on the business of a liveryman until he has applied for and received from the Commissioner a liveryman's licence in respect of each vehicle to be operated by the applicant as a livery.

(2) The Commissioner shall not issue a liveryman's licence until the applicant pays the prescribed fees and complies with any other condition that may be prescribed.

(3) The Commissioner may, after considering an application for a liveryman's licence, grant or refuse the application.

(4) No liveryman's licence shall be transferable from one owner to another.

(5) Where the holder of a liveryman's licence ceases to carry on business as a liveryman, such holder shall return his liveryman's licence to the Commissioner.

(6) Every purchaser of a livery business shall obtain a new liveryman's licence.

(7) The Commissioner may amend, suspend or cancel any liveryman's licence on any of the following grounds:

- (a) non-compliance by the licensee with any of the conditions of the licence or with any of the provisions of this Ordinance or the regulations, or any order of the Commissioner;
- (b) failure of the licensee to exercise any of the rights and privileges granted in the licence or to provide adequate and efficient service; or
- (c) conviction of the licensee in any court for
 - (i) any offence against this Ordinance,
 - (ii) any offence against any provision of the *Criminal Code* relating to driving on the highways, or
 - (iii) any offence against any provision of the *Liquor Business Ordinance* or the *Indian Act* relating to the sale or supply of liquor.

MOTOR VEHICLE INSURANCE

8. (1) Subject to subsection (5), every owner shall, in respect of his motor vehicle, take out and maintain in force a policy of motor vehicle liability insurance for an amount not less than

Certificate of insurance.

- (a) ten thousand dollars, not including interest and costs, for loss or damages resulting from bodily injury to or the death of any one person and, subject to such limit for any one person so injured or killed, twenty thousand dollars, not including interest and costs, for loss or damage resulting from bodily injury to or the death of two or more persons in any one accident, and
 - (b) two thousand dollars, not including interest and costs, for damage to property resulting from any one accident.
- (2) Every insurer who issues a policy of insurance pursuant to subsection (1)
- (a) shall issue to each person named as an insured in the policy a motor vehicle liability insurance card in a form approved by the Commissioner;
 - (b) shall notify the Registrar in writing as to the particulars of the insurance; and
 - (c) shall notify the Registrar in writing ten days before such policy is cancelled or expires.
- (3) A policy covering a motor vehicle insured pursuant to subsection (1) is in force and shall not expire or be cancelled until after ten days notice is received by the Registrar from the insurer that the policy is to expire or be cancelled.
- (4) Every application for registration of a motor vehicle shall be accompanied by a motor vehicle liability insurance card as provided in subsection (2) or such other proof as the Commissioner may prescribe, indicating that the owner is insured as required.
- (5) The Commissioner may, in his discretion, order that motor vehicles which are operated only in an area described in such order shall be exempt from this section.
- (6) Where a policy of insurance covering a motor vehicle issued in accordance with this section expires or is for any reason cancelled, the owner of such motor vehicle shall forthwith surrender to the Registrar the certificate of registration and licence plates in respect of such motor vehicle.

CERTIFICATE OF REGISTRATION AND LICENCE PLATES

9. (1) No person shall knowingly make a false statement of facts in an application for registration of a motor vehicle or trailer. No false statement of facts.

(2) No person shall knowingly make a false statement of fact in any proof of insurance required by the Registrar under section 8.

10. Where the Registrar is satisfied that an applicant for the registration of a motor vehicle has complied with sections 5 and 8, or an applicant for the registration of a trailer has complied with section 5, he shall register the motor vehicle or trailer in the register referred to in section 4 by entering therein Registration.

- (a) the name and address of the owner;
- (b) the number of the owner's certificate of registration;
- and
- (c) a description of the motor vehicle or trailer.

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

(2) A certificate of registration issued under subsection (1) expires on the thirty-first day of March next following the day upon which it was issued. Day of expiry.

(3) The Registrar may renew a certificate of registration that has expired, if the owner of the motor vehicle applies for its renewal on the prescribed form and pays the registration fee required. Renewal of certificate of registration.

12. (1) Subject to section 20, no person shall operate on a highway a motor vehicle or trailer that does not have firmly attached thereto the number plate or plates furnished by the Commissioner in respect of that motor vehicle or trailer.

To be distinctly visible.

(2) The number plates shall be attached to the outside of a motor vehicle in a manner so that they are clearly visible from the front and rear.

Motor vehicles.

(3) Every motor vehicle, other than a motorcycle, or pedal bicycle with motor attachment, shall carry two number plates firmly affixed to the motor vehicle, one plate at the front of the vehicle and one plate at the rear of the vehicle.

Motorcycles.

(4) A motorcycle or pedal bicycle with motor attachment shall carry one number plate attached to the rear mudguard thereof.

Trailer.

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

(6) Any licence plate or number plate furnished by the Commissioner shall be and remain the property of the Crown and shall be returned to the Commissioner when required by him.

Where number plates lost, destroyed or defaced.

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

- (a) the certificate of registration issued to him under section 11;
- (b) the remaining or defaced number plate, if any; and
- (c) a fee of two dollars;

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

Transfers.

14. (1) If an owner disposes of his registered motor vehicle or trailer he shall immediately notify the Registrar and furnish the name and address of the new owner thereof.

(2) The owner shall deliver to the Commissioner for re-issuing the certificate of registration of the motor vehicle

or trailer of which he has disposed, and upon payment of a fee of two dollars the certificate of registration shall, subject to this Ordinance, be re-issued to the new owner; the number plates issued to the original owner for the motor vehicle or trailer shall remain affixed to such motor vehicle or trailer.

DEALER'S LICENCES

15. (1) Every dealer, whether motor vehicles or trailers owned, possessed or controlled by him are registered or not, shall apply to the Registrar for a licence authorizing the dealer to buy and sell motor vehicles and trailers and to operate motor vehicles and trailers for the purpose of demonstration and sale.

Licence
authorizing
dealer to
buy and sell
motor vehicles
and trailers.

(2) A dealer shall make application for the licence under subsection (1) to the Registrar in the prescribed form accompanied by the prescribed fees.

(3) Upon the receipt of an application under subsection (1) and upon proof satisfactory to the Commissioner that the applicant has complied with the provisions of subsection (1) of section 8, the Registrar may issue to the applicant a dealer's licence in the prescribed form.

(4) A licence issued under subsection (3) authorizes a dealer to obtain distinctive number plates used for the purposes of demonstration and sale as are necessary in his business upon payment of the prescribed fee.

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

(6) Where a dealer has an established place of business in more than one municipality or settlement, he shall apply for a separate permit and distinctive number plates for each place of business.

16. No person shall attach to any motor vehicle any number plate issued pursuant to section 15, nor shall any

Offence.

person use or operate any motor vehicle to which any number plate so issued is attached except a vehicle that is

- (a) kept by him exclusively for sale and not for hire, and
- (b) used exclusively in his business of a dealer therein for the promotion of sale of such motor vehicle.

Idem.

17. Any dealer who

- (a) drives or permits to be driven upon a highway any motor vehicle or trailer owned or possessed by him for purposes of demonstration or sale without having attached thereto and exposed thereon dealer's number plates, or
- (b) drives or permits to be driven upon a highway for any purpose other than for demonstration or sale or for conditioning or testing, as the case may be, and not in compliance with the requirements of this Ordinance and the regulations, any motor vehicle or trailer having attached thereto or exposed thereon dealer's number plates

is guilty of an offence.

Equipment to comply with Ordinance.

18. (1) No dealer or any person employed on commission by him shall deliver a motor vehicle that he has sold to a purchaser unless such motor vehicle and its equipment complies with this Ordinance and regulations.

Certificate.

(2) Every dealer and other person mentioned in subsection (1) shall at the time of delivery of a motor vehicle to a purchaser furnish him with a certificate to the fact that the motor vehicle and its equipment complies with this Ordinance and the regulations.

In transit markers.

19. (1) Upon proof satisfactory to the Commissioner that the dealer has taken out a policy of motor vehicle liability insurance in an amount not less than the amount set out in subsection (1) of section 8 in respect of the new motor vehicle and upon payment of the prescribed fee, the Registrar may issue to a dealer "In Transit" markers, which shall be used only on the original trip of new motor vehicles from the distributor to the dealer.

(2) An "In Transit" marker shall be pasted on the windshield of the motor vehicle and shall be destroyed immediately upon the arrival of the vehicle at the dealer's place of business.

(3) Every dealer shall account to the Registrar for all "In Transit" markers issued to him.

EXEMPTION OF NON-RESIDENTS

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

Registration of vehicles of non-residents.

21. (1) The Commissioner may enter into a reciprocal arrangement or agreement with any province or state exempting any class of owners who are ordinarily resident in that province or state from the application of the provisions of this Ordinance respecting

Reciprocal arrangements with other provinces.

- (a) registration and licensing of motor vehicles and the carrying and displaying upon motor vehicles of licences and number plates;
- (b) the granting by that province or state of similar exemptions and privileges with respect to owners who are ordinarily resident in the Territory.

(2) Every arrangement or agreement made under subsection (1) and the exemptions thereunder shall be subject to the condition that no person shall be entitled to any exemption or privilege thereunder in respect of a motor vehicle in the Territory unless the owner of the motor vehicle has complied with the law of his place of residence as to the registration and licensing of motor vehicles and carries or causes to be carried on the motor vehicle the certificate or licence and the number plates prescribed by

the law of that place, and shall also be subject to all further conditions and restrictions set out in the arrangement and agreement and to cancellation by the Commissioner.

Permit for
foreign motor
vehicles
delivering
goods within
the Territory.

22. (1) Where a motor vehicle or trailer is registered or licensed at a place outside the Territory and is brought into the Territory

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

the Registrar may, upon receiving application therefor and upon proof satisfactory to the Commissioner that the applicant is adequately covered by a policy of motor vehicle liability insurance in respect of such motor vehicle or trailer, issue to the applicant a permit accompanied by a suitable windshield sticker.

(2) A person making an application under subsection (1) shall make a payment equal to one-twelfth of the annual licence fee for a motor vehicle or trailer of like weight.

(3) A permit issued under subsection (1) permits the operation of the motor vehicle or trailer within the Territory for a period of thirty days subject to such conditions as the Commissioner may prescribe.

(4) The applicant for the permit issued under subsection (1) shall display the windshield sticker upon the motor vehicle and cause the permit to remain with the motor vehicle for exhibition at the request of any officer.

(5) Subject to the full observance of the conditions set out in the permit during the period of the use or operation of the motor vehicle or trailer within the Territory, the obtaining of the permit shall be deemed a sufficient compliance

with this Ordinance as to the registration and licensing of that motor vehicle or trailer while used within the Territory for the purpose herein mentioned during the period for which the permit was issued.

(6) The Commissioner shall not issue more than three permits under subsection (1) in any licence year in respect of the same motor vehicle or trailer.

(7) Where an applicant requires more than three permits under subsection (1), the Commissioner may issue a public service vehicle licence in accordance with section 6 to the applicant and the fees already paid for permits under subsection (1) may be applied to the fee for such public service vehicle licence.

(8) Where a motor vehicle is registered or licensed at a place outside the Territory and, while transporting passengers for hire is brought into the Territory for a purpose and during a limited period of time approved by the Registrar, the owner may,

- (a) upon application as in subsection (1),
- (b) upon payment of the prescribed fee, and
- (c) upon proof satisfactory to the Commissioner that the owner has taken out a policy of motor vehicle liability insurance not less than the amount set out in subsection (1) of section 8,

be issued a permit for the operation of that motor vehicle within the Territory for the like period with the like effect and subject to the conditions set out therein as in the case of a permit issued under subsection (1).

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

23. The provisions of this Ordinance respecting the registration and licensing of motor vehicles do not apply to service vehicles of a visiting force as defined by the *Visiting Forces (North Atlantic Treaty) Act* of Canada nor shall any tax be payable in respect of the use of the said vehicles on a highway.

Vehicles of
visiting
force
exempted.

PROHIBITIONS RESPECTING REGISTRATION
AND NUMBER PLATES

Prohibition
respecting
number
plates.

- 24. No person shall
 - (a) deface or alter a number plate issued under this Ordinance;
 - (b) use or permit the use on his motor vehicle or trailer of a defaced or altered number plate;
 - (c) without the authority of the owner, remove a number plate of a motor vehicle or trailer;
 - (d) unless otherwise permitted by this Ordinance, use or permit the use of a number plate on his motor vehicle or trailer other than the number plate issued under this Ordinance for that motor vehicle or trailer; or
 - (e) fail to notify the Registrar of the sale, exchange, or other disposal by him of a motor vehicle or trailer as required by section 14 or of the purchase by him of a motor vehicle or trailer in respect of which a certificate of registration has been issued.

PART II

CHAUFFEURS' AND OPERATORS' LICENCES

LICENCES

Licence
required.

25. (1) Subject to subsections (2), (3) and (4), no person shall operate a motor vehicle on a highway in the Territory unless he holds a chauffeur's licence or operator's licence issued to him under this Ordinance.

Exemption
for non-
residents.

(2) Subsection (1) does not apply to a person who does not reside or carry on business in the Territory for more than six consecutive months in each year if

- (a) he holds a chauffeur's licence or operator's licence issued to him by his province, state or country of residence; and
- (b) his province, state or country of residence grants similar privileges with respect to the operation of

motor vehicles to persons who reside or carry on business in the Territory.

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

Exemption for learners.

(4) Subsection (1) does not apply to a member of a visiting force as defined in the *Visiting Forces (North Atlantic Treaty) Act* of Canada, if such member is in possession of a driving permit or licence issued to him by proper authority.

Exemption for member of a visiting force.

26. (1) Subject to subsection (2) and (3), the Registrar may issue an operator's licence or a chauffeur's licence to a person who applies therefor for a period and under such conditions as the Commissioner may prescribe.

Issue of licences.

(2) An operator's licence shall not be issued under this section to a person under the age of sixteen years.

(3) Subject to subsection (4), a chauffeur's licence shall not be issued under this section to a person under the age of eighteen years.

(4) The Commissioner may, after careful consideration of the qualifications of any person of the age of sixteen or seventeen years holding an operator's licence, grant him a temporary permit for the operating of a motor vehicle as a chauffeur, where such motor vehicle is not used for the purpose of transporting passengers for hire.

27. The Registrar may refuse to issue a chauffeur's licence or an operator's licence until he is satisfied that the applicant therefor is capable of operating a motor vehicle without endangering the safety of the general public and may require the applicant to submit himself for examination by an officer or may determine the circumstances in which an examination may be dispensed with.

Applicant may be examined.

28. Every application for a chauffeur's licence or an operator's licence shall be made to the Registrar and shall be on a form approved by the Commissioner and shall state

Form of application.

- (a) the name and address of the applicant ;
- (b) his age, weight, colour of eyes, colour of hair and sex ;
- (c) whether or not the applicant has ever had his chauffeur's or operator's licence suspended or cancelled, and, if so, the reasons therefor ;
- (d) whether the applicant has ever suffered from any mental disability, epilepsy, stroke, fits, fainting spells or convulsions or illness affecting the eyes ; and
- (e) such additional information as the Registrar may require.

Licence fee. 29. Every application for a chauffeur's licence shall be accompanied by the payment of a licence fee of five dollars and for an operator's licence shall be accompanied by a payment of a licence fee of two dollars.

Signature of licensee 30. A chauffeur's licence or an operator's licence is not valid until the person to whom the licence is issued has written his usual signature thereon in the space provided for that purpose.

Day of expiry. 31. Unless stated otherwise therein, a chauffeur's licence or an operator's licence expires on the thirty-first day of March next following the day upon which it was issued.

CANCELLATION AND SUSPENSION

Suspension and cancellation by Commissioner. 32. The Commissioner may suspend or cancel a chauffeur's licence or operator's licence issued under this Ordinance if the licensee violates any of the provisions of this Ordinance or the regulations.

Licence shall be delivered on conviction for endorsement. 33. (1) Every holder of a chauffeur's or operator's licence who is convicted of

- (a) an offence under this Ordinance ; or
- (b) an offence under sections 221, 222, 223, 225, 226 or 281 of the *Criminal Code*, or
 - (i) manslaughter, or

(ii) criminal negligence under section 192 or 193 of the *Criminal Code*,

committed, in either case, by a person while operating a motor vehicle,

shall forthwith deliver his licence to the judge or magistrate making the conviction, and the judge or the magistrate shall endorse on the licence the particulars of the conviction.

(2) A judge or magistrate who convicts the holder of a chauffeur's licence or operator's licence of an offence under this Ordinance may, upon making the conviction, suspend or cancel the licence and shall send the suspended or cancelled licence to the Commissioner together with a report setting out the nature of the conviction and the circumstances of the offence.

Magistrate may suspend or cancel licence of offender.

RENEWAL OF LICENCES

34. (1) The Registrar may renew a chauffeur's licence or an operator's licence where the applicant for a renewed licence

Renewals.

- (a) shows that he has previously been issued a licence;
- (b) gives the number, date of issue and classification of the licence to be renewed; and
- (c) sends a fee of five dollars for a chauffeur's licence renewal or two dollars for an operator's licence renewal along with his application;

and the Registrar is satisfied that the applicant is qualified to operate a motor vehicle.

(2) No person who is the holder of operator's or chauffeur's licence shall apply for or obtain another operator's or chauffeur's licence except for the purpose of obtaining a duplicate of a valid and subsisting licence that has been lost, destroyed, or become worn out.

PROHIBITIONS

35. Unless otherwise permitted in this Ordinance, no person shall allow his motor vehicle to be driven by any

Not to allow unlicensed operation.

person who has not been issued a chauffeur's licence or an operator's licence under this Ordinance.

Not to hire or rent to unauthorized operators.

36. No person shall hire or let for hire a motor vehicle unless the person by whom the motor vehicle is to be driven is authorized under this Ordinance to operate a motor vehicle.

37. (1) No person shall operate a motor vehicle on a highway as a chaffeur unless he has been issued a chauffeur's licence under this Ordinance.

Hired employees shall hold chauffeur's licence.

(2) No person shall employ for hire for the principal purpose of operating a motor vehicle a person who has not been issued a chauffeur's licence under this Ordinance.

Not to use licence of another, etc.

38. (1) No person shall use or possess a chauffeur's licence or an operator's licence that has been issued to another person or that is fictitious or that has been suspended or cancelled.

(2) No person shall allow his chauffeur's licence or his operator's licence to be used or possessed by another person.

No person to apply for licence during period of suspension.

39. No person shall apply for, procure or attempt to procure a chauffeur's licence or an operator's licence during a period while he is disqualified or prohibited from driving a motor vehicle by reason of the suspension or cancellation of his licence.

PART III

EQUIPMENT

LIGHTS

Lamps at night.

40. (1) No person shall operate a vehicle on a highway during the night or at any time when fog or other atmospheric conditions reduce the degree of visibility to that approximating the degree of visibility existing under normal atmospheric night conditions or less, unless the vehicle is equipped with lighted lamps in accordance with this Part.

Meaning of "night".

(2) For the purposes of this Part, "night" means the period from sunset to the next following sunrise.

(3) In this Part, requirements as to visibility of lamps in terms of distance from a vehicle means that the lamps are clearly visible at the stated distance under normal atmospheric night conditions.

Visibility refers to normal atmospheric night conditions.

41. (1) A motor vehicle, other than a motorcycle or a pedal bicycle with motor attachment, shall be equipped with the following lamps:

Requirements respecting lamps.

- (a) not less than two headlamps, one at each side of the motor vehicle at the front, each of which projects a white light for a distance of at least three hundred feet in front of the motor vehicle; and
- (b) a tail lamp of not less than three candlepower that shows a red light plainly visible at a distance of at least 200 feet behind the motor vehicle and illuminates, with a white light, the number plate fixed on the back of the motor vehicle so that its letters and figures are plainly visible at a distance of at least sixty feet behind the motor vehicle.

(2) The headlamps of a motor vehicle shall be not more than fifty inches above the plane surface upon which the motor vehicle rests.

Vertical position of headlamps.

(3) No part of the direct, reflected or refracted light projected from a motor vehicle headlamp shall rise more than forty-two inches, at a distance of seventy-five feet in front of the motor vehicle, above the plane surface upon which it stands.

Angle of headlamp beam.

(4) Where a motor vehicle or trailer is more than twenty feet in length, or more than eighty inches in width, it shall have affixed in conspicuous positions as near the top as practical at least one lighted amber clearance light on each side of the front and at least one lighted red clearance light on each side of the rear.

Special case.

42. A motorcycle or pedal bicycle with motor attachment shall carry one headlamp at the front and one tail lamp at the rear but these lamps shall, in all respects, conform to the requirements respecting lamps set out in section 41.

Lamps for motorcycles.

Lamps for bicycles.

43. A bicycle, other than a pedal bicycle with motor attachment, shall carry a white lamp at the front and a red lamp or red reflector at the rear, each of which is clearly visible at a distance of at least two hundred feet.

Lamps for trailers.

44. A trailer shall carry at least one red lamp or reflector at the rear that is clearly visible at a distance of at least two hundred feet.

Vehicles other than motor vehicles.

45. A vehicle other than a motor vehicle, trailer or bicycle that is operated on a highway at night shall carry a lamp, showing white to the front and red to the rear, located on the left side of the vehicle and clearly visible at a distance of at least two hundred feet.

Spotlights, etc.

46. (1) No vehicle shall carry more than one spotlight, searchlight or other auxiliary lamp and the light from such spotlight, searchlight or other auxiliary lamp shall be directed towards the right of the travel portion of a highway.

(2) This section does not apply to ambulances, police vehicles, salvage vehicles, road maintenance vehicles, public utilities vehicles, or fire fighting vehicles operated on highways by authorized persons.

Parking lights.

47. Where any vehicle, machine or other obstruction is standing upon a highway at a time when lighted lamps are required to be displayed, it may, in lieu of the lights hereinbefore required, show a light on the left side of the vehicle, machine or other obstruction in such a manner as to be clearly visible both to the front and back of the vehicle, machine or other obstruction from a distance of at least two hundred feet under normal atmospheric conditions and such a light shall show white or green only to the front and red only to the rear of the vehicle, machine or other obstruction.

Flares.

48. (1) Where a motor vehicle, the gross weight of which is in excess of eight thousand pounds, is stopped on a highway during the period when lighted lamps are required to be displayed on vehicles and the lighting equipment required by this Ordinance is disabled and the vehicle cannot immediately be removed from the travelled portion of a highway outside of a municipality, the operator of the motor vehicle shall cause to be placed on the highway

- (a) two lighted flares, lamps or lanterns, or
- (b) two reflecting devices
 - (i) each reflector of which has a diameter of not less than two and one-half inches, and
 - (ii) casting a red reflection clearly visible under normal atmospheric conditions from a distance of at least five hundred feet.

(2) One of the flares, lamps, lanterns or reflecting devices mentioned in subsection (1) shall be placed at a distance of at least two hundred feet in advance of the vehicle, and the other shall be placed at a distance of at least two hundred feet to the rear of the vehicle; and where reflecting devices are so placed, each of them shall be so placed as to be illuminated by the lights of any approaching vehicle.

Location of flares, reflectors.

(3) Every motor vehicle, with a gross weight in excess of eight thousand pounds shall carry at all times and in good working condition, and the driver of the vehicle shall on the request of an officer produce two flares, lamps or lanterns for the use mentioned in subsection (1).

Must carry flares.

49. Where a motor vehicle on a highway is approaching or is being approached by another vehicle proceeding in the opposite direction, and when within not less than four hundred yards of it, the driver of the motor vehicle, whether in motion or stationary, shall dim or drop the beams of its headlamps.

Dimming headlamps.

BRAKES

50. (1) Every motor vehicle shall be equipped with brakes adequate to control it at all times.

Brakes.

(2) Every person operating a motor vehicle on a highway shall upon request of any officer permit the officer to inspect and test the brakes of the motor vehicle or, at the option of the officer, shall operate the motor vehicle as directed by him for the purpose of inspecting and testing the brakes.

Inspection.

(3) No brakes shall be deemed to be adequate within the meaning of this section unless they are so constructed and

Standards.

adjusted as to be capable of stopping the motor vehicle, whether loaded or unloaded, when operated on a dry, hard, level highway within the following distances and in respect of the following speeds of the motor vehicle, namely,

- (a) where a motor vehicle, whether loaded or unloaded, carries service brakes on both axles, within thirty-seven feet from a speed of twenty miles per hour upon application of the service brakes alone; and
- (b) where a motor vehicle, whether loaded or unloaded, carries service brakes on one axle only, within forty-five feet from a speed of twenty miles per hour upon application of the service brakes alone.

Idem. (4) The brakes carried by a motor vehicle shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the motor vehicle so as to prevent it from swerving, pulling to one side, and otherwise affecting the operator's control on application of the brakes.

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

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

Idem. (7) The combined brakes of the towing vehicle and trailer shall be so adjusted as to prevent side-sway or jack-knifing when applied.

Emergency brake. (8) Every motor vehicle shall carry an emergency brake so constructed and adjusted that it is capable of holding the

vehicle or combination of vehicles stationary upon any grade upon which the vehicle or combination of vehicles is operated and in any event upon any plus or minus grade of at least five per cent.

OTHER EQUIPMENT

51. (1) Every motor vehicle shall carry a suitable horn, bell, or warning device in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet. Horn.
- (2) The horn shall be sounded whenever it is reasonably necessary as a signal or warning to any person of the approach of the motor vehicle. Sounding.
- (3) No horn commonly known as a siren horn shall be carried or used on any motor vehicle other than an ambulance, civil defence vehicle or a motor vehicle operated by the Royal Canadian Mounted Police or a fire department. Sirens.
- (4) No exhaust, compression, or spark-plug whistle shall be carried or used on any motor vehicle. Prohibited equipment.
- (5) Except as a reasonable warning no person shall at any time sound or use the horn, bell, or warning device of a motor vehicle in order to make any unnecessary or unreasonably loud or harsh sound. Unnecessary sounding.
52. (1) Every motor vehicle propelled by an internal combustion engine shall be equipped with an exhaust muffler consisting of a series of pipes or chambers so proportioned and constructed as to allow the exhaust gases from the engine to expand and cool to a degree of noiseless expulsion; and the muffler shall not be cut out or disconnected while the motor vehicle is in operation on any highway. Muffler.
- (2) No motor vehicle, the muffler of which has had any baffle-plate or other part for the suppression of exhaust noises removed or the exhaust outlet opened so as to create more noise, shall be operated on any highway, nor shall any device be attached to a motor vehicle muffler or exhaust system which will increase the noise of the exhaust or cause a flame to be emitted therefrom. Prohibition.

Condition of
windshields.

53. No person shall operate upon a highway any motor vehicle the windshield or windows of which are in such a condition as to impair the operator's vision.

Windshield
stickers.

54. No person shall operate any motor vehicle with a sticker, sign, poster, or other non-transparent material placed over, or affixed to the windshield, side wings or side or rear windows that unduly obstructs the driver's clear view of the highway or any intersecting highway.

Windshield
wipers.

55. No person shall operate any motor vehicle other than a motorcycle that is equipped with a windshield unless the windshield has installed thereon a device for cleaning dust, rain, snow or other moisture from it; and such device shall be so constructed as to be controlled or operated by the operator of the motor vehicle while the vehicle is in motion and maintained in good working order.

Safety
glass.

56. No person shall replace any glass in doors, windows or windshields of motor vehicles other than motorcycles unless such replacement is made with safety glass.

Obstruction
of view.

57. No person shall operate a motor vehicle that carries any equipment, fixture or load in such a manner or position as to interfere with or obstruct the operator's clear view of the highway or intersection.

Mirrors.

58. (1) No person shall operate a motor vehicle unless it carries a mirror so located as to reflect to the driver a view of the highway at least two hundred feet distant to the rear of the motor vehicle.

Idem.

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

59. (1) No person shall operate any motor vehicle or trailer that carries anything projecting more than four feet from the rear of the motor vehicle or trailer unless there is attached and displayed at the end of the projection Red flag or red light.

(a) during the day a red flag not less than twelve inches square, or

(b) during the night a red light plainly visible under normal conditions for five hundred feet to the rear of the motor vehicle or trailer.

(2) No person shall, without the written permission of the Registrar, operate upon a highway a vehicle including load having a width greater than ninety-six inches.

60. (1) No person shall operate any motor vehicle and trailer on a highway unless the device coupling the motor vehicle and trailer is of such construction and strength as to hold the weight of the trailer and prevent the break-away. Coupling devices.

(2) The coupling device mentioned in subsection (1) shall be firmly affixed to an integral part of the vehicle of both the towing vehicle and the trailer. Idem.

(3) Every trailer shall have, in addition to the main coupling device, an auxiliary hitch consisting of a chain or metal cable equivalent in strength to the main coupling device. Idem.

61. (1) Every motor vehicle and every trailer on a highway shall carry mudguards or fenders adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle. Mudguards.

(2) Every truck or trailer having a manufacturer's rating of one ton or more shall carry rock guards at the rear of such truck or trailer. Rock guards.

PART IV

RULES OF THE ROAD

INTERPRETATION

Definitions.

62. In this Part,

"Business district".

- (a) "business district" means the territory contiguous to any portion of a highway having a length of six hundred feet along which there are buildings in use for business, industrial or public purposes occupying
 - (i) at least three hundred feet of frontage on one side of that portion, or
 - (ii) at least three hundred feet collectively on both sides of that portion,
 and includes that portion of the highway;

"Controlled access highway".

- (b) "controlled access highway" means a highway
 - (i) on to which persons have a right to enter from abutting land, and
 - (ii) from which persons have a right to enter on to abutting land,
 only at fixed locations;

"Crosswalk".

- (c) "crosswalk" means
 - (i) any portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface, or
 - (ii) the portion of a highway at an intersection that is included within the connection of the lateral lines of the sidewalks on the opposite sides of the highway, measured from the curbs, or in the absence of curbs, from the edges of the travelled portion of the highway;

"Emergency vehicle".

- (d) "emergency vehicle" means a vehicle used
 - (i) for police duty,

- (ii) by a fire department, or
 - (iii) as an ambulance.
- (e) "laned roadway" means a roadway that is divided into two or more marked lanes for vehicular traffic; "Laned roadway".
- (f) "owner" as applied to a vehicle means "Owner".
- (i) the person who holds the legal title to the vehicle,
 - (ii) a person who is a conditional vendee, a lessee or a mortgagor, and is entitled to be and is in possession of the vehicle, or
 - (iii) the person in whose name the vehicle is registered;
- (g) "park", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading; "Park".
- (h) "pedestrian" means a person afoot, or an invalid or child in a wheelchair or carriage; "Pedestrian".
- (i) "residence district" means the territory contiguous to any portion of a highway having a length of three hundred feet along which there are buildings in use for residence purposes only or for residence and business purposes occupying "Residence district".
- (i) at least one hundred and fifty feet of frontage on one side of that portion, or
 - (ii) at least one hundred and fifty feet collectively on both sides of that portion,
- and includes that portion of the highway;
- (j) "roadway" means the portion of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all the roadways collectively; "Roadway".

- "Safety zone". (k) "safety zone" means an area officially set apart within a highway for the exclusive use of pedestrians, and protected or marked or indicated by adequate signs so as to be clearly visible;
- "School bus". (l) "school bus" means a motor vehicle used for conveyance of children to or from school by or under a contract with the authority in charge of the school;
- "Sidewalk". (m) "sidewalk" means the portion of a highway between the curb lines or lateral lines of a roadway and the adjacent property lines intended for use of pedestrians;
- "Stop" or "stand". (n) "stop" or "stand" means
 (i) when required, a complete cessation from movement; and
 (ii) when prohibited, the stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic officer or traffic control device;
- "Territorial highway". (o) "territorial highway" means a highway within the Territory that is not under the jurisdiction of a municipality and is not privately owned;
- Through-highway". (p) "through-highway" means a highway or part of a highway at the entrances to which stop signs are erected under this Ordinance;
- "Traffic". (q) "traffic" includes pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using a highway for purposes of travel;
- "Traffic control device". (r) "traffic control device" means a sign, signal, marking or device not inconsistent with this Part placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic;
- "Traffic control signal". (s) "traffic control signal" means a device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed; and

- (t) "traffic officer" means a person lawfully authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. "Traffic officer".

APPLICATION

63. Unless the context otherwise requires, Provisions apply only to vehicles on highway.
- (a) the provisions of this Part relating to the operation of vehicles refer only to the operation of vehicles upon a highway;
- (b) the provisions of this Part do not apply to persons, vehicles and other equipment while actually engaged in highway construction or maintenance work upon, under or over the surface of a highway while at the site of the work, but do apply to them when travelling to or from the site of the work; and
- (c) a person riding an animal or driving an animal-drawn vehicle upon a highway has all the rights and is subject to all the duties that a driver of a vehicle has under this Part. Riding animals on highway.

64. (1) Notwithstanding anything in this Part, but subject to subsections (2) and (3), a driver of an emergency vehicle, when responding to, but not when returning from, an emergency call or alarm or when in pursuit of an actual or suspected violator of the law may Emergency vehicles.

- (a) exceed the speed limit;
- (b) proceed past a red traffic control signal or stop sign without stopping;
- (c) disregard rules and traffic control devices governing direction of movement or turning in specified directions; and
- (d) stop or stand.

(2) The driver of an emergency vehicle shall not exercise the privileges granted by subsection (1) unless he is sounding an audible signal by bell, siren or exhaust whistle and is showing a flashing red light.

(3) The driver of an emergency vehicle exercising any of the privileges granted by subsection (1) shall drive with due regard for safety having regard to all the circumstances of the case, including

- (a) the nature, condition and use of the highway;
- (b) the amount of traffic that is on or might reasonably be expected to be on the highway; and
- (c) the nature of the use being made of the emergency vehicle at the time.

Traffic officer may direct traffic.

65. Where a traffic officer reasonably considers it necessary,

- (a) to ensure orderly movement of traffic;
 - (b) to prevent injury or damage to persons or property;
- or

(c) to permit proper action in an emergency, he may direct traffic according to his discretion, notwithstanding anything in this Part, and every person shall obey his directions.

TRAFFIC CONTROL DEVICES AND SIGNALS

Driver to obey traffic control device.

66. Except when otherwise directed by a traffic officer, a driver of a vehicle shall obey the instructions of an applicable traffic control device.

Rules as to traffic control signals.

67. (1) Drivers of vehicles and pedestrians shall obey the instructions of an official traffic control signal in accordance with the provisions of this section, unless directed to do otherwise by a traffic officer.

(2) When a green or "go" traffic control signal is shown at an intersection,

- (a) the driver of a vehicle approaching the intersection and facing the traffic control signal
 - (i) may proceed across the intersection or turn left or right subject to a sign or notice prohibiting a

left or right turn or both that is posted at the intersection, and

(ii) shall yield the right of way, if turning left or right, to other vehicles and pedestrians lawfully within the intersection or within an adjacent crosswalk at the time the signal is shown;

(b) a pedestrian approaching the intersection and facing the traffic control signal may proceed across the intersection or cross the intersection in the crosswalk provided, if any, subject to any pedestrian control signal directing him otherwise; and

(c) a pedestrian proceeding across the intersection and crossing the intersection in the crosswalk provided, if any, has a right of way over all vehicles turning into the crosswalk he is using or into his line of passage across the intersection.

(3) When a yellow or amber traffic control signal is shown at an intersection following a green or "go" signal,

(a) the driver of a vehicle approaching the intersection and facing the yellow or amber traffic control signal shall stop his vehicle immediately before entering the intersection or the nearest crosswalk, if any, in the intersection unless a stop cannot be made in safety;

and

(b) a pedestrian

(i) if intending to cross the intersection in the direction of the yellow or amber traffic control signal shall not commence to cross the intersection until a pedestrian or traffic control signal permitting him to enter the intersection is shown, and

(ii) if proceeding across the intersection and facing a yellow or amber traffic control signal displayed after he entered the intersection

(A) shall proceed to the sidewalk as quickly as possible, and

(B) has a right of way for that purpose over all vehicles in the intersection.

(4) When a red or "stop" traffic control signal is shown at an intersection following a yellow or amber traffic control signal,

- (a) the driver of a vehicle approaching the intersection and facing the red or "stop" traffic control signal
 - (i) shall stop his vehicle immediately before entering the intersection or the nearest crosswalk, if any, in the intersection, and
 - (ii) shall not proceed until a traffic control signal permitting the movement of his vehicle in the intersection is shown; and
- (b) a pedestrian
 - (i) if approaching the intersection and facing the red or "stop" traffic control signal, or
 - (ii) if intending to cross the highway in the direction of the red or "stop" traffic control signal,

shall not commence to cross the intersection until a pedestrian or a traffic control signal permitting him to enter the intersection is shown.

(5) When a red flashing traffic control signal is shown at an intersection,

- (a) the driver of a vehicle approaching the intersection and facing the traffic control signal
 - (i) shall stop his vehicle immediately before entering the intersection or the nearest crosswalk, if any, at the intersection, and
 - (ii) may, after stopping, enter or cross the intersection only if traffic conditions in the intersection or the crosswalk, if any, are such that the vehicle can enter and cross the intersection with safety; and
- (b) a pedestrian facing the traffic control signal may proceed across the intersection with caution.

(6) When a yellow or amber flashing traffic control signal is shown at an intersection,

- (a) the driver of a vehicle approaching the intersection and facing the traffic control signal
 - (i) may enter the intersection only with caution, and
 - (ii) shall yield the right of way to all vehicles and pedestrians within the intersection; and
- (b) a pedestrian facing the traffic control signal may proceed across the intersection with caution.

68. No person shall erect or maintain upon or in view of a highway a device that purports to be, resembles or interferes with the effectiveness of a traffic control device, unless he is authorized to do so by a traffic authority.

No person can erect a device that resembles a traffic control device.

69. No person shall place or maintain commercial advertising upon a traffic control device.

Commercial advertising.

70. Except with lawful authority, no person shall alter, injure or remove or attempt to alter, injure or remove a traffic control device or any part thereof.

Altering or destroying traffic signs.

ACCIDENTS

71. (1) Where an accident occurs on a highway, every person who was in charge of a vehicle and was directly or indirectly a party to the accident shall

Person in charge of vehicle to remain at scene of accident, etc.

- (a) remain at or immediately return to the scene of the accident;
- (b) render all reasonable assistance to any person involved in the accident; and
- (c) give in writing upon request to anyone sustaining loss or injury or to any traffic officer or to any witness his name and address, the name and address of the registered owner of the vehicle, the number of the driver's licence, and the registration number of the motor vehicle.

(2) Where an accident results in damage to an unattended vehicle or to property upon or adjacent to a highway, the driver of every vehicle involved in the accident shall take reasonable steps to locate and notify the owner of, or a person who has a right to control, the unattended vehicle or the property of the circumstances of the accident, and give to him the name and address of the driver, the registration number of the vehicle and the number of the driver's licence.

Written
report
required.

72. (1) Subject to subsection (2), where an accident results in injury or death to a person or in property damage to an apparent extent of one hundred dollars or more, the driver shall forthwith make a written report, in the form prescribed by the Commissioner to the nearest detachment of the Royal Canadian Mounted Police.

(2) Where the driver is incapable of making the report required by subsection (1), and there is another occupant of the vehicle capable of making the report, the occupant shall make the report required to be made by the driver.

(3) Where no report has been made under subsections (1) or (2) and the driver or occupant is not the owner of the vehicle, the owner shall forthwith after learning of the accident make the report.

(4) Where the driver is alone, is the owner, and is incapable of making the report required by subsection (1), he shall make the report forthwith after becoming capable of making it.

Investigating
officer to
make a report
to Commis-
sioner.

73. (1) A member of the Royal Canadian Mounted Police or a traffic officer who has witnessed or investigated an accident shall forthwith forward to the Commissioner a written report in the form prescribed by the Registrar setting forth full particulars of the accident including the names and addresses of the persons involved and the extent of the personal injuries or property damage.

(2) Where a report has been made under section 71, 72 or this section, the Commissioner may require the driver involved or a traffic officer or person having knowledge of the accident to furnish additional information or to make a supplementary report.

74. (1) Where a motor vehicle that shows evidence of having been involved in a serious accident or having been struck by a bullet is brought into a public garage, parking station, parking lot, used-car lot or repair shop, the person in charge of the place into which the vehicle is brought shall forthwith report that fact to the nearest detachment of the Royal Canadian Mounted Police, giving the name and address of the owner or operator and also the registration number and a description of the vehicle.

Report by owner of a repair shop, etc.

(2) A coroner or other official performing like functions, who investigates or holds an inquest or inquiry respecting the death of a person from an accident in which a vehicle was involved, shall immediately, upon the conclusion of his investigation, inquest or inquiry, make a written report to the Commissioner giving the time and place of the accident, the name of the person killed, and the name and address of the driver of the vehicle involved.

Coroner's report.

(3) Where an insurance company receives a claim under a motor vehicle liability policy in respect of personal injuries or property damage exceeding one hundred dollars, the company shall forthwith notify the Commissioner and shall furnish him such information as he may require.

Duty of insurance companies to report to Commissioner.

75. (1) A written report or statement made or furnished under section 71, 72, 73 or 74

Reports to be privileged.

- (a) is not open to public inspection;
- (b) is not admissible in evidence for any purpose in a trial arising out of the accident, except to prove
 - (i) compliance with this section, or
 - (ii) falsity in a prosecution for making a false statement in the report or statement;

but the Commissioner shall, on the request of a person involved in the accident, his solicitor, or agent disclose to him the names and addresses of persons referred to in the report or statement.

(2) No person shall make a false statement in a report made or purporting to be made under section 71, 72, 73, or 74.

(3) In a prosecution for violation of section 71, 72, 73, or 74, a certificate purporting to be signed by the Commissioner or person authorized by him that any report therein required has or has not been made is *prima facie* proof of the facts stated in the certificate.

(4) In a prosecution for failure to make a report required by section 71, 72, 73 or 74 in respect of an accident, the place of the offence shall be deemed to be the place where the accident occurred.

SPEED RESTRICTIONS

Duty to drive with care.

76. (1) No person shall drive a vehicle without due care and attention or without reasonable consideration for other persons.

Person deemed to be driving without due care and attention.

(2) A person is *prima facie* deemed to be driving without reasonable consideration for other persons when he is driving at a greater rate of speed than

- (a) thirty miles an hour within a municipality or settlement; or
- (b) the maximum rate designated by signs erected along the highway under sections 151 and 155.

(3) A person, when driving on a highway where there are no signs designating a maximum speed is deemed to be driving without reasonable consideration for other persons when he is driving a truck at a greater rate of speed than fifty miles an hour or when driving any other motor vehicle at a greater rate of speed than sixty miles an hour.

Driving so as to impede traffic.

77. (1) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable flow of traffic, except when it is necessary to do so for safe operation or to comply with this Part.

(2) Where the driver of a motor vehicle is driving at such a slow speed that he is impeding or blocking the normal and reasonable movement of traffic, a traffic officer may require him to increase his rate of speed or to remove the vehicle from the highway.

DRIVING ON RIGHT SIDE OF ROADWAY

OVERTAKING AND PASSING

78. (1) A driver shall drive a vehicle upon the right-hand half of the travelled portion of the highway, if the highway is of sufficient width and it is practicable to do so, except

Duty to drive on right.

- (a) when overtaking and passing another vehicle proceeding in the same direction;
- (b) when the right-hand half of the highway is closed to traffic while under construction or repair; or
- (c) upon a highway designated and marked by signs for one-way traffic.

(2) A driver who is proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall drive in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left-hand turn at an intersection or into a private road or driveway.

(3) A driver, when passing around a rotary traffic island, shall drive to the right of the island.

79. The following provisions apply to a driver who is driving a vehicle on a laned roadway, namely,

Rules when driving on a laned roadway.

- (a) he may drive from one lane to another where one or more broken lines only exist between lanes;
- (b) except as provided in clause (c), he shall not drive from one lane to another where such action necessitates the crossing of a solid line;
- (c) when a solid line and a broken line exist together, he may, with extra caution, cross the solid line from the lane in which the broken line is located, and re-cross;
- (d) he shall not drive from one lane to another on the same side of the centre line of the roadway, without

first signalling his intention to do so by hand and arm or approved mechanical device, in the manner prescribed by sections 93 and 94;

- (e) when approaching an intersection intending to turn left he shall travel in the centre lane or in the lane nearest the centre of the roadway on the right-hand half of the highway;
- (f) when approaching an intersection intending to turn right he shall travel in the lane nearest to the right-hand side of the roadway and may pass another vehicle travelling in the same direction in a lane to his left;
- (g) he shall not use the centre lane of a three-lane roadway except when passing another vehicle proceeding in the same direction or when approaching an intersection where he intends to turn to the left;
- (h) when overtaking another vehicle that is travelling in the same direction in a place where there are two lanes on the same side of the centre line for vehicles travelling in that direction, he shall in passing keep to the left of the other vehicle and to the right of the centre line;
- (i) where a traffic control device directs slow-moving traffic to use a designated lane, when driving slowly he shall use that lane only;
- (j) when being overtaken by another vehicle travelling in the same direction he shall allow that vehicle to pass and shall travel in the lane nearest to the right-hand side of the roadway or in a manner that allows the overtaking vehicle free passage in the centre lane or in the lane nearest to the centre of the roadway.

Duty to keep to right on meeting a moving vehicle.

80. (1) The driver of a vehicle shall keep to his right when he is meeting another vehicle that is moving.

(2) The driver of a vehicle upon a highway that has a width for only one line of traffic in each direction shall, when meeting another vehicle that is moving, give to the other vehicle at least one-half of the main travelled portion of the highway as nearly as possible.

81. (1) Except as provided in section 82, a driver over- Overtaking.
taking another vehicle.

- (a) shall sound an audible signal;
- (b) shall pass to its left at a safe distance; and
- (c) shall not return to the right side of the highway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, a driver of an overtaken vehicle,

- (a) upon hearing the audible signal, shall give way to the right in favour of the overtaking vehicle; and
- (b) shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

82. (1) A driver shall not overtake and pass upon the Passing and
right of another vehicle except overtaking.

- (a) when the vehicle overtaken is making a left turn or its driver has signalled his intention to make a left turn;
- (b) when on a laned roadway there are two or more unobstructed lanes on the side of the roadway on which he is permitted to drive; or
- (c) upon a one-way street, or upon a highway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and is of sufficient width for three or more lines of moving vehicles.

(2) Notwithstanding subsection (1), no driver shall overtake and pass another vehicle upon the right,

- (a) when the movement cannot be made safely; or
- (b) by driving off the roadway.

83. No driver shall drive to the left side in overtaking and Driving on
passing another vehicle unless the left side of the highway left while
passing.

is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely made without interfering with the safe operation of another vehicle.

Way must be clear before driving on left.

84. No driver shall drive to or upon the left side of the highway, other than a one-way highway, when he has not a clear view of the highway for a safe distance having regard for all the circumstances.

Driver to obey signals.

85. (1) Where all or a portion of a highway has been marked by a sign as a zone in which passing is prohibited or a zone limited to driving on the right-hand side of the roadway, a driver shall obey the instructions on the sign.

(2) Where the Commissioner or a traffic authority has designated and marked by signs a highway for one-way traffic, a driver on that highway shall drive only in the direction designated.

No driver to follow another vehicle too closely.

86. (1) No driver shall follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles, and the amount and nature of traffic upon and the condition of the highway.

(2) Where a truck or a motor vehicle that is drawing another vehicle (in this subsection called the "following vehicle") is following a truck or a motor vehicle drawing another vehicle (in this subsection called the "leading vehicle") outside a business or residence district, the driver of the following vehicle, unless he intends to overtake and pass the leading vehicle, shall, if conditions permit, leave sufficient space (in any event not less than 200 feet) between his vehicle and the leading vehicle so that a vehicle overtaking the following vehicle may enter and occupy that space without danger.

(3) The driver of a motor vehicle in a caravan or motorcade, other than a funeral procession, outside a business or residence district, shall leave sufficient space between his vehicle and another vehicle or combination of vehicles to enable a vehicle to enter and occupy that space without danger.

87. Where a highway has been divided into two roadways by an intervening space or a physical barrier or clearly indicated dividing section constructed so that it impedes vehicular traffic, no driver shall drive a vehicle over, across or within the intervening space, barrier or dividing section, except at a crossover of intersection established by a traffic authority.

Highways divided by a space or barrier.

88. (1) Where on a controlled access highway there is a sign indicating a location at which vehicles are permitted to enter, no person shall drive a vehicle onto the highway except at that location.

Controlled access highway.

(2) Where on a controlled access highway there is a sign indicating a location at which vehicles are permitted to leave, no person shall drive from the highway except at that location.

TURNING, STARTING AND SIGNALS

89. (1) When a driver intends to turn right at an intersection he shall approach the intersection and make the turn as close as practicable to the right-hand curb or edge of the roadway.

Turning.

(2) When a driver intends to turn left at an intersection where traffic is permitted to move in both directions on each highway entering the intersection, he shall

- (a) approach the intersection in the portion of the right half of the highway that is nearest its centre line;
- (b) keep to the right of the centre line at the place where it enters the intersection;
- (c) after entering the intersection, make a left turn so as to leave the intersection at a point to the right of the centre of the highway being entered; and
- (d) when practicable make the left turn in the portion of the intersection to the left of the centre of the intersection.

(3) When a driver intends to turn left at an intersection where traffic is restricted to one direction on one or more

of the highways, he shall approach the intersection in the extreme left-hand lane available to traffic moving in the direction of travel of the vehicle, and after entering the intersection he shall make the left turn so as to leave the intersection as nearly as practicable in the left-hand lane available to traffic moving in its permitted direction upon the highway being entered.

(4) Where at an intersection there is a traffic control device indicating the course to be travelled by drivers turning at the intersection, no driver shall turn a vehicle at the intersection in a manner other than as directed by the traffic control device.

U-turns.

90. No driver shall turn a vehicle so as to proceed in the opposite direction

(a) unless he can do so without interfering with other traffic; or

(b) when he is driving

(i) upon a curve,

(ii) upon an approach to or near the crest of a grade where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within five hundred feet, or

(iii) at a place where a sign prohibits making a U-turn.

Moving vehicles.

91. No person shall cause a vehicle to move unless and until the movement can be made with reasonable safety.

Turning at intersections, etc.

92. (1) No person shall turn a vehicle at an intersection unless the vehicle is in the position upon the highway required by section 89.

(2) No person shall turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course, or move right or left upon a highway, unless and until the movement can be made with reasonable safety.

(3) Where traffic may be affected by turning a vehicle no person shall turn a vehicle without giving the appropriate signal under sections 93 and 94.

(4) Where a signal of intention to turn right or left is required, a driver shall give the signal continuously for sufficient distance before making the turn to warn traffic.

(5) When there is an opportunity to give a signal, no driver shall stop or suddenly decrease the speed of a vehicle without first giving the appropriate signal under sections 93 and 94.

93. (1) Subject to subsection (2), where a signal is required a driver shall give it by means of Signals.

- (a) his hand and arm,
- (b) a signal lamp of a type that has been approved by the Commissioner, or
- (c) a mechanical device of a type that has been approved by the Commissioner.

(2) When a vehicle is constructed or loaded in a manner that makes a signal by hand and arm not visible both to its front and rear, a driver shall give signals as provided by clause (b) or (c) of subsection (1).

94. (1) When a driver of a left-hand drive vehicle gives a signal by hand and arm he shall do so from the left side and shall signify Left-hand drive vehicles.

- (a) a left turn, by extending his left hand and arm horizontally from the vehicle;
- (b) a right turn, by extending his left hand and arm out and upward from the vehicle; and
- (c) a stop or decrease in speed, by extending his left hand and arm out and downward from the vehicle.

(2) No person shall drive a right-hand drive vehicle upon a highway unless

- (a) the vehicle is equipped with a mechanical or electrical device that has been approved by the Commissioner; or

- (b) there is prominently displayed on the rear of the vehicle in bold face letters not less than two inches in height and of a color contrasting with that of the vehicle the words "Right-Hand Drive Vehicle."

RIGHT OF WAY

Where no signs vehicle on right to have right of way.

95. Except as provided in section 97, where two vehicles approach or enter an intersection from different highways at approximately the same time and there are no "Yield Right of Way" signs, a driver shall yield the right of way to the vehicle that is on his right, but where there is a "Yield Right of Way" sign, the driver facing the sign shall yield the right of way to all other traffic.

Driver turning left at intersections to approaching traffic.

96. When a driver is within an intersection and intends to turn left he shall yield the right of way to traffic that is approaching from the opposite direction and is within the intersection or so close that it constitutes an immediate hazard, but having yielded and given a signal as required by sections 93 and 94, the driver may make a left turn and traffic approaching the intersection from the opposite direction shall yield the right of way to the vehicle making the left turn.

Entering a through-highway.

97. (1) Where a driver who is about to enter a through-highway has stopped in compliance with section 109,

- (a) he shall yield the right of way to traffic that has entered the intersection upon the through-highway or is approaching so closely thereon that it constitutes an immediate hazard; and

- (b) having yielded he may proceed with caution.

(2) Where a driver is entering a through-highway in compliance with subsection (1), traffic approaching the intersection on the highway shall yield the right of way to the entering vehicle while it is proceeding into or across the highway.

Emerging from an alley driveway or building.

98. (1) When a driver, within a business or residence district, is emerging from an alley, driveway or building he shall stop the vehicle immediately before driving onto the

sidewalk or onto the sidewalk area extending across an alleyway or private driveway and he shall yield the right of way to a pedestrian on the sidewalk or sidewalk area.

(2) When a driver is about to enter or cross a highway from a private road, alley, building, driveway or lane, he shall yield the right of way to traffic approaching on the highway so closely that it constitutes an immediate hazard.

99. Upon the immediate approach of an emergency vehicle giving an audible signal by a bell, siren or exhaust whistle, and showing a visible flashing red light, except when otherwise directed by a traffic officer, a driver shall yield the right of way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway, clear of an intersection, and shall stop and remain in that position until the emergency vehicle has passed.

Duty to stop vehicle when hearing emergency signal.

PEDESTRIANS' RIGHTS AND DUTIES

100. Except when a traffic authority has otherwise ordered, where traffic control signals are operating at an intersection, pedestrians shall comply with them in the manner provided in section 67.

Pedestrians to comply with traffic control devices.

101. (1) Subject to section 102, where traffic control signals are not in place or not in operation when a pedestrian is crossing the highway within a crosswalk and the pedestrian is upon the half of the highway upon which the vehicle is travelling or is approaching so closely from the other half of the highway that he is in danger, a driver shall yield the right of way to the pedestrian.

Pedestrians to have right of way.

(2) No pedestrian shall leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impracticable for the driver to yield.

(3) Where a vehicle is stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the highway, no driver approaching from the rear shall overtake and pass the stopped vehicle.

Driver to have right of way.

102. When a pedestrian is crossing a highway at a point other than within a marked crosswalk or within an intersection, he shall yield the right of way to a driver.

Driver to use due care.

103. Notwithstanding sections 100, 101 and 102, a driver shall

- (a) exercise due care to avoid colliding with a pedestrian who is upon the highway;
- (b) give warning by sounding the horn when necessary; and
- (c) observe proper precaution upon observing a child or an apparently confused or incapacitated person who is upon the highway.

Pedestrian to walk on roadway

104. (1) Where there is a sidewalk that is reasonably passable on either or both sides of a highway, a pedestrian shall not walk on a roadway.

(2) Where there is no sidewalk, a pedestrian walking along or upon a highway shall, when practicable, walk only on the left side of the roadway or the shoulder of the highway facing traffic approaching from the opposite direction.

(3) No person shall be on a highway for the purposes of soliciting a ride from a driver.

BICYCLES AND PLAY VEHICLES

Operator of bicycle has same rights and duties as driver of a vehicle.

105. (1) Except as provided in this section, a person operating a bicycle upon a highway has the same rights and duties as a driver of a vehicle.

(2) A person who is operating a bicycle shall comply with the following provisions, namely,

- (a) he shall not ride on a sidewalk;
- (b) subject to paragraph (a), he shall ride as near as practicable to the right-hand side of the highway;
- (c) he shall not ride abreast of any other person who is operating a bicycle upon the highway;

- (d) he shall keep at least one hand on the handle bars;
- (e) he shall not ride other than upon or astride a regular seat of the bicycle;
- (f) he shall not use the bicycle to carry more persons at one time than the number for which it is designed and equipped; and
- (g) he shall not ride a bicycle on any highway where signs prohibit their use.

(3) No person who is operating a bicycle shall ride it upon a highway if there is a usable path intended for the use of bicycles adjacent to the highway.

(4) No person shall ride a bicycle, coaster, roller skates, sled or play vehicle when it is attached to a vehicle upon a highway.

SPECIAL STOPS.

106. (1) When a driver is approaching a railway crossing at a time when Railway crossing.

- (a) a clearly visible electrical or mechanical signal device gives warning of the approach of a railway train;
- (b) a crossing gate is lowered or a flagman is giving a signal of the approach or passage of a railway train; or
- (c) a railway train in dangerous proximity to a crossing is approaching the crossing and emits an audible signal or is visible,

he shall stop the vehicle not less than fifteen feet from the nearest rail of the railway, and shall not proceed until he can do so safely.

(2) No person shall drive a vehicle through, around, or under a crossing gate or barrier at a railway crossing while the gate or barrier is closed or is being opened or closed.

107. Where a stop has been erected at a railway crossing, a driver shall stop not less than fifteen feet from the nearest Stop signs at railway crossing.

rail of the railway and shall not proceed until he can do so safely.

Vehicles required to stop at railway crossings.

108. (1) Except as provided in subsections (3) and (4), a driver of

- (a) a vehicle carrying passengers for hire;
- (b) a school bus carrying a child; or
- (c) a vehicle carrying explosive substances or inflammable liquids as cargo

shall, before crossing a track of a railway, stop the vehicle not less than fifteen feet from the nearest rail and remaining stopped, shall listen and look in both directions along the track for an approaching train and for signals indicating approach of a train, and shall not proceed until he can do so safely.

(2) Except as provided in subsection (4), where a driver has stopped and is proceeding as required in subsection (1), he shall cross the railway track in a gear that he will not need to change while crossing the track, and he shall not shift gears while crossing.

(3) Subsection (1) does not apply where a traffic officer or traffic control device directs traffic to proceed.

(4) Subsections (1) and (2) do not apply to industrial spur railway crossings within a business district.

Stopping at intersections.

109. Except when a traffic officer directs otherwise, where there is a stop sign at an intersection, a driver of a vehicle shall stop

- (a) when there is no crosswalk, at a clearly marked stop line;
- (b) before entering the crosswalk marked out by lines, on the near side of the intersection; or
- (c) when there is neither a marked out crosswalk nor a stop line, at the point nearest the intersecting highway from which the driver has a view of approaching traffic on the intersecting highway.

SCHOOL VEHICLES

110. Where a bus, van or other school vehicle operated for the transportation of school children that is clearly marked as such has stopped to receive or discharge passengers, no driver shall overtake and pass such bus, van or other school vehicle.

Not to pass stopped school bus.

PARKING AND LEAVING VEHICLES

111. (1) Subject to subsection (3), where outside of a business or residence district it is practicable to stop, park or leave a vehicle off the roadway, no person shall stop, park or leave the vehicle either unattended or attended on the roadway.

Vehicles to be left off roadway where possible.

(2) Subject to subsection (3), no person shall park a vehicle so as to obstruct the free passage of traffic on the highway.

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

112. (1) Where a vehicle is standing or parked

Traffic officer has right to move vehicle.

(a) in violation of section 111;

(b) in a position that causes it to interfere with removal of snow from a highway by a person authorized to do so by the Commissioner or a municipality; or

(c) in a position that causes it to interfere with fire fighting, a traffic officer may move the vehicle or require the driver or person in charge of the vehicle to move it to a position determined by the traffic officer.

(2) When an unattended vehicle is

(a) parked in violation of section 111 or 114;

(b) apparently abandoned on or near a highway; or

(c) a motor vehicle, without proper registration plates, a traffic officer may take the vehicle into his custody and cause it to be taken to and stored in a safe and otherwise suitable place.

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

Parking
restrictions.

113. (1) Except when necessary to avoid conflict with traffic or to comply with the law or the directions of a traffic officer or traffic control device, no person shall stop, stand, or park a vehicle

- (a) on a sidewalk;
- (b) in front of a public or private driveway;
- (c) within an intersection;
- (d) within fifteen feet of a fire hydrant;
- (e) on a crosswalk;
- (f) within twenty feet of the approach side of a crosswalk;
- (g) within thirty feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of roadway;
- (h) between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a traffic authority indicates a different length by signs or markings;
- (i) within one hundred feet of the nearest rail of a railway crossing;
- (j) within twenty feet of a driveway entrance to a fire station, or on the side of a street opposite the entrance to a fire station within one hundred feet of the entrance when properly marked with signs;
- (k) alongside or opposite a street excavation or obstruction when stopping, standing, or parking obstructs traffic;

- (l) on the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- (m) upon a bridge or other elevated structure upon a highway, or within a highway tunnel; or
- (n) in a place in contravention of a traffic control device that gives notice that stopping, standing or parking is there prohibited or restricted.

(2) No person shall move a vehicle that is not lawfully under his control into any of the places mentioned in subsection (1).

114. Except when a traffic authority otherwise permits, a driver shall not stop, stand or park a vehicle other than on the right hand side of a highway and with the right hand wheels parallel to that side, and where there is a curb, within eighteen inches of the curb. Parking at right hand side of road.

PROHIBITIONS AND MISCELLANEOUS RULES

115. No driver shall permit a motor vehicle to stand unattended or park without first having effectively set the brakes and, when standing on a grade, having turned the front wheels to the curb or side of the highway. Prohibitions.

116. No driver shall back a vehicle unless the movement can be made with reasonable safety and without interfering with traffic. Backing a vehicle.

117. (1) A person who is operating a motorcycle shall ride only upon the regular seat attached to it. Motorcycles.

(2) No person, other than the operator, shall ride on a motorcycle unless

- (a) it is designed and equipped to carry more than one person; and
- (b) he rides on a seat attached to the motorcycle and designed to carry a passenger.

(3) No person who is operating a motorcycle shall permit another person to ride on it in violation of subsection (2).

Duty not to move a vehicle when vision is obstructed.

118. (1) No person shall cause a vehicle to move on a highway if

- (a) the control of the driver over the driving mechanism of the vehicle; or
- (b) the view of the driver to the front or sides of the vehicle

is obstructed or interfered with by reason of the load or the number of persons in the front seat.

(2) A passenger in a vehicle shall not occupy a position in it that interferes with the driver's view ahead or with his control over the driving mechanism of the vehicle.

Travelling on narrow roads.

119. When travelling through defiles or canyons or on mountain highways, the driver of a motor vehicle shall hold the motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching a curve where the view is obstructed within a distance of two hundred feet along the highway, shall give audible warning with the horn of the motor vehicle.

Down grade.

120. When travelling down grade a driver shall not coast with the gears of the vehicle in neutral or the clutch disengaged.

Following an emergency vehicle.

121. A driver other than that of an emergency vehicle shall not follow fire apparatus closer than five hundred feet or drive or park within five hundred feet of the place on the same street on which the fire apparatus has stopped in answer to a fire alarm.

Driving over fire hose.

122. Unless he has received consent of the fire department official in command, a person shall not drive a vehicle over an unprotected hose of a fire department when laid down on a street, private driveway at a fire or an alarm of fire.

Throwing glass on roads.

123. (1) No person shall throw or deposit upon a highway a glass bottle, glass, nails, tacks, wire, cans or other substance or thing likely to injure a person, animal or vehicle.

(2) A person who drops or throws upon a highway a substance or thing likely to injure a person or animal or vehicle shall immediately remove it or cause it to be removed.

(3) A person who removes a wrecked or damaged vehicle from a highway shall remove glass or other injurious substance or thing dropped upon the highway from the vehicle.

124. Except when entering or leaving a driveway or lane or when entering upon or leaving land adjacent to a highway, a driver shall not drive upon a sidewalk. No driving on sidewalks.

125. No person shall use, interfere or tamper with any motor vehicle or any of its accessories, or any thing placed therein or thereon, without the consent of the owner. Not to use, etc., without owner's consent.

126. No person shall operate a motor vehicle on a highway unless all of the requirements of this Ordinance with respect to equipment are complied with. Vehicles shall be properly equipped.

127. No person shall race, drive furiously or drive on a bet or wager any animal or vehicle upon a highway. No racing etc.

128. Every motor vehicle or trailer shall be loaded in such a manner that no portion of the load may become dislodged or fall from the motor vehicle or trailer during transit.

129. (1) No driver shall refuse or fail to stop his vehicle when requested or signalled to stop by a traffic officer in uniform. Stopping when requested by officer.

(2) No person who is stopped by a traffic officer under subsection (1) shall refuse or fail to answer all reasonable inquiries made of him by the traffic officer.

(3) No person who is stopped by a traffic officer under this section shall start his vehicle until he is permitted to do so by the officer. Not to start until permitted by officer.

130. No person shall tear down, deface, injure or otherwise molest a sign or notice erected or posted up under lawful authority for the purpose of guiding or warning persons operating vehicles, pedestrians or others on a highway. No defacing of signs.

131. (1) Except with the permission of the Commissioner, no person shall sell or offer or expose for sale a motor vehicle or a part or accessory of a motor vehicle where the manufacturer's or maker's serial number has been removed, obliterated or defaced or is not clearly visible. No sale where serial number defaced.

Defacing prohibited.

(2) No person shall remove, obliterate, or deface the manufacturer's or maker's serial number on a motor vehicle or part or accessory thereof.

Exception of tires.

(3) Subsection (1) does not apply to the sale of second hand tires.

Liveryman's licence required.

132. No person shall carry on business as a liveryman without valid and subsisting liveryman's licence issued under this Ordinance.

PART V

RESPONSIBILITY FOR ACCIDENTS

Owner deemed to be guilty for a violation of Ordinance.

133. (1) Where the driver of a vehicle violates a provision of this Ordinance or the regulations relating to the operation, use or presence of a motor vehicle on a highway or in a public place, the owner of the vehicle is deemed to be guilty of the violation and shall incur the penalties provided therefor, unless he proves that the violation was not committed by him or by a person who had possession of the vehicle with his consent either express or implied.

(2) This action does not relieve the driver of a motor vehicle of liability for a violation committed by him or while the vehicle was in his possession.

(3) If the owner of the motor vehicle is present in it at the time of the violation by another person operating the vehicle, the owner as well as the other person is liable for the violation.

Owner to supply name of person.

134. (1) When a motor vehicle is operated in violation of a provision of this Ordinance or of the regulations by a person whose identity is unknown to the Commissioner, the registered owner of the vehicle, on request of the Commissioner or of an officer shall, within forty-eight hours of the request, supply the Registrar or the officer with the name and address of the person in charge of the vehicle at the time of the violation.

(2) A registered owner, who refuses, fails, neglects or is unable to supply the name and address of the person in

charge of the vehicle within forty-eight hours after being so requested, is liable to the penalty prescribed for the offence of the driver.

(3) In a prosecution under this section it is a defence if the registered owner proves that the vehicle was being operated at the time of the violation without his knowledge or consent, either express or implied.

135. (1) The owner of a motor vehicle is liable for injury, loss or damage sustained by any person by reason of negligence in the operation of the motor vehicle on a highway unless the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur, and the driver of a motor vehicle, not being the owner, is liable to the same extent as the owner.

Owner liable for injury caused by his vehicle.

(2) Subject to subsection (3), a person operating a motor vehicle, other than the owner thereof, is deemed to have possession of the vehicle with the consent of the owner until the contrary is established.

(3) Where the person operating a motor vehicle, other than the owner thereof, lives with the owner as a member of his family, he is deemed to have possession of the motor vehicle with the consent of the owner.

136. (1) Where injury, loss or damage is sustained by any person by reason of a motor vehicle on a highway, the onus of proof that the injury, loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle is upon the owner or driver.

Onus of proof.

(2) This section does not apply in the case of a collision between motor vehicles on a highway or to an action brought by a person who is being transported in the vehicle without payment for that transportation.

137. (1) No action lies against the driver or owner of a motor vehicle for the death of or injury, loss or damage sustained or incurred by a person while a passenger in the motor vehicle without payment for the transportation or by him when entering or alighting from the motor vehicle unless the death, injury, loss or damage was caused or contributed to by gross negligence on the part of the owner or driver.

Liability for gratuitous passengers.

(2) This section does not relieve from liability a person transporting a passenger for hire or gain, or the owner or driver of a motor vehicle that is being demonstrated to a prospective purchaser.

Owner not liable where vehicle is stolen.

138. Notwithstanding anything in this Ordinance, no owner of a motor vehicle or the owner of any surety for the owner is liable for injury, loss or damage caused by the negligent operation of the motor vehicle if it is proved to the satisfaction of the Court that at the time the injury, loss or damage was caused the motor vehicle was operated by or under the control or in the charge of a person who had stolen the motor vehicle.

Foreign vehicles.

139. (1) Where a motor vehicle that is owned by a person who is not resident in the Territory is operated on a highway in the Territory by the owner or by a person who has possession of the motor vehicle with the consent of the owner or where a person is not a resident of the Territory operates a motor vehicle on a highway in the Territory, the Commissioner is deemed to be the agent of the owner or operator who is not so resident for the service of notice or process in an action in the Territory for injury, loss or damage arising out of the presence, use or operation of the motor vehicle in the Territory.

(2) Service of notice or process on the Commissioner as such agent may be made by leaving a copy of it with him or at his office, together with a bond in form and with sureties approved by the Commissioner in the sum of two hundred dollars conditioned that on the failure of the plaintiff to succeed in the action the defendant will be reimbursed for expenses necessarily incurred by him in defending the action in the Territory.

(3) Service effected in accordance with subsection (2) is sufficient service if notice of the service and a copy of the notice or process are sent forthwith by registered mail to the defendant and the defendant's return receipt is filed with the clerk of the court in which the action or proceeding is brought.

(4) A judge of the court in which the action is pending may, on such terms as he considers just, order such continuance as he considers necessary to afford the defendant reasonable opportunity to defend the action.

140. (1) Where injury, loss or damage to person or property is caused by the negligent operation on a highway of a motor vehicle that is not registered under this Ordinance, the plaintiff in any action commenced to recover for that injury, loss or damage may make the vehicle, by its registration number or by a description of the vehicle sufficient to enable it to be identified, the defendant in the action and may obtain a writ of attachment of the motor vehicle under section 141. Writ of attachment.

(2) Any person claiming to be the owner or having an interest in the motor vehicle may enter an appearance in the action and the provisions of the *Judicature Ordinance* and the rules of the Court apply to him as if he had been made a party defendant.

(3) If no person claiming to be the owner or having an interest in the motor vehicle has entered an appearance in the action, the plaintiff may at any time after the expiration of thirty days from the date on which the motor vehicle was attached, upon proving damages, obtain judgment and execution against the motor vehicle.

141. (1) Where injury, loss or damage is incurred or sustained by a person by reason of the negligent operation of a motor vehicle upon a highway, the person incurring or sustaining the injury, loss or damage may, at or after the commencement of an action to recover damages for the injury, loss or damage, obtain from the clerk of the court a writ of attachment directed to the Sheriff commanding him to attach, seize, take and safely keep the motor vehicle causing the injury, loss or damage to secure the amount of damages that may be recovered in the action and the costs and to return the writ forthwith to the court out of which the writ is issued. Writs of attachment.

(2) A writ of attachment shall not be obtained or issued after the expiration of thirty days from the day on which the injury, loss or damage was incurred or sustained. Writ must issue within thirty days of accident.

(3) A person claiming to be the owner or having any interest in the motor vehicle may enter an appearance in the action and the provisions of the *Judicature Ordinance* and the rules of the Court apply to him as if he had been made a party defendant.

(4) No writ of attachment shall be issued unless the plaintiff or someone on his behalf files with the clerk an affidavit showing a cause of action, stating the time and place where the injury, loss or damage was incurred or sustained, the approximate amount of the damage and such information as will enable the motor vehicle to be identified, and files with the clerk a good and sufficient bond in favour of the Sheriff approved by the clerk conditioned for the payment of all costs and expenses incurred by the Sheriff in the seizing and holding of the motor vehicle in the event that the plaintiff does not prosecute his action or in the event the action is decided against him.

Sheriff to
seize vehicle.

142. The Sheriff to whom a writ of attachment is directed shall immediately attach, seize, take and safely keep the motor vehicle to secure the amount of damages that may be recovered in the action and the costs of the action and those damages and costs constitute a first and paramount lien on the motor vehicle regardless of whether the defendant is the owner of the motor vehicle or has any interest therein.

Financial
responsibility.

143. (1) In an action where a motor vehicle has been seized under a writ of attachment issued under this Ordinance, the Sheriff having the motor vehicle in his custody shall

- (a) where the defendant is the registered owner of the motor vehicle and deposits with the Sheriff a certificate under the hand of the Commissioner that proof of financial responsibility had been filed by the owner under this Ordinance before the cause of action arose; or
- (b) where proof of financial responsibility had not been filed by the owner or where the defendant is not the owner of the motor vehicle but the owner or a person on his behalf files with the Sheriff a bond in favour of the plaintiff executed by two sureties satisfactory

to the Sheriff or by an approved surety company and conditioned for the payment of all damages and costs that may be recovered against the defendant,

release the motor vehicle to the owner or his agent upon payment to the Sheriff of his fees and expenses in connection with the attachment.

144. (1) Where a motor vehicle has not been released under section 143 and judgment is recovered by the plaintiff, the Sheriff shall retain the motor vehicle under the writ of attachment until execution is issued on the judgment and, if execution is issued within fifteen days from the date of the judgment, may sell the motor vehicle in the same manner as other goods are sold under execution. Execution on judgment.

(2) The Sheriff shall pay over to the plaintiff the money so recovered for a sufficient sum to discharge the amount directed to be levied, less the Sheriff's fees, commission and poundage expenses.

(3) If, after satisfaction of the amount together with Sheriff's fees, commission and poundage expenses, a surplus remains in the hands of the Sheriff, he shall pay the surplus to the person entitled thereto.

(4) Where money is levied upon execution, the provisions of the *Creditors Relief Ordinance* does not apply to such portion of such money as is obtained by the levying on and selling of the motor vehicle under the execution.

145. Except as herein expressly provided, no right of any person to bring or prosecute an action for damages for injury, loss or damage to person or property is affected. No right of person to bring action affected.

PART VI

SAFETY RESPONSIBILITY

IMPOUNDING

146. (1) Where bodily injury to or the death of any person or damage in an amount apparently exceeding one hundred dollars to property results from an accident in which Impoundment of vehicles involved in accident.

a motor vehicle is in any manner directly or indirectly involved, any officer at the scene of the accident, or who arrives thereat while any or all of the motor vehicles so involved in the accident are still at the scene thereof, shall, subject to section 147, impound each motor vehicle so involved and require it to be taken

Where repairs needed:

(a) if repairs are necessary and immediately desired by the owner, to such repair shop or garage as the owner may select, for the purpose of having it repaired, or

Where repairs not needed.

(b) if repairs are not necessary or are not immediately desired by the owner, to such garage or storage place as the owner may select, unless otherwise required by the officer, in which case the officer may direct it to be taken to a garage or storage place maintained by any police force or other public authority, if such is available, and otherwise to a privately maintained garage or storage place designated by the officer, there to be kept at the expense and risk of the owner of the motor vehicle.

Change of place of impoundment.

(2) Where, pursuant to subsection (1), a motor vehicle has been taken to a repair shop, garage or storage place selected by the owner, an officer in a locality in which the repair shop, garage or storage place is situated, on receipt of a written application by the owner, may, at the cost of the applicant, have the motor vehicle transferred to such other repair shop, garage or storage place as the applicant may select, and may give all necessary directions to that end, and shall in that case give to the owner, operator, manager or other person in charge of the repair shop, garage or other storage place to which the motor vehicle is transferred a notice as prescribed in subsection (7).

Meaning of "owner".

(3) In subsections (1) and (2) the word "owner" includes any person, firm, or corporation that has sold the motor vehicle under the terms of a conditional sale agreement or lien or note upon which all or part of the purchase price remains unpaid, or to whom or to which a bill of sale by way of chattel mortgage thereon has been given in respect of which all or part of the moneys secured thereby remain unpaid, and also includes an assignee of such vendor or mortgagee.

(4) Where any or all of the motor vehicles directly or indirectly involved in the accident are not impounded as provided in subsection (1), if the accident is reported to, or otherwise comes to the attention of an officer, he shall, subject to subsection (9) and to section 147, forthwith impound each motor vehicle so involved; and the officer impounding the motor vehicle shall require it to be disposed of as provided in subsection (1).

Impoundment after accident.

(5) All costs and charges for the care or storage of a motor vehicle impounded under this section are a lien thereon in favour of the keeper of the repair shop, garage or storage place and may be recovered by him under the provisions of *The Mechanics Lien Ordinance* as though the cost and charges were a lien under section 31 of that Ordinance.

Storage charges a lien.

(6) Where a motor vehicle is impounded under this section, the officer who impounds it shall, directly or through his superior officer, if any, forthwith notify the Commissioner of such impoundment in writing on the prescribed form.

Notice of impoundment.

(7) Where a motor vehicle impounded under this section is placed in a repair shop, garage or storage place, the officer impounding the same shall notify in writing, on the prescribed form, the owner, operator, manager or other person in charge of the repair shop, garage or storage place that the motor vehicle is impounded and must not be removed or permitted to be removed or released from impoundment except upon order of the Commissioner or an officer to whom reference is made in subsection (2).

Notice to garage-keeper.

(8) Subject to subsection (2), no person shall remove, or permit to be removed, from the place of impoundment or release from impoundment, any motor vehicle impounded under this section except upon the written order of the Commissioner or a person authorized by him.

No removal from impoundment.

(9) This section shall not apply to authorize or permit the impounding of a motor vehicle that is the property of Her Majesty.

No impoundment of Crown vehicle.

INSURANCE CARDS

147. (1) If the driver, owner or other person in charge of a motor vehicle that is in any manner directly or indirectly involved in an accident produces to an officer seeking to impound the motor vehicle pursuant to section 146 a motor

Effect of production of motor vehicle liability insurance card.

vehicle liability insurance card issued in respect of such motor vehicle and in full force at the time of such accident, the officer shall not impound the motor vehicle unless it is required to be impounded by some other provision of this or any other Ordinance, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

Release
under certain
circum-
stances.

(2) Where a motor vehicle has been impounded under section 146, and

- (a) the Registrar is satisfied that at the time of the accident the motor vehicle was a stolen motor vehicle;
- (b) the only damage resulting from the accident is to the person or property of the owner and of the driver; or
- (c) the driver, owner, or other person in charge of the motor vehicle produces to an officer evidence that he is the holder of a motor vehicle liability insurance policy with liability coverage at least equivalent to that prescribed by section 8 in respect of the motor vehicle that is in full force;

the Registrar shall order the release of the motor vehicle from impoundment and may order the release of the motor vehicle from impoundment if he is satisfied that the driver, owner, or other person in charge of the motor vehicle is the holder of a valid existing motor vehicle liability policy in full force at the time of the accident with limits of liability not less than the several amounts set forth in section 8, unless it is required to be impounded by some other provision of this or any other Ordinance, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

Offence.

148. Any person who

- (a) violates any of the provisions of subsection (8) of section 146; or
- (b) produces to an officer or to the Commissioner, as provided in section 147, evidence that he is the holder of a motor vehicle liability insurance policy with liability

coverage, at least equivalent of that prescribed by section 8 purporting to show that there is in force a policy of insurance that is in fact, not in force,

is guilty of an offence and is liable, if not a corporation, to a penalty not exceeding two hundred dollars and to imprisonment for a term not exceeding thirty days, and, if a corporation, a penalty not exceeding one thousand dollars.

149. (1) Where the owner of a motor vehicle impounded pursuant to section 146 gives security or proof of satisfaction of claims for damages satisfactory to the Commissioner, the Commissioner shall, on application by the owner, order the release of the motor vehicle from impoundment; but if the motor vehicle is not, and is not required to be, registered under this Ordinance, the Commissioner shall order the release thereof upon the owner giving such security or such proof of satisfaction of claims for damages as the Commissioner may require.

Release from impoundment in case of residents and in case of non-residents.

(2) Where a motor vehicle is impounded pursuant to section 146 and the owner fails to give the security or proof of satisfaction of claims for damages and proof of financial responsibility, or security or proof of satisfaction of claims for damages and an undertaking as provided in subsection (1)

Release from impoundment.

(a) if six months have elapsed since the date of the accident and no certificate of *lis pendens* in a form set out in subsection (5), or otherwise to the satisfaction of the Commissioner, has been filed with the Commissioner, or

If no action.

(b) if such certificate has been filed with the Commissioner and proof has been given to his satisfaction that

If action taken.

(i) the action against the owner of the motor vehicle has been decided in his favour and that no appeal against the judgment has been filed within the time fixed for the filing of such appeal,

(ii) that any judgment recovered against the owner has been satisfied or settled,

(iii) that the action has not been brought to trial within twelve months after it was begun, or

(iv) that although judgment has been recovered against the owner, and no appeal has been filed by him within the time fixed, or any appeal by him has been dismissed, the motor vehicle has not, within three months from the date of the judgment or the date of the dismissal of such appeal, been seized under an execution issued pursuant to the judgment,

the Commissioner shall order the release of the motor vehicle from impoundment.

Release to execution creditors.

(3) If judgment has been recovered in an action against the owner of a motor vehicle impounded pursuant to section 146, and the motor vehicle has been seized under an execution issued pursuant thereto, the Commissioner shall order that the motor vehicle be released to the person making the seizure.

Release where vehicle a complete wreck.

(4) Where the Commissioner is satisfied by a certificate signed by a qualified mechanic, or by such other written or documentary evidence as he deems sufficient, that a motor vehicle impounded pursuant to section 146 is so damaged that it is impracticable to repair it so that it can be driven on a highway, he may order the release of the motor vehicle from impoundment.

Certificate of *lis pendens*.

(5) The Certificate of *lis pendens* shall, on request therefor and payment of the proper fee, be issued by the clerk of the court in which an action is commenced claiming compensation for damages resulting from bodily injury to or the death of any person or damage in an amount exceeding one hundred dollars to property occasioned by or arising out of the ownership, maintenance, operation, or use of a motor vehicle, and the certificate may be in the form following:

CERTIFICATE OF LIS PENDENS

Form.

I hereby certify that an action has been begun in this Court, in which action _____ is plaintiff and _____ is defendant, and a claim is made for compensation for damages alleged to have occurred at or near _____, in this Territory, on the _____ day of _____, A.D. 19____, in which accident it is alleged that there was (were) involved

- (e) respecting number plates, or other identification substituted for number plates;
- (f) prescribing for and requiring the use of devices or other means to prevent accidents or thefts of motor vehicles;
- (g) prescribing the form of permits or licences issued under this Ordinance;
- (h) prescribing terms and conditions with respect to registration, use or operations of motor vehicles whether new or secondhand that are owned, kept or used by manufacturers, dealers, repairers, or storsers of motor vehicles or by parking lot operators or wreckers;
- (i) prescribing generally for the control of or the restriction or prohibition of the erection, display, style, size, colour, material and number of any signs, signboards, markers or notices erected by any person in the vicinity of or on any highway;
- (j) respecting
 - (i) the closing of a highway or part thereof, or
 - (ii) the restriction of traffic including the type, weight of load, and speed of vehicles on a highway or part thereofwhenever and for such period of time as he deems necessary to prevent serious damage to a highway or to insure the safety of persons using the highway;
- (k) prescribing terms and conditions with respect to registration and licensing of unregistered motor vehicles entering the Territory;
- (l) with respect to the rate of speed and other conditions under which vehicles transporting explosives or other dangerous substances may be operated; and
- (m) generally for carrying out the purposes and provisions of this Ordinance.

(2) The Commissioner shall cause to be tabled all regulations made by him pursuant to this Ordinance at the session of Council next following the making of such regulations.

151. (1) The Commissioner may mark or erect or cause to be marked or erected along any highway traffic signs or devices Traffic signs.

- (a) prescribing rate of speed;
- (b) regulating or prohibiting parking and designating parking areas;
- (c) prescribing load limits for any vehicle or class of vehicles;
- (d) prohibiting or regulating the use of any highway by any vehicle or class of vehicles;
- (e) designating any highway as a one-way highway;
- (f) for stopping vehicles;
- (g) for regulating pedestrian traffic; and
- (h) for directing or controlling in any other manner traffic on any highway.

(2) Except as authorized by subsection (1), no person shall mark or erect any traffic sign or device along a highway.

(3) No person shall, without the authority of the Commissioner, remove or deface any traffic sign or device along a highway.

APPOINTMENT, POWERS AND DUTIES OF OFFICERS

152. (1) The Commissioner may appoint a Registrar and persons to be officers to enforce and carry out the provisions of this Ordinance. Appointment by Commissioner.

(2) Members of the Royal Canadian Mounted Police are *ex officio* officers for the purpose of enforcing and carrying out the provisions of this Ordinance. Members of R.C.M.P. are *ex officio* officers.

Power to stop, inspect and order proper equipping of vehicles.

153. An officer may, at any time, stop and inspect a vehicle that is on a highway and may, if the vehicle is not equipped in accordance with the provisions of this Ordinance, require the driver or the owner to remedy the defect forthwith and to comply strictly with the equipment provisions of this Ordinance before any further use is made of the vehicle.

Power to seize abandoned motor vehicle.

154. (1) Where an officer discovers an apparently abandoned motor vehicle on or near a highway, he may take the motor vehicle into his custody and may cause it to be stored in a suitable place.

Payment of expenses of seizure.

(2) The costs of the removal, care and storage of a motor vehicle taken under subsection (1) shall be paid by the owner thereof and are a lien upon the motor vehicle.

(3) Where the owner of an abandoned motor vehicle taken pursuant to subsection (1) cannot be found or has left the Territory, the Commissioner may, after ninety days from the date the motor vehicle was taken into custody, dispose of the vehicle in such manner as he deems fit.

Municipal by-law.

155. Notwithstanding anything in Part IV, the Council of a municipality may, by by-law, make regulations with respect to

- (a) rate of speed;
- (b) parking of vehicles;
- (c) obstruction of traffic;
- (d) one-way streets;
- (e) prescribing routes of travel;
- (f) pedestrian traffic;
- (g) loading zones and bus stops;
- (h) safety zones;
- (i) preventing drivers of motor vehicles from making unnecessary noise;
- (j) turning;
- (k) traffic on streets in the vicinity of public schools;

- (l) traffic at intersections;
- (m) traffic lanes;
- (n) the right of way of one vehicle over another or of a pedestrian over a vehicle or *vice versa*; and
- (o) the directions that vehicles must follow on certain streets;

within the municipality, and may impose penalties for a violation of any such by-laws; and if any by-law departs from the rules laid down in Part IV and the departure is indicated to drivers by means of signs or devices for controlling traffic or by traffic officers, every driver within the municipality shall conform to the by-law.

PART VIII

ENFORCEMENT PROVISIONS

PROCEDURE

156. In describing an offence under subsection (1) of section 76, it is sufficient to charge an accused person with driving to the common danger; and the magistrate is entitled to receive evidence for the prosecution showing that acts or circumstances have constituted the offence charged; and the conviction of the magistrate is sufficient, if it sets forth that the accused person did drive to the common danger, without the necessity of setting forth the specific acts or circumstances that constituted the offence.

Driving to the common danger.

157. (1) Every officer may seize any licence plate if he finds it detached from a motor vehicle or trailer or displayed on a motor vehicle or trailer other than the one in respect of which it was issued.

Seizure of licence plates.

(2) An officer may seize the licence plates in respect of a vehicle and hold them pending the receipt of instructions from the Commissioner as to their disposal

- (a) where the Commissioner has suspended or cancelled the certificate of registration; or

- (b) where the title or interest of the holder of the certificate of registration in the vehicle in respect of which the certificate of registration has been transferred.

Failure to produce licence.

158. Subject to subsection (3) of section 26, every person who while in actual physical control of a motor vehicle fails to produce his operator's licence or chauffeur's licence within a reasonable time after being asked to do so by an officer is guilty of an offence and is liable on summary conviction to a fine not exceeding twenty-five dollars.

Vehicles improperly equipped.

159. Every person who operates on a highway a vehicle that is not equipped in accordance with the requirements of this Ordinance respecting equipment and every person by whose permission a vehicle is so operated is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

Obstructing, etc., an officer.

160. Every person who obstructs, molests or interferes with an officer in the performance of his duties in respect to the enforcement and carrying out of this Ordinance is guilty of an offence and is liable on summary conviction

- (a) for the first offence to a fine not exceeding one hundred dollars;
- (b) for a second offence to a fine not exceeding three hundred dollars; and
- (c) for a third or subsequent offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

False statements.

161. Every person who knowingly makes a false statement of fact in an application, declaration, report or other document required by this Ordinance or by the Commissioner is guilty of an offence and is liable on summary conviction in addition to any other fine or punishment to which he may be liable

- (a) for the first offence to a fine not exceeding one hundred dollars; and

- (b) for a second or subsequent offence to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding thirty days or to both fine and imprisonment.

162. (1) Every person who operates on a highway a motor vehicle that is not registered pursuant to this Ordinance and every person who is required to hold a chauffeur's licence or an operator's licence and who, while not so licensed, operates a motor vehicle on a highway is guilty of an offence and is liable on summary conviction

Operation of unregistered vehicle and operation without licence.

- (a) for the first offence to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding thirty days, and
- (b) for a second or subsequent offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

(2) Every person who operates a motor vehicle on a highway after the suspension or cancellation of the certificate of registration thereof or after the suspension or cancellation of his chauffeur's licence or operator's licence, as the case may be, is guilty of an offence and is liable on summary conviction to the penalties provided in subsection (1).

Operation after cancellation of licence, etc.

163. (1) Every person who drives a motor vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway is liable on summary conviction

- (a) for the first offence to a fine not exceeding one hundred dollars;
- (b) for a second offence to a fine not exceeding two hundred dollars; and
- (c) for a third or subsequent offence to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding thirty days or to both fine and imprisonment.

(2) Where a person is found guilty of a second or subsequent offence described in subsection (1), his chauffeur's or operator's licence may be suspended for a period not exceeding six months.

General
penalty.

164. Every person who violates a provision of this Ordinance or the regulations for which no other penalty is provided is guilty of an offence and is liable on summary conviction

- (a) for the first offence to a fine not exceeding fifty dollars;
- (b) for a second offence to a fine not exceeding seventy-five dollars; and
- (c) for a third or subsequent offence to a fine not exceeding one hundred dollars.

RECORDS

Records.

165. The Registrar shall keep the following records:

- (a) a record of all motor vehicle accidents in the Territory reported to him or concerning which he procures information;
- (b) a record of all convictions for offences under this Ordinance or under the provisions of the *Criminal Code* relating to driving on highways reported to him pursuant to this Ordinance and of such other convictions as he may deem proper;
- (c) a record of all drivers' licences and certificates of registration issued, suspended, revoked, cancelled or revised under this Ordinance;
- (d) a record of all unsatisfied judgments rendered against persons holding certificates of registration or drivers' licences under this Ordinance or non-residents reported to him pursuant to this Ordinance;
- (e) an operating record of every chauffeur and operator, which record shall show all reported convictions of

such chauffeur or operator for a violation of any provision of any law relating to the operation of motor vehicles; and all reported unsatisfied judgments against such person for any injury or damage caused by such person while operating a motor vehicle and all accidents in which the records indicate such chauffeur or operator has been involved, and such other information as the Commissioner may deem proper; and

(f) such other records as in his opinion are necessary.

GENERAL

166. All fees, fines or penalties payable under this Ordinance shall be paid into the Yukon Consolidated Revenue Fund.

COMING INTO FORCE

167. This Ordinance shall come into force on the first day of April, A.D. 1958.

REPEAL

168. The following Ordinances and amendments thereto are repealed:

- (i) *An Ordinance Respecting Fast Driving*, chapter 33 of the Consolidated Ordinances, 1914;
- (ii) *Motor Vehicles Ordinance*, chapter 8 of the Ordinances of 1952 (1st session);
- (iii) *An Ordinance to Amend the Motor Vehicles Ordinance*, chapter 7 of the Ordinances of 1953 (1st session);
- (iv) *An Ordinance to Amend the Motor Vehicles Ordinance*, chapter 1 of the Ordinances of 1953 (3rd session);
- (v) *An Ordinance to Amend the Motor Vehicles Ordinance*, chapter 6 of the Ordinances of 1954 (1st session);
- (vi) *An Ordinance to Amend the Motor Vehicles Ordinance*, chapter 33 of the Ordinances of 1955 (1st session);
and
- (vii) *An Ordinance to Amend the Motor Vehicles Ordinance*, chapter 11 of the Ordinances of 1956 (1st session).

SCHEDULE

TARIFF OF FEES

1. Annual licence fees are payable as follows :

(a) Chauffeur's licence	\$ 5.00
(b) Operator's licence	2.00
(c) Dealer's licence	5.00

2. For each examination on application for an operator's or chauffeur's licence 2.00

3. For substitute operator's or chauffeur's licence or chauffeur's badge when original was lost 1.00

4. For duplicate certificate of registration of a motor vehicle or trailer 1.00

5. For each "In transit" permit 1.00

6. For the registration and licensing of a motor vehicle or trailer owned and used by the Government of Canada or of the Territory or by any municipality 1.00

7. For the issuance of a certificate of registration and licence plates for every motor vehicle except a truck or truck tractor, the fees shall be as set out in Table 1 hereof.

8. For the issuance of a certificate of registration and licence plates for trucks the fees shall be as set out in Table 2.

9. For the certificate of registration and licence plates for trailers, the fees shall be as set out in Table 3.

10. For the issuance of a public service vehicle truck licence, the fees shall be as set out in Table 4.

11. For the issuance of a public service vehicle trailer licence, the fees shall be as set out in Table 5.

12. For the operation of passenger carrying vehicles (buses, but not including taxicabs):
 - (a) registration according to wheel base, the fee as in Table 1 hereof;
 - (b) public service vehicle licence, minimum fee (up to 15 seats); 50.00
and
 - (c) for each seating space in excess of 15 2.00

13. For certificate of registration and licence for every vehicle operated as a livery or taxicab.
 - (a) registration according to wheel base, the fees as in Table 1 hereof; and
 - (b) for a liveryman's licence, in respect of each vehicle 20.00

14. For certificate of registration and licence of motor vehicles kept for hire that may be rented for any period without a driver:
 - (a) the fees as set out in Table 1 or Table 2;
and
 - (b) for a licence in respect of such vehicle 15.00

15. Where, in accordance with section 6, a public service vehicle licence has been granted on condition that the vehicle is to be used under a limited number of special or individual contracts or agreements and where the vehicle is not available for use by the general public, the fees for the licence shall be as in Table 6 or 7.

16. Motor vehicles licensed without the Territory transporting passengers for hire (section 22(8)) 10.00

17. For certificate of registration and licence of truck tractor 25.00

18. Dealers number plates, per set 25.00

NOTE: In determining the weight of vehicles for the purpose of fixing fees under this Tariff, the weight of a vehicle shall be the load capacity of the vehicle as determined by the manufacturer's rating; and if the manufacturer's rating is unobtainable, the weight of a vehicle shall be fixed by the person authorized to issue licences.

TABLE 1

Fees for Passenger Vehicles

	Full Fee	Oct. 1 to Dec. 31	Jan. 1 to Mar. 31
Wheelbase 100" or less	12.50	6.25	3.00
“ 101" to 120"	15.00	7.50	4.00
“ 121" or more	20.00	10.00	5.00

TABLE 2

Trucks

2000 lbs. or less	15.00	7.50	4.00
2001 lbs. to 6,000 lbs.	30.00	15.00	7.50
6001 lbs. to 10,000 lbs.	50.00	25.00	12.00
10,001 lbs. to 20,000 lbs.	75.00	37.50	19.00
20,001 lbs. to 30,000 lbs.	130.00	65.00	32.00
Over 30,000 lbs	175.00	87.50	44.00

TABLE 3

Trailers

2000 lbs. or less	3.00	1.50	1.00
2001 lbs. to 6000 lbs.	10.00	5.00	2.50
6001 lbs. to 10,000 lbs.	25.00	12.50	6.00
10,000 lbs. to 20,000 lbs.	50.00	25.00	12.50
20,001 lbs. to 30,000 lbs.	100.00	50.00	25.00
Over 30,000 lbs.	150.00	75.00	37.50

TABLE 4
P.S.V. Trucks

	Full Fee	Oct. 1 to Dec. 31	Jan. 1 to Mar. 31
2000 lbs. or less	15.00	7.50	4.00
2001 lbs. to 6000 lbs.	30.00	15.00	7.50
6001 lbs. to 10,000 lbs.	40.00	20.00	10.00
10,001 lbs. to 20,000 lbs.	50.00	25.00	12.50
20,001 lbs. to 30,000 lbs.	75.00	37.50	19.00
Over 30,000 lbs.	75.00	37.50	19.00

TABLE 5
P.S.V. Trailers

2000 lbs. or less	40.00	20.00	10.00
2001 lbs. to 6000 lbs.	45.00	22.50	11.00
6001 lbs. to 10,000 lbs.	50.00	25.00	12.50
10,001 lbs. to 20,000 lbs.	75.00	37.50	19.00
20,001 lbs. to 30,000 lbs.	100.00	50.00	25.00
Over 30,000 lbs.	100.00	50.00	25.00

TABLE 6
Limited P.S.V. Truck Licences

2000 lbs. or less	10.00	5.00	2.50
2001 lbs. to 6000 lbs.	20.00	10.00	5.00
6001 lbs. to 10,000 lbs.	27.50	14.00	7.00
10,001 lbs. to 20,000 lbs.	33.00	16.50	8.00
20,001 lbs. to 30,000 lbs.	50.00	25.00	12.50
Over 30,000 lbs.	50.00	25.00	12.50

TABLE 7
Limited P.S.V. Trailer Licences

2000 lbs. or less	27.00	13.50	7.00
2001 lbs. to 6000 lbs.	30.00	15.00	7.50
6001 lbs. to 10,000 lbs.	35.00	17.50	9.00
10,001 lbs. to 20,000 lbs.	50.00	25.00	12.50
20,001 lbs. to 30,000 lbs.	67.00	33.50	17.00
Over 30,000 lbs.	67.00	33.50	17.00

TABLE 8

	Annual Fee	Single Trip
10,000 lbs. or less	50.00	5.00
10,001 lbs. to 20,000 lbs.	75.00	7.00
20,001 lbs. to 30,000 lbs.	120.00	10.00
Over 30,000 lbs.	180.00	15.00

CHAPTER 2

ORDINANCES OF YUKON TERRITORY
1957 (First Session)

AN ORDINANCE TO AMEND THE
CONTRIBUTORY NEGLIGENCE ORDINANCE

(Assented to April 5th, 1957.)

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

Section 8
amended.

1. Section 8 of the *Contributory Negligence Ordinance*, chapter 8 of the Ordinances of 1955 (1st session), is repealed and the following substituted therefor:

"8. Where no cause of action exists against the owner or the person operating a motor vehicle by reason of section 137 of the *Motor Vehicles Ordinance*, no damages or contribution or indemnity are recoverable from any person for the portion of the damage or loss caused by the negligence of the owner or the person operating a motor vehicle and the portion of the damage or loss so caused shall be determined although the owner or person is not a party to the action."

2. This Ordinance comes into force on the day of *Motor Vehicles Ordinance*, 1957, comes into force.

CHAPTER 3

ORDINANCES OF YUKON TERRITORY
1957 (First Session)AN ORDINANCE TO AMEND THE
INSURANCE ORDINANCE*(Assented to April 5th, 1957.)*

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 Ordinance*, chapter 1 of the Ordinances of 1956, (1st session), is amended by repealing section 132 and substituting therefor the following: Section 132 substituted.

“132. Every owner's and driver's policy shall insure,

(a) in case of bodily injury or death, to the limit of at least

(i) ten thousand dollars, exclusive of interest and cost, against loss or damage resulting from bodily injury to or the death of any one person,

(ii) twenty thousand dollars, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of two or more persons in any one accident, and

(b) in case of property damage, to the limit of at least two thousand dollars, exclusive of interest and costs, for damage to property resulting from any one accident.”

2. Section 7 of Part III of the Schedule of the said Ordinance as enacted by chapter 10 of the Ordinances of 1956, (2nd session), is repealed and the following substituted therefor: Schedule amended.

“7. Any written notice to the insurer may be delivered at or sent by registered post to the chief agency or head office of the insurer in the Territory or delivered or sent to any authorized agent of the insurer.”

3. This Ordinance comes into force on the day the *Motor Vehicles Ordinance*, 1957, comes into force.

CHAPTER 4

ORDINANCES OF YUKON TERRITORY
1957 (First Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER
TO SELL CERTAIN PROPERTY SITUATE
IN WHITEHORSE

(Assented to April 5th, 1957.)

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 Commissioner is authorized to sell the land described in the Schedule hereto to Francis Herbert Murphy, Civil Servant, Gordon Sheffield Harris, Physician, Margaret Healey, Housewife, Jessie Mennie, Housewife, Harry William Johannes, General Contractor, and David Edgar McAllister, Watchman, all of the City of Whitehorse, in the Yukon Territory, as trustees for a congregation of The United Church of Canada in the said City of Whitehorse, at and for the consideration of seven hundred dollars, and may execute the documents necessary to transfer title of the said land to the aforesaid persons.

SCHEDULE

DESCRIPTION OF LAND THAT MAY BE SOLD BY
THE COMMISSIONER

All those pieces or parcels of land described as follows: the whole of Lots Eleven and Twelve, in Block Fifty-five, in the Townsite of Whitehorse in the Yukon Territory, according to a plan of survey of said Townsite of record in the Land Titles Office for the Yukon Land Registration District under number 3807.

CHAPTER 5

ORDINANCES OF YUKON TERRITORY
1957 (First Session)AN ORDINANCE TO AMEND THE PUBLIC
SERVICE ORDINANCE*(Assented to April 5th, 1957.)*

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 23 of the *Public Service Ordinance*, chapter 3 of the Ordinances of 1956 (2nd session) is repealed and the following substituted therefor: Section 23 substituted.

“23. (1) Casual absences, that is to say, leave for periods of three days’ duration or less on account of the illness of the employee covered by the employee’s own declaration shall not be allowed with pay in excess of eight days in any fiscal year. Casual absences.”

(2) Where the eight days casual absence is exceeded, leave with pay shall not be allowed to an employee for such absences unless Idem.

(a) he produces a medical certificate justifying such absences; or

(b) pursuant to his request in writing, such absences are charged to his annual leave credit.”

2. The portion of subsection (1) of section 26 of the said Ordinance that precedes the table of maximum cash gratuities is repealed and the following substituted therefor: Section 26 amended.

“26. (1) A cash gratuity may be granted to an employee who is being retired by reason of age or ill health or is being laid off, but such grant may not in any case exceed the maximum cash gratuity specified hereunder nor shall it in any case exceed the salary applicable to the

unexpended portion of the employee's accrued sick leave and special leave."

Section 27
substituted.

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

"27. (1) An employee retired for any reason except age or ill health or permitted to resign by the Commissioner is entitled to receive as a gratuity the unexpired portion of his accrued sick leave and special leave at the rate in effect on his last day on active duty but such gratuity shall not be greater than one-half of the cash gratuity he may be granted if he retired or is laid off under the provisions of subsection (1) of section 26.

(2) Notwithstanding subsection (1), a cash gratuity shall not be paid to an employee with less than five years continuous service on the date his retirement or resignation becomes effective."

CHAPTER 6

ORDINANCES OF YUKON TERRITORY
1957 (First Session)AN ORDINANCE TO AMEND THE
BUSINESS LICENCE ORDINANCE

(Assented to April 5th, 1957.)

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 *Business Licence Ordinance*, chapter 21 of the Ordinances of 1952, (1st session), is amended by inserting immediately after section 2 thereof the following section: New
section 2A.

"2A. (1) The Commissioner or a person authorized by him may issue licences under this Ordinance.

(2) Where a person is required by the *Workmen's Compensation Ordinance* to insure and maintain insurance for the protection of his employees, the Commissioner shall refuse to issue a licence to that person under this Ordinance if he fails to produce satisfactory evidence showing that he has complied with the *Workmen's Compensation Ordinance*.

(3) Where a person who is required by the *Workmen's Compensation Ordinance* to insure and maintain insurance for the protection of his employees has failed to comply with that Ordinance, the Commissioner shall suspend or cancel the licence issued to such person.

CHAPTER 7

ORDINANCES OF YUKON TERRITORY
1957 (First Session)

AN ORDINANCE TO AMEND THE
POLL TAX ORDINANCE

(Assented to April 5th, 1957.)

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

**Section 7
amended.**

1. Subsection (1) of section 7 of the *Poll Tax Ordinance*, chapter 29 of the Ordinances of 1955, (1st session), is repealed and the following substituted therefor:

“7. (1) Every employer shall collect the tax from every male person directly or indirectly employed by him for a period of at least one week who is liable for the tax.”

**Section 8
amended.**

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

“8. (1) Every employer shall furnish to the collector, when so requested by the collector, a list of all male persons who are directly or indirectly employed by him.”

CHAPTER 8

ORDINANCES OF YUKON TERRITORY
1957 (First Session)AN ORDINANCE FOR GRANTING TO THE
COMMISSIONER CERTAIN SUMS OF MONEY TO
DEFRAY THE EXPENSES OF THE PUBLIC SERVICE
OF THE TERRITORY*(Assented to April 5th, 1957.)*

WHEREAS it appears by message from Frederick Howard Collins, Esquire, Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" to this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purposes relating thereto, for the twelve months ending March 31, 1957.

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

1. This Ordinance may be cited as the *Supplementary Appropriation Ordinance, 1957.* Short title.
2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding the whole eighty-five thousand, six hundred and thirty dollars (\$85,630.00) for defraying the several charges and expenses of the Public Services of the Yukon Territory and for the twelve months ending March 31, 1957, as set forth in Schedule "A" of this Ordinance. Amount granted.
3. Notwithstanding any other Ordinance or law to the contrary, authorization is hereby given to pay Mr. Ronald Hulland, member for Whitehorse West, the sum of three hundred and thirty dollars (\$330.00) as set forth in Schedule "A" of this Ordinance for services rendered in teaching for twenty-two days in the Whitehorse Public School in an emergency when no other qualified person was available; and the acceptance of this grant by him shall not in any Special grant.

way disqualify him from sitting as a member of the Yukon Territorial Council or cause him to incur any penalty for sitting and voting as a member of the Council.

Account to
be rendered.

4. The due application of all moneys expended shall be duly accounted for.

SCHEDULE "A"

Sums granted to the Commissioner by the Ordinance for the twelve months ending March 31, 1957, and the purposes for which they are granted.

Vote No.	Service	
3.	Education	
	Honorarium—	
	Ronald Hulland	\$,330.00
10.	Capital Account	
	Whitehorse Sewer and Water System	85,300.00
		\$ 85,630.00

CHAPTER 9

ORDINANCES OF YUKON TERRITORY
1957 (First Session)

AN ORDINANCE FOR GRANTING TO THE
COMMISSIONER CERTAIN SUMS OF MONEY TO
DEFRAY THE EXPENSES OF THE PUBLIC
SERVICE OF THE TERRITORY

(Assented to April 5th, 1957.)

WHEREAS it appears by message from Frederick Howard Collins, Esquire, Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" of this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purposes relating thereto, for the twelve months ending March 31, 1958;

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

1. This Ordinance may be cited as the *Appropriation Ordinance 1957-58*. Short title.

2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole three million one hundred and twenty-four thousand two hundred and thirty-eight dollars and seventy-eight cents for defraying the several charges and expenses of the Public Service of the Yukon Territory and for the twelve months ending March 31, 1958, as set forth in Schedule "A" of this Ordinance. Amount granted.

3. The due application of all moneys expended shall be duly accounted for. Moneys to be accounted for.

SCHEDULE "A"

Sums granted to the Commissioner by the Ordinance for the twelve months ending March 31, 1958, and the purposes for which they are granted.

Vote
No.

1. **Yukon Council**

Salaries	\$ 1,000.00	
Travel and Living Allowance	4,500.00	
Freight, Express and Cartage	100.00	
Telephone and Telegraph..	100.00	
Publication of Reports, etc.	2,625.00	
Advertising, Films, Displays, etc.	100.00	
Office Stationery and Equipment	1,000.00	
Sessional Indemnities	10,000.00	\$ 19,425.00

2. **Territorial Treasurer**

Salaries	\$ 44,280.00	
Fees	300.00	
Travelling Expenses	550.00	
Removal Expenses	300.00	
Freight, Express and Cartage	200.00	
Postage	500.00	
Telephone and Telegraph..	300.00	
Publication of Report	400.00	
Office Supplies, Equipment and Stationery	2,450.00	
Materials and Supplies	50.00	
Sundry	150.00	
Unemployment Insurance	225.00	
Holiday Pay	300.00	
Superannuation	850.00	59,855.00

3. **Education**

Salaries	\$307,645.73	
Professional and Special Services	225.00	
Travelling Expenses	1,632.00	
Removal Expenses	4,810.50	
Freight, Express and Cartage	2,990.00	
Postage	415.00	
Telephone and Telegraph..	1,212.00	
Films, Displays and Advertising	1,420.00	
Office Stationery, Supplies, etc.	7,380.20	
Materials and Supplies	4,349.00	
Public Utilities Service	21,250.00	
Repairs and Upkeep of Buildings	13,785.00	
Repairs and Upkeep of Equipment	1,905.00	
Rental of Buildings, etc.....	2,450.00	
Rental of Equipment	4,800.00	
Sundry	2,020.00	
Fuel	43,968.00	
Unemployment, Insurance	410.00	
School Supplies	27,275.00	
Holiday Pay	600.00	
Grants	58,625.00	
Superannuation Fund	375.00	
Correspondence Courses	1,196.00	
In-Service Training	2,700.00	
Bursaries	500.00	513,938.43
		<hr/>

4. **Territorial Secretary**

Salaries	\$ 26,900.00
Professional and Special Services	350.00
Travelling	1,150.00
Freight, Express and Cartage	600.00
Postage	500.00
Telephone and Telegraph..	728.00

Film, Displays and Advertising	600.00	
Office Stationery and Supplies	5,100.00	
Unemployment Insurance	124.80	
Holiday Pay	300.00	
Grants	2,000.00	
Superannuation	714.60	39,067.40
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5. **Health and Public Welfare**

Salaries	\$ 22,660.00	
Professional and Special Services	15,100.00	
Travelling Expenses	2,250.00	
Removal Expenses	200.00	
Freight, Express and Cartage	325.00	
Postage	200.00	
Telephone and Telegraph	815.00	
Film Displays, Advertising	50.00	
Office Stationery and Supplies	475.00	
Materials and Supplies	3,200.00	
Public Utility Services	2,240.00	
Repairs and Upkeep of Equipment	850.00	
Rental of Land and Dwellings	400.00	
Sundry	200.00	
Fuel	1,000.00	
Unemployment Insurance	45.00	
Holiday Pay	250.00	
Grants	84,800.00	
Subsistence	107,780.00	
Clothing	1,600.00	
Superannuation Fund	501.00	
Hospitalization	160,195.00	
Transportation of Persons	6,500.00	
Northern Health Services	41,354.00	452,990.00
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6. **Municipal & Town Administration**

Salaries	\$ 4,150.00	
Freight, Express and Cartage	150.00	
Postage	25.00	
Telephone and Telegraph	260.00	
Materials and Supplies	1,757.15	
Public Utilities	1,260.00	
Repairs and Upkeep of Buildings	200.00	
Repairs and Upkeep of Equipment	750.00	
Acquisition of Fire Fighting Equipment	1,000.00	
Rental of Equipment	100.00	
Sundry	150.00	
Fuel	875.00	
Unemployment Insurance	50.00	
Grants	87,510.80	98,237.95
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7. **Game Department**

Salaries	\$ 9,200.00	
Travelling Expenses	1,550.00	
Freight, Express and Cartage	50.00	
Postage	150.00	
Telephone and Telegraph	300.00	
Films, Displays, Advertising	300.00	
Office Supplies	540.00	
Materials and Supplies	25.00	
Repairs and Upkeep of Equipment	450.00	
Rental of Equipment	50.00	
Miscellaneous	4,000.00	
Unemployment Insurance	40.00	16,655.00
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8. **General**

Witness Fees, etc.	\$ 3,000.00	
Films, Displays, Advertising	5,000.00	
Rental of Buildings, etc. ...	14,500.00	
Sundry	2,000.00	
Insurance	13,535.00	
Workmen's Compensation	7,500.00	45,535.00
		<hr/>

9. **Roads, Bridges and
Public Works**

Salaries and Wages	\$138,425.00	
Travelling Expense	3,200.00	
Removal Expense	500.00	
Freight, Express and Cartage	2,050.00	
Postage	80.00	
Telephone and Telegraph	610.00	
Advertising, Films, etc.	100.00	
Office Supplies	750.00	
Materials and Supplies	37,640.00	
Public Utilities Services....	2,420.00	
Repairs and Upkeep of Buildings	4,150.00	
Repairs and Upkeep of Equipment	16,960.00	
Operating & Maintenance of Equipment	97,395.00	
Sundry	750.00	
Fuel	7,730.00	
Unemployment Insurance	625.00	
Holiday Pay	1,680.00	
Subsistence	4,045.00	
Employees Superan- nation	275.00	
Supplies and spare parts....	15,000.00	334,385.00
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9A. **Roads, Bridges and Public Works—
Whitehorse-Mayo Highway**

Salaries and Wages	\$110,000.00	
Travelling Expenses	1,340.00	
Removal Expenses	1,500.00	
Freight, Express, Cartage	2,000.00	
Postage	25.00	
Films, Displays, Advertising	75.00	
Office Stationery, etc.	150.00	
Materials and Supplies	29,000.00	
Public Utility Services	600.00	
Repairs and Upkeep of Buildings	500.00	
Repairs and Upkeep of Equipment	37,300.00	
Operating Maintenance of Equipment	160,110.00	
Sundry	500.00	
Fuel	4,000.00	
Unemployment Insurance	700.00	
Subsistence	4,500.00	
Workmen's Compensation	2,100.00	
Holiday Pay	2,700.00	
Resurfacing	50,000.00	407,100.00
		<hr/>

9B. **Roads, Bridges and Public Works—
Mayo District Roads**

Salaries and Wages	\$ 1,500.00	
Travelling Expenses	250.00	
Freight, Express, Cartage	150.00	
Materials and Supplies	1,000.00	
Rental of Equipment	4,000.00	
Unemployment Insurance	50.00	6,950.00
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10. **Capital Account**

Construction of Buildings:

Liquor Store—		
Watson Lake	\$ 26,000.00	
Garage — Whitehorse	10,600.00	
New Liquor Store and		
Fire Hall, Mayo	46,900.00	
New School —		
Whitehorse	60,000.00	
Carcross School	2,300.00	
High School —		
Whitehorse	2,440.00	
Road Equipment	237,960.00	
Office Equipment and		
Furniture	2,200.00	
Roads — Construction:		
Whitehorse - Keno		
Road	110,000.00	
Dawson - Stewart		
Crossing Road	91,000.00	
Whitehorse Sewer and		
Water	514,700.00	
Canol Road	35,000.00	1,139,100.00
		<hr/>
		\$ 3,124,238.78
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ORDINANCES
OF THE
YUKON TERRITORY

Passed in the fifth session of the seventeenth Council of the Yukon Territory begun and holden at the City of Whitehorse on the sixth day of November, 1957, and prorogued on the sixteenth day of November, 1957.

CHAPTER 1

ORDINANCES OF YUKON TERRITORY
1957 (Second Session)

AN ORDINANCE RESPECTING LIENS
IN FAVOUR OF MINERS

(Assented to November 16, 1957.)

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 *Miners' Lien Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance, Definitions.
- (a) "mine" or "mining claim" means a mine, claim or mineral claim as defined in the *Yukon Quartz Mining Act* and the *Yukon Placer Mining Act*; "Mine" or "mining claim".
- (b) "miner" means any person working upon a mine or mining claim or in connection therewith; "Miner".
- (c) "owner" includes a person having any estate or interest in a mine or mining claim upon or in respect of which work or service is done or materials are placed or furnished, at whose request and upon whose credit or on whose behalf or with whose consent or for whose direct benefit any such work or service is performed or materials are placed or furnished, and all persons claiming under him or them whose rights are acquired after the work or service or furnishing of materials in respect of which the lien is claimed is commended; and "Owner".
- (d) "registering" or "registration" means the filing or depositing of an instrument with the Mining Recorder. "Registering" and "registration".

LIEN FOR WORK AND MATERIALS

Persons furnishing materials on quartz or placer mining claims to have lien on product of mine and interest of claim holder.

3. (1) Any person who performs any work or service upon or in respect of or places or furnishes any material to be used in the mining or working of any placer or quartz mine or mining claim shall, by virtue thereof, have a lien for the price of such work, service or material upon the minerals or ore produced from and the estate or interest of the owner in the mine or mining claim in or upon or in respect of which such work or service is performed or material furnished, limited however in amount to the sum justly due to the person entitled to the lien.

Lien to attach as against owner and others interested.

(2) The lien shall attach upon the estate or interest of the owner and of all persons having any interest in the mine or mining claim and all appurtenances thereto, the minerals or ores produced therefrom, the land occupied thereby or enjoyed therewith and the chattels, equipment and machinery in, upon or used in connection with such mine, mining claim or land.

To take effect as against subsequent mortgages.

(3) Upon registration, the lien shall attach and take effect as against persons purchasing and mortgagees and other encumbrances registering their mortgages or encumbrances subsequently to the commencement of performance of work or service or furnishing of material in respect of which the lien is claimed.

Priority of Lien.

4. Any lien registered pursuant to this Ordinance shall, as to one-half of the output from the mine or mining claim in respect of which the lien is claimed, take priority over all mortgages and encumbrances registered subsequently to the making of this Ordinance.

REGISTRATION OF LIEN

Claim of lien.

5. (1) A claim of lien may be deposited in the office of the mining recorder for the district in which the mine or mining claim is situate and shall state

- (a) the name and residence of the claimant and of the owner of the property to be charged and of the person for whom and upon whose credit the work or service is performed or material furnished and the time or period within which the same was or was to be performed or furnished;

- (b) the work or service performed or material furnished;
- (c) the sum claimed as due or to become due;
- (d) the description of the property to be charged; and
- (e) the date of the expiring of the period of credit agreed to by the lien holder for payment for his work, service or material where credit has been given.

(2) Such claim shall be verified by the affidavit of the claimant or his agent having a personal knowledge of the facts sworn to. Claim to be verified.

6. A claim may include the claims of any number of miners, labourers or other persons who have performed work or supplied materials who may choose to unite their claims in such case; each claimant shall verify his claim by affidavit but need not repeat the facts set out in the claim. Number of claims.

7. The claim may be registered at any time before the expiration of six months from the last day upon which the work or service or material, the subject matter of the claim, was performed or furnished or where credit has been given from the time fixed for payment. Registration.

8. Every lien that has not been duly deposited under the provisions of this Ordinance shall cease to exist on the expiration of the time hereinbefore limited for the registration thereof. Failure to deposit lien.

PROCEEDINGS TO REALIZE LIEN

9. Every lien that has been duly deposited pursuant to this Ordinance shall cease to exist upon the expiration of sixty days after such deposit unless, in the meantime, proceedings are instituted to realize the claim under this Ordinance and a certificate thereof, granted by the Court, is duly filed in the office of the mining recorder. When lien ceases to exist.

10. (1) Proceedings to enforce any lien may be commenced by originating summons in which will be set forth the grounds upon which such lien is claimed. How enforced.

(2) Such summons shall be granted upon application of the lien holder supported by his affidavit setting forth the facts of his claim.

Court may fix liability.

11. Upon the return of such summons the judge, upon being satisfied that due notice has been given to all persons interested, may adjudicate upon the liability of the owner or other person or persons in respect of the claim or claims and may make such order or orders in the matter including allowance of costs of the proceedings as to him seems meet.

Actions for liens united.

12. (1) Any number of lien holders may join in one summons and any proceedings brought by a lien holder shall be taken to be brought on behalf of all the lien holders who have duly registered their liens before or within sixty days after the commencement of the proceedings or who, within such period of sixty days, files with the clerk of the Court a statement of their respective claims intituled in or referring to such proceedings.

Death of claimant.

(2) In the event of the death of the claimant to whom such summons has been granted or his refusal or neglect to proceed any other lien holder who has duly registered his claim or filed his statement in the manner and within the time limited by this section for that purpose may be allowed to continue and prosecute the proceedings on such terms as are considered by the judge to be just and reasonable.

Sale of estate or interest or material, etc.

(3) If the minerals or ore produced from the mine or mining claim against which the lien is registered are not sufficient to satisfy the liens so registered, the judge may direct a sale of any estate or interest or estates or interests or any material, equipment, machinery and chattels charged with the lien to take place at any time after three months from the recovery of judgment.

Costs.

(4) In any case in which judgment is given in favour of any claimant the judge may adjudge payment to such claimant of his costs of and incidental to registration of his claim of lien.

Vacating registration.

(5) Upon application the judge may at any time after the expiration of sixty days from the commencement of the proceedings, receive payment or security satisfactory to him

for payment of a sum sufficient to pay all claims then duly registered as liens or filed with the clerk of the Court in accordance with subsection (1), together with a sum estimated by the judge to be sufficient to pay all costs mentioned in subsection (4), and the judge may thereupon vacate the registration of any lien or liens then registered against the mine or mining claim the subject matter of the proceedings.

(6) Applications may be made by way of originating summons to the judge at any time by the owner or any person having an estate or interest in the mine or mining claim against which any lien is registered that such lien be vacated, and the judge may upon such application make such order or orders as to him seems meet.

DEATH OF LIEN HOLDER

13. In the event of the death of a lien holder his right of lien shall pass to his personal representative and the right of a lien holder may be assigned by any instrument in writing. Death of
lien holder.

DISCHARGE OF LIEN

14. A lien may be discharged by a receipt signed by the claimant or his agent and verified by affidavit and filed with the clerk of the Court; such a receipt shall be numbered and entered like other instruments but need not be copied in any book.

FEEES

15. The fee for registering any instrument under this Ordinance is two dollars for the first claim and ten cents for each additional claim.

FORMS

16. The forms set forth in the Schedule hereto shall be deemed sufficient for the purposes specified in such Schedule.

REPEAL

17. The following Ordinances and amendments thereto are repealed:

- (i) the *Miners Lien Ordinance*, chapter 52 of the Consolidated Ordinances of 1914;
- (ii) *An Ordinance to Amend the Miners Lien Ordinance*, chapter 8 of the Ordinances of 1917; and
- (iii) *An Ordinance to Amend the Miners Lien Ordinance*, chapter 3 of the Ordinances of 1937.

SCHEDULE

Form A

ORIGINATING SUMMONS

In the Territorial Court of
the Yukon Territory

(Here insert style of cause or matter)

Let all parties concerned attend in Court at
on the day of on the hearing of an appli-
cation on the part of that (*here set out*
the object of the application).

If you do not attend either in person or by your advocate at the time and place above mentioned such order will be made in your absence as to the Court seems just and expedient.

Judge

This summons was taken
out by
for the applicant

Form B

CLAIM OF LIEN

A.B., (*name of claimant*) of (*here state residence of claimant*), (*if so, as assignee of state name and residence of original lien holder*) claims a lien under the *Miners' Lien Ordinance* upon the estate or interest of (*here state the name and residence of the entrant or lessee of the mine or mining claim upon which the lien is claimed*) in the undermentioned mine or mining claim in respect of the following work done (*or materials furnished*) (*here give a short description of the work done or materials furnished and for which the lien is claimed*) which work was (*or is to be*) done (*or materials furnished*) for (*here state the name and residence of the person upon whose credit the work is done or materials furnished*) on or before the day of

The amount claimed as due (*or to become due*) is the sum of \$.

The following is the description of the mine or mining claim to be charged: (*here set out a concise description of the mine or mining claim to be charged sufficient for the purpose of registration*).

(*When credit has been given, insert:* The said work was done (*or materials were furnished*) and the period of credit agreed to expired (*or will expire*) on the day of ,19 .)

Dated at this day of A.D. 19 .

.....
(*Signature of Claimant*)

Form C

CLAIM OF LIEN FOR WAGES

A.B., (*name of claimant*) of (*here state residence of claimant*)
 (*if so, as assignee of state name and residence of original lien holder*)
 claims a lien under the *Miners' Lien Ordinance*, upon the estate
 of (*here state the name and residence of the owner of the mine or*
mining claim upon which the lien is claimed) in the undermentioned
 mine or mining claim in respect of _____ days' work
 performed thereon while in the employment of (*here state the*
name and residence of the person upon whose credit the work is done)
 on or before the _____ day of

The amount claimed as due is the sum of \$

The following is the description of the mine or mining
 claim to be charged: (*here set out a concise description of the mine*
or mining claim to be charged sufficient for the purpose of registra-
tion).

Dated at _____ this _____ day of
 A.D. 19 _____ .

.....
 (*Signature of claimant*)

Form D

CLAIM OF LIEN FOR WAGES WHEN
SEVERAL CLAIMANTS

The following persons claim a lien under the *Miners' Lien Ordinance* upon the mine or mining claim of (*here state the name and residence of the entrant or lessee of the mine or mining claim*) in respect of wages for labour performed thereon while in employment of (*here state name and residence or names and residences of employers of the several persons claiming the lien*).

A.B., of (residence)	\$	for	days' wages.
C.D., of	\$	for	days' wages.
E.F., of	\$	for	days' wages.

The following is the description of the mine or mining claim to be charged: (*here set out concise description of the mine or mining claim to be charged sufficient for the purpose of registration*).

Dated at _____ this _____ day of
A.D. 19 _____

.....
(*Signatures of the several claimants*)

(*if any of the above named claimants are assignees of the original lien holder that fact must be stated and the name and residence of the original lien holder stated.*)

Form E

AFFIDAVIT VERIFYING CLAIM

I, A.B., named in the above (*or* annexed) claim do make oath that the said claim is true (*or* the said claim so far as it relates to me is true.)

We, A.B., and C.D., named in the above (*or* annexed) claim, do make oath and each for himself saith that the said claim, so far as it relates to him is true.

(Where affidavit is made by agent or assignee, a clause must be added to the following effect: I have full knowledge of the facts set forth in the above annexed claim.)

Sworn before me at
 in the Yukon Territory, this }
 day of }
 A.D. 19 }

or

The said A.B., and C.D. were }
 severally sworn before me at }
 in the Yukon }
 Territory, this day of }
 A.D. 19 }

or

The said E.F., was sworn be- }
 fore me at }
 in the Yukon Territory this }
 day of }
 A.D. 19 }

CHAPTER 2

—————

ORDINANCES OF YUKON TERRITORY
1957 (Second Session)

AN ORDINANCE TO PROVIDE FOR ANNUAL
VACATIONS WITH PAY FOR EMPLOYEES

(Assented to November 16, 1957.)

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 *Annual Vacations Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance, Definitions.
- (a) "employee" means a person who is in receipt of or entitled to any remuneration for labour or services performed for another; "Employee".
- (b) "employer" means any person, firm or corporation employing one or more employees, and includes every agent, manager, representative, contractor, subcontractor or principal and every other person who "Employer".
- (i) has control or direction of one or more employees.
or
- (ii) is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the receipt of wages by, one or more employees;
- (c) "holiday" means any day for which an employee is entitled under any law, custom or agreement or under his contract of service to be paid wages without being present at work; "Holiday".

- “Total wage”. (d) “total wage”, in respect of any period of employment of an employee, means all remuneration which the employee is paid or is entitled to be paid by his employer, whether or not payment is actually made during that period of employment, in respect of the labour or service which he performs for his employer during that period of employment and includes
- (i) sums deducted from the said remuneration for any purpose whatever;
 - (ii) remuneration which the employee is paid or is entitled to be paid by his employer whether or not payment is actually made during that period of employment, in respect of any annual vacation or holiday that his employer permits him to take during that period of employment;
 - (iii) the cash value of any board or lodging provided by his employer during that period of employment, being
 - (A) the amount that is actually deducted from the wages of the employee by his employer for that board or lodging under the authority of any contract or agreement, or
 - (B) if no such contract or agreement exists, four dollars per week for board and one dollar and fifty cents per week for lodging,
 but does not include any bonus, incentive pay, overtime pay or shift differential; and

- “Vacation wage”. (e) “vacation wage” in respect of any period of employment of an employee, means one twenty-sixth of the employee’s total wage for that period of employment.

APPLICATION

- Application. 3. This Ordinance does not apply to
- (a) employees employed in any undertaking in which only members of the employer’s family are employed; and
 - (b) employees employed in domestic service in a private residence.

ENTITLEMENT

4. Every employee is entitled after each year of his employment with any employer to an annual vacation of two weeks. Employee entitled to vacation.

5. Where an employee is entitled to an annual vacation under section 4, the employer Vacation periods.

(a) may permit the employee to take such annual vacation in one period of two weeks or in two periods of one week, and

(b) shall permit the employee to take the entire annual vacation to which he is entitled within ten months after the date on which he becomes entitled to it.

6. (1) Every employee who is permitted by his employer to take an annual vacation under section 5 shall be paid by his employer in respect of that annual vacation his vacation wage for the year immediately preceding the date on which he becomes entitled to that annual vacation as provided in this section. Vacation wage.

(2) Where an employee is permitted by his employer to take his annual vacation in one period of two weeks, the vacation wage referred to in subsection (1) shall be paid to him in full by his employer not later than the day immediately preceding the commencement of his annual vacation.

(3) Where an employee is permitted by his employer to take his annual vacation in two periods of one week, one-half of the vacation wage referred to in subsection (1) shall be paid to him not later than the day immediately preceding the commencement of each of the two periods.

7. Where any holiday occurs during the period of any annual vacation that an employee has been permitted by his employer to take under this Ordinance, the period of the annual vacation shall be increased by one working day and the employee shall be paid by his employer, in addition to the vacation wage which he is entitled to be paid on account of that annual vacation, the wages that he is entitled to be paid for the holiday. Holiday occurring during vacation.

Payment of
vacation
pay on
termination
of employment.

8. Where the employment of an employee with an employer is terminated at any time after the expiration of thirty days from the date of the commencement of the employment, the employer shall forthwith pay to him, in addition to all other amounts due to him, his vacation wage for his period of employment with that employer, but if the employee has at any time been permitted by that employer to take an annual vacation under any Ordinance, custom or agreement or under his contract of service, the employer shall be deemed to have complied with the provisions of this section if he forthwith pays to the employee, in addition to all other amounts due to him, his vacation wage for his period of employment between the date on which he became entitled to the last annual vacation that he was permitted to take and the date of the termination of his employment.

Employer
not to dis-
criminate
against
employee.

9. No employer shall discharge or threaten to discriminate against any employee

- (a) for testifying or consenting to testifying in any investigation or proceeding relating to the enforcement of this Ordinance, or
- (b) for giving any information to the Commissioner or a person authorized by him regarding the annual vacation that any employee is entitled to or has been permitted to take under this Ordinance or the vacation wage that any employee has been paid or is entitled to be paid under this Ordinance.

Employer to
keep
Ordinance
posted.

10. Every employer employing three or more employees to whom this Ordinance applies shall post and keep this Ordinance in a conspicuous place where his employees are engaged in their duties.

Employer
to keep
record of
employees.

11. Every employer employing any employee to whom this Ordinance applies shall keep a record showing in the case of each of his employees

- (a) the name of the employee;
- (b) the dates of the commencement and termination of his employment;

- (c) the dates on which each annual vacation is taken;
- (d) the employee's total wage and vacation wage for any period of employment;
- (e) all deductions made from the employee's vacation wage for any purpose whatever, and the purpose for which each such deduction is made; and
- (f) the amount paid to the employee in respect of each annual vacation to which he is entitled and the amount paid to the employee upon the termination of his employment, and the dates of payment.

12. The Commissioner or any person authorized by him may at any reasonable time

Commissioner may inspect records.

- (a) inspect the record described in section 11 in use by any employer for the time being or any such record used by that employer during the preceding two years;
- (b) require any employer to verify the entries in such record by statutory declaration or in such manner as the Commissioner may require; and
- (c) require any person to furnish, in a form acceptable to the Commissioner or a person authorized by him, such information as the Commissioner or such person deems necessary to ascertain whether the provisions of this Ordinance are being or have been complied with.

13. All money payable by an employer to any employee under this Ordinance and any money ordered to be paid by an employer under subsection (2) of section 18 shall, for all purposes, be deemed to be salary or wages earned by the employee.

Money deemed to be wages.

14. For the purposes of this Ordinance, the employment of any employee with the employer by whom he was employed on the day this Ordinance comes into force shall be deemed to have commenced on the latest of the following dates:

Commencement of employment.

- (a) the date on which the employee's employment with that employer actually commenced; or

- (b) the date on which the employee last became entitled to any annual vacation under any Ordinance, custom or agreement or under his contract of service.

Employee may enter into agreement with employer.

15. Notwithstanding anything in this Ordinance, an employer and an employee may enter into a written agreement to the effect that, because of shortage of labour, the employee will not take an annual vacation to which he is entitled under section 4, the employer shall not be subject to the provisions of section 5 with respect to that employee, but the employer shall nevertheless, within ten months after the date on which the employee became entitled to an annual vacation, pay to him, in addition to all other amounts due to him, his vacation wage for the year immediately preceding the date on which he became entitled to the said annual vacation.

Effect on other Ordinances.

16. (1) Nothing in this Ordinance affects any provision in any Ordinance, agreement or contract of service or any custom which ensures to employees more favourable conditions than those provided by this Ordinance.

(2) Any provision in any Ordinance, agreement or contract of service or any custom which is less favourable to employees than the provisions of this Ordinance is superseded by this Ordinance.

Other Ordinances not to affect rights of employee.

17. (1) No agreement, whether heretofore or hereafter entered into, shall have any force or effect in so far as it deprives any employee of any right, power, privilege or other benefit provided by this Ordinance.

(2) No employer shall require an employee to return to him, nor shall he accept from an employee, either the whole or any part of any vacation wage which he paid to that employee under the provisions of this Ordinance.

OFFENCES AND PENALTIES

Offences.

18. (1) Every person who

- (a) fails to comply with any provision of this Ordinance;

- (b) with intent to deceive, makes any false or misleading statement in any communication, whether in writing or otherwise, to the Commissioner; or
- (c) interferes with or obstructs the Commissioner or a person authorized by him in the exercise of any power conferred upon him by this Ordinance;

is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars for the first offence and in default of payment to imprisonment for a term not exceeding thirty days, and for each subsequent offence, to a fine not exceeding two hundred dollars and in default of payment to imprisonment for a term not exceeding ninety days.

(2) Where an employer is convicted of failure to pay to any employee any vacation wage, or part thereof, that he is required to pay under this Ordinance, the justice shall, in addition to the fine imposed, order the employer to pay to him forthwith an amount equal to the vacation wage or part thereof that the employer failed to pay to the employee, and the justice shall pay the said amount to the employee forthwith upon receipt of it.

(3) Where an employer fails to pay any money ordered to be paid under subsection (2), the justice may, in addition to any penalty prescribed by subsection (1), order that the employer be imprisoned for a further term not exceeding ninety days.

REPEAL

19. The following Ordinances are repealed:

Repeal.

- (i) the *Annual Holidays Ordinance*, chapter 8 of the Ordinances of 1950 (2nd session); and
- (ii) *An Ordinance to Amend the Annual Holidays Ordinance*, chapter 1 of the Ordinances of 1954 (2nd session).

CHAPTER 3

ORDINANCES OF YUKON TERRITORY
1957 (Second Session)

AN ORDINANCE TO REGULATE CERTAIN MATTERS
RELATING TO LABOUR

(Assented to November 16, 1957.)

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

SHORT TITLE

Short title. 1. This Ordinance may be cited as the *Labour Provisions Ordinance*.

INTERPRETATION

- Definitions. 2. In this Ordinance,
- "Day". (a) "day" means any period of twenty-four consecutive hours;
- "Employee". (b) "employee" means any person who is in receipt of or entitled to any remuneration for labour or services performed for another;
- "Employer". (c) "employer" means any person, firm or corporation employing one or more employees, and includes every agent, manager, representative, contractor, subcontractor or principal and every other person who
- (i) has control or direction of one or more employees, or
- (ii) is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the receipt of wages by, one or more employees;
- "Public work". (d) "public work" includes any work or building under the control of the Commissioner;

- (e) "shop" means a place or establishment where whole-sale or retail trade is carried on or where services are dispensed to the public for profit; and "Shop".
- (f) "week" means the period between midnight on Saturday and midnight on the immediately following Saturday. "Week".

HOURS OF LABOUR

3. (1) Subject to this Ordinance, no employer shall require or permit an employee to work ^{Hours of work.}

- (a) in any day for more than eight hours, or
- (b) in any week for more than
- (i) forty-four hours in the case of an employee employed in a shop, and
 - (ii) forty-eight hours in the case of any other employee.
- (2) This Ordinance does not apply to
- (a) an employee who is a member of the family of his employer;
 - (b) a person employed for the purpose of searching for minerals;
 - (c) a travelling salesman who, in the course of his duties, regularly travels to places at least ten miles distant from his place of residence;
 - (d) a person whose principal duties are solely of a supervisory or managerial character; or
 - (e) a person who performs only custodial or maintenance duties and who does not actively work more than one-half of the time during which he is on duty.

(3) Notwithstanding subsection (1), an employer may require or permit an employee, other than an employee engaged in mining operations underground in a shaft or tunnel, to

work or to be at his disposal during any day or week for more than are provided for in that subsection if he pays to such employee during the hours in excess of those provided for in that subsection at the rate of not less than one and one-half times the regular rate of wages at which the employee is employed.

(4) Notwithstanding anything in this section, with the consent of representatives elected by employees who work in shifts in mining operations, an employer engaged in mining operations may, in order to facilitate the arrangement or rotation of shifts, require or permit any such employees to work or to be at his disposal for more than eight hours in any day or forty-eight hours in any week without paying such employee at the rate provided by subsection (3) unless the average number of hours worked by any such employee over a period of four weeks exceeds eight hours per day or forty-eight hours per week.

(5) Subsection (1) applies to employees engaged on public works of the Territory unless the Commissioner otherwise prescribes, and the Commissioner may also prescribe that subsection (3) applies to any such employees.

(6) No payment shall be made out of public funds of the Territory for work done in violation of this Ordinance, and the Commissioner may declare void any contract relating to a public work in respect of which this Ordinance is violated.

MONTHLY PAY DAY

Pay days.

4. (1) Any company engaged in mining operations shall pay to its employees within ten days after the expiration of each period of employment all wages earned during such period of employment.

(2) The period of employment referred to in subsection (1) shall not be longer than one calendar month.

(3) When an employee described in subsection (1) is discharged from or ceases his employment other than at the ordinary or regular time of the termination of his employment, the company shall forthwith upon such discharge or cessation of employment pay to the employee all wages then owing to him.

WAGES

5. An employer who employs an employee in a shop shall pay such employee not less than the wages that are generally accepted as current for persons employed in the district in the same character or class of work. Wages.

6. In all mining camps in the Territory where an employer employs more than three employees at one time, the employer shall furnish to such employees, in addition to their wages, such board and lodgings as may be determined between the employer and representatives elected by the employees. Mining camps.

7. An employer who holds a contract for the performance of a public work of the Territory shall pay his employees who are engaged on or in connection with such public work not less than the current per diem wages paid by the Territory for similar work in the district. Public works.

8. (1) No action shall be brought by an employee against an employer either before or after the termination of his services unless the action is commenced within twelve months after the date upon which the cause of action first arose. Limitation of action.

(2) The right to recover under this Ordinance applies only to the wages of an employee during the period of six months preceding the termination of his services or the taking of action by him pursuant to this Ordinance, whichever first occurs.

RECORDS

9. (1) Every employer shall keep in his principal place of business in the Territory a record of the hours worked each day by, and the wages paid to each of his employees. Records of hours and wages.

(2) On demand of the Commissioner or a person authorized by him, an employer shall produce for inspection the record mentioned in subsection (1).

OFFENCE AND PENALTY

10. An employer or any one acting on behalf of an employer who violates any provision of this Ordinance is guilty Offences.

of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars, and in default of payment to imprisonment for a term not exceeding three months, and he is guilty of a separate offence for each employee affected by the violation.

REPEAL

Repeal.

11. The following Ordinances are repealed:

- (i) *An Ordinance Respecting the Hours of Labour on Public Works*, chapter 6 of the Ordinances of 1917;
 - (ii) *An Ordinance to Provide for a Monthly Pay Day in Certain Cases*, chapter 8 of the Ordinances of 1921;
 - (iii) *An Ordinance to Regulate the Hours of Labour and the Minimum Wage to be Paid in Mining Operations*, Chapter 2 of the Ordinances of 1937;
 - (iv) *An Ordinance to Amend an Ordinance to Regulate the Hours of Labour and the Minimum Wage to be Paid in Mining Operations*, chapter 20 of the Ordinances of 1945;
 - (v) *The Fair Wages Ordinances*, chapter 7 of the Ordinances of 1946;
 - (vi) *The Hours of Labour Ordinance*, chapter 16 of the Ordinances of 1951 (1st session);
 - (vii) *An Ordinance to Amend the Hours of Labour Ordinance*, chapter 10 of the Ordinances of 1954 (1st session); and
 - (viii) *An Ordinance to Amend the Fair Wages Ordinance*, chapter 11 of the Ordinances of 1954 (1st session).
-

CHAPTER 4

ORDINANCES OF YUKON TERRITORY
1957 (2nd Session)

AN ORDINANCE RESPECTING THE FLORAL EMBLEM
OF YUKON TERRITORY

(Assented to November 16, 1957.)

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 flower known botanically as *Epilobium angustifolium* and popularly known as "fireweed" is adopted and shall be deemed to be the floral emblem of the Yukon Territory. Adoption of floral emblem.

CHAPTER 5

ORDINANCES OF YUKON TERRITORY
1957 (Second Session)

AN ORDINANCE TO PROVIDE FOR THE ORDERLY
DEVELOPMENT OF UNORGANIZED AREAS

(Assented to November 16, 1957.)

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

SHORT TITLE

Short title. 1. This Ordinance may be cited as the *Area Development Ordinance*.

INTERPRETATION

Definition. 2. In this Ordinance, "development area" means an area designated as such by the Commissioner.

POWERS OF COMMISSIONER

Commissioner may designate development area. 3. The Commissioner may designate as a development area any area in the Territory where he considers that it will be necessary in the public interest to regulate the orderly development of such area as contemplated by this Ordinance.

Regulations. 4. (1) The Commissioner may make regulations for the orderly development of a development area respecting

(a) the zoning of the area, including the allocation of land in the area for agricultural, residential, business, industrial, educational, public or other purposes;

(b) the regulation or prohibition of the erection, maintenance, alteration, repair or removal of buildings;

(c) streets, roads, lanes, sidewalks, parks, street lighting and street transit;

- (d) public health, including the supply, treatment and purification of water, the collection and disposal of garbage and other sewage, hospitals, and the burial of destitute persons;
- (e) fire protection; and
- (f) animals.

(2) The Commissioner shall cause to be tabled any regulation made by him pursuant to subsection (1) at the session of Council next following the making of such regulation.

5. (1) Where by a regulation under this Ordinance a certain matter or thing is directed to be done and is not done or a certain matter or thing is directed to be not done and is done by any person, the Commissioner or any person authorized by him may order the person who is in default under the regulations to remedy his default and if he fails to do so within thirty days of the day on which the Commissioner's order is served on him or mailed to him at his last known address by registered mail, the Commissioner or any person authorized by him may

Power to order remedy of default.

- (a) take such action as he sees fit to have the default remedied; and
- (b) recover from such person the expenses thereof with costs of action in any court of competent jurisdiction.

Action to remedy default.

(2) The action taken by the Commissioner or any person authorized by him to have any default remedied may include the destruction, alteration or removal of any buildings, structures or portions thereof.

PENALTY

6. Every person who violates any regulation made under this Ordinance is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars.

Penalty for violation of regulations.

CHAPTER 6

ORDINANCES OF YUKON TERRITORY
1957 (Second Session)

AN ORDINANCE RESPECTING CONTROVERTED
ELECTIONS

(Assented to November 16, 1957.)

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

SHORT TITLE

Short title. 1. This Ordinance may be cited as the *Controverted Elections Ordinance*.

INTERPRETATION

Definitions. 2. In this Ordinance,

"Clerk". (a) "Clerk" means Clerk of the Court;

"Election". (b) "election" means the election in respect of which the respondent named in a Petition was declared elected as a member of the Council;

"Electoral district". (c) "electoral district" means an electoral district within the meaning of the *Elections Ordinance*;

"Petition". (d) "Petition" means a Petition brought under this Ordinance;

"Petitioner". (e) "petitioner" means a person who brings a Petition; and

"Respondent". (f) "respondent" means a person against whom a Petition is brought.

APPLICATION OF RULES OF COURT

Judicature Ordinance and rules of Court to apply to proceedings.

3. (1) A Petition and all proceedings thereunder shall be deemed to be a civil proceeding to be dealt with as such by the Court, and all provisions of the *Judicature Ordinance* and

the rules of Court under that Ordinance shall, in so far as they are not inconsistent with this Ordinance, apply, *mutatis mutandis*, to such Petition and proceedings.

(2) Practice and procedure on appeals from the judgment of a Court under this Ordinance shall be as prescribed by section 35 of the *Yukon Act*.

Procedure on appeals.

4. Unless authorized to be made *ex parte* by a provision of this Ordinance, all applications to the Court in connection with proceedings under a Petition shall be made in chambers by notice of motion.

Application to Court to be made in chambers by notice of motion.

PETITIONS

5. Any person who was a duly qualified elector at an election may, at any time within thirty days after publication in the *Canada Gazette* of the name of a person declared elected as a member of the Council for an electoral district at such election, bring a Petition against the election of such person.

When and by whom Petition may be brought.

6. A Petition shall be in Form A and shall set forth

Form and contents of Petition.

- (a) the right of the petitioner to petition,
- (b) a brief statement identifying the holding and results of the election,
- (c) a brief summary of the facts and grounds that the respondent was not eligible for election as a member of the Council relied upon by the petitioner, and
- (d) the prayer that the election of the respondent be declared void and set aside.

7. (1) The Petition shall be filed within the time prescribed in section 5 with the Clerk.

Filing of Petition.

(2) The petitioner shall, at the time of filing the Petition, deposit with the Clerk the sum of five hundred dollars as security for the costs of the respondent in respect of proceedings under the Petition.

Security for costs.

Service of
Petition.

8. (1) Subject to subsection (2), a copy of the Petition shall be served, within twenty days after it has been filed, upon the respondent.

Extension of
time for
service, etc.

(2) The Court may, upon *ex parte* application by the petitioner and upon being satisfied from his affidavit that he has been unable to effect service of the Petition upon the respondent after making all reasonable effort to do so, extend the time for effecting service, not exceeding ten days for each extension, or may order substitutional service in such manner as the Court deems expedient.

Address for
service on
petitioner.

9. (1) The Petition shall have endorsed thereon an address at which service may be made on the petitioner of any documents arising out of proceedings under the Petition.

Address for
service on
respondent.

(2) The respondent shall, within ten days after service of the Petition under section 8, file with the Clerk an address at which service may be made on the respondent of any documents arising out of any proceedings under the Petition.

How service
is effected.

(3) Where any documents are required to be served on the petitioner or the respondent, they shall be lawfully served by leaving them with a responsible adult person at the respective addresses referred to in this section and, where no address is given or where the address given is distant more than three miles from the office of the Clerk, they shall be lawfully served by filing them with the Clerk.

Withdrawal
of Petition.

10. A petitioner may withdraw his Petition at any time by filing a written notice of such withdrawal with the Clerk and by serving a copy thereof on the respondent and the Court shall, in such case, upon application by the respondent, order the petitioner to pay the respondent's costs.

APPLICATION ARISING OUT OF PETITIONS

Application
to set aside
Petition.

11. The respondent may, within twenty days after service of the Petition upon him, apply to the Court to set the Petition aside on any of the following grounds:

(a) that the petitioner is not qualified to bring the Petition;

- (b) that the Petition was not filed or served within the time prescribed;
- (c) that the prescribed security for costs was not deposited; or
- (d) that the Petition does not disclose sufficient facts and grounds for declaring void and setting aside the election of the respondent.

12. (1) The respondent may, within twenty days after service of the Petition upon him or, if he has made application under section 11 to set it aside, within five days after the disposal of such application, apply to the Court for an order for particulars or for further and better particulars of the facts and grounds relied upon to support the Petition.

Application for particulars.

(2) The Court may order such particulars or such further and other particulars as it deems necessary to ensure a fair trial and may, in such order, prescribe the time in which such particulars shall be delivered to the applicant and that, in default of delivery, the petitioner shall be precluded from adducing evidence at the trial of the Petition with respect to the facts and grounds of which such particulars are ordered.

Order.

TRIAL OF PETITIONS

13. Where a Petition is not withdrawn or set aside and all applications that may be made with respect thereto have been disposed of or the time for making such applications has expired, the Petition shall be at issue and may be set down for trial.

When Petition ready for trial.

14. The petitioner may, at any time after a Petition is at issue, apply to the Court to appoint a time and place for trial of the Petition and the Court shall, on being satisfied that the Petition is at issue, appoint a time and place for trial.

Setting down for trial by petitioner.

15. (1) Where a petitioner does not, within thirty days after the Petition is at issue, make an application to set it down for trial, the respondent may apply to the Court to dismiss the Petition.

Application to dismiss for want of prosecution Order.

Dismissal or setting down for trial of Petition.

(2) The Court may, upon application under this section, dismiss the Petition or appoint a time and place for trial of the Petition, as it deems advisable.

Open court.

16. A Petition shall be tried in open court.

Directions and reasons for and entry of judgment.

17. (1) The Court shall file with the Clerk its directions as to the judgment to be entered and its reasons therefor and thereupon the petitioner or respondent may, subject to approval of its terms by the Court, enter a formal declaratory judgment pursuant to such directions.

Order as to costs.

(2) A judgment under this section shall include such provisions as to recovery of costs as the Court has directed.

Report to Commissioner.

(3) The Court shall, within fourteen days after filing its directions as to judgment, make and forward to the Commissioner a report of the judgment and directions and reasons therefor.

Report of stay or appeal.

(4) The Court shall, as soon as possible, report to the Commissioner any stay of proceedings after judgment or any appeal taken from its judgment.

Where Petition dismissed.

18. (1) Where the judgment dismisses the Petition, the respondent shall continue to be a member of the Council as if the Petition had never been brought.

Where Petition is allowed.

(2) Where the judgment declares that the respondent's election is void and should be set aside, the Commissioner shall, after receiving the report of the Court under section 17, make an order declaring that the respondent's election is void and set aside, and thereupon the respondent's election is void and set aside.

Not to apply during stay or appeal.

(3) Where there is a stay of proceedings after judgment or an appeal taken from the judgment, this section shall not apply until the stay of proceedings is vacated or the appeal dismissed.

Written admission of wrongful election.

19. (1) A respondent may file a written notice, supported by his affidavit containing his reasons therefor, admitting that the Petition should be allowed and that his election should be declared void and set aside.

(2) A copy of the notice and affidavit shall be served upon the petitioner. Service.

(3) Where the Court is satisfied with the *bona fides* of the notice under subsection (1), it may permit the petitioner to enter, subject to approval of its terms by the Court, a formal declaratory judgment that the respondent's election is void and should be set aside. Entry of judgment.

(4) The provisions of sections 17 and 18 as to entry, report and effect of judgments apply to judgments under this section. Effect.

APPEALS

20. Where an appeal, as provided in section 35 of the *Yukon Act*, is taken from the judgment of a Court given under this Ordinance, the Court shall, as soon as possible, send the Commissioner a report of the judgment on appeal and the reasons, if any, given therefor and, upon receipt of the report by the Commissioner, the consequences of such judgment on appeal shall take effect in the same manner as in the case of the judgment of a Court under section 18. Effect of judgment on appeal.

COSTS

21. (1) Unless otherwise provided in this Ordinance, costs of a Petition and any proceedings thereunder may be awarded as the Court may in its discretion decide. Cost in discretion of Court.

(2) The Court may order that any costs to be paid by the petitioner be paid, after final determination of the Petition, out of the security for costs deposited by the petitioner, but such an order shall not be construed as prohibiting the respondent from recovering costs or any portion thereof by any other lawful means. Costs may be paid out of security deposited.

NO COUNTING OF BALLOTS

22. Nothing in this Ordinance shall be construed as authorizing the Court in proceedings under this Ordinance to count or recount the ballots cast in an election. No power to count ballots.

EFFECTIVE DATE

23. This Ordinance shall come into force on a day to be fixed by order of the Commissioner. Coming into force.

REPEAL

Repeal. 24. *An Ordinance Respecting Controverted Elections*, chapter 22 of the Consolidated Ordinances, 1914, is repealed.

SCHEDULE

FORM A

PETITION

In the Territorial Court of the Yukon Territory.

Between

.....
Petitioner,

and

.....
Respondent.

The Petition of, of, showeth:
(residence) (occupation)

1. An election was held on the.....day of....., 19..... (state day of general polling day) for the electoral district of at which,, and were candidates for election as members of the Council of the Yukon Territory and the said.....has been returned as the person elected at the said election.

2. The Petitioner was a duly qualified elector at the said election because (state qualifications).

3. The Petitioner says (state facts and grounds on which the Petitioner relies).

WHEREFORE the Petition prays that it may be declared that the election of the said is void and that it be set aside.

Dated the.....day of....., A.D. 19.....

CHAPTER 7

ORDINANCES OF YUKON TERRITORY
1957 (Second Session)

AN ORDINANCE RESPECTING THE ELECTION OF
MEMBERS TO THE COUNCIL OF THE
YUKON TERRITORY

(Assented to November 16, 1957.)

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 *Elections Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance, Definitions.
- (a) "election" means an election of members to the Council of the Yukon Territory, and "Elections"
- (b) "polling division" means a polling division as defined in the *Canada Elections Act*. "Polling division".

APPLICATION OF CANADA ELECTIONS ACT

3. The *Canada Elections Act* applies to elections as provided in that Act. Application of Canada Election Act.

ELECTORAL DISTRICTS

4. There shall be five electoral districts as described in the Schedule. Electoral districts.

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS

5. Except as provided in this Ordinance, the *Canada Elections Act* and the Yukon Act, every person, man or woman, is qualified to vote in the polling division in which he or she ordinarily was resident on the date of the issue of the writ ordering an election, if he or she Qualifications of electors.

- (a) is of the full age of twenty-one years or attains that age on or before polling day at the election;
- (b) is a Canadian citizen;
- (c) is not an Indian within the meaning of the *Indian Act*;
- (d) has been ordinarily resident in the Territory for the twelve months immediately preceding polling day at the election; and
- (e) at a by-election only, continues to be ordinarily resident in the electoral district until polling day at the by-election.

Disqualifi-
cation of
electors.

6. The following persons are disqualified from voting at an election:

- (a) the returning officer for each electoral district during his term of office, except when there is an equality of votes on the official addition of the votes or on a recount;
- (b) every judge;
- (c) every person undergoing punishment as an inmate in any penal institution for the commission of any offence;
- (d) every person who is restrained of his liberty of movement or deprived of the management of his property by reason of a mental disease; and
- (e) every person who has committed at an election of members to the Council of the Yukon Territory or at an election of members to serve in the House of Commons of Canada an offence that is a corrupt or illegal practice within the meaning of the *Canada Elections Act* and who has been found guilty of such offence by a court of competent jurisdiction, from the time of commission of such offence for a period of seven years thereafter in the case of an offence that is a corrupt practice and from the time of commission of such offence for a period of five years thereafter in the case of an offence that is an illegal practice.

RULES AS TO RESIDENCE OF ELECTORS

7. The following rules apply to the interpretation of the words "ordinarily resident" and "ordinarily resided" in respect of all matters pertaining to the right of an elector to vote in an election:

Meaning of "ordinarily resident" and "ordinarily resided".

- (a) subject to the other provisions of this section, the question as to where a person is or was ordinarily resident at any material time or during any material period shall be determined by reference to all the facts of the case;
- (b) the place of ordinary residence of a person is, generally, that place which has always been, or which he has adopted as, the place of his habitation or home where-to, when away therefrom, he intends to return and, specifically, where a person usually sleeps in one place and has his meals or is employed in another place, the place of his ordinary residence is where the person sleeps;
- (c) a person can have only one place of ordinary residence and it cannot be lost unless or until another is gained;
- (d) a person's place of ordinary residence is, generally, where his family is but, where he is living apart from his family and intends to live so apart from it in another place, the place of ordinary residence of such person is that other place;
- (e) temporary absence from a place of ordinary residence does not cause a loss or change of place of ordinary residence;
- (f) for the purpose of a general election, every person shall be deemed to continue until polling day to ordinarily reside in the polling division in which he was ordinarily resident at the date of the issue of the writ of election, and no actual change of residence during the intervening period shall deprive him of his right to vote in such polling division or entitle him to vote in any other polling division, unless he is one of the persons described in paragraph (g) and exercises his rights thereunder, in which event he is not

To consider facts of case.

Place of ordinary residence is his home.

One place of residence only.

Place of residence in relation to family.

Temporary residence.

Residence at date of issue of writ of election to govern.

to be entitled to vote in the polling division in which he was ordinarily resident at the date of the issue of the writ of election;

Clergymen and teachers.

(g) for the purpose of a general election, any of the following persons, who between the date of the issue of the writ of election and polling day, changes his place of ordinary residence from one electoral district to another is, if otherwise qualified and he so elects, entitled to vote in the polling division in which he is ordinarily resident at the time of his application, if

(i) being a minister, priest or ecclesiastic of any religious faith or denomination, he is in charge of or permanently attached to an established place of worship or recognized mission of his church situate in the electoral district to which he is removed, or

(ii) being a teacher, he is employed under a contract with the appropriate educational authority and is engaged in teaching at a school situate in the electoral district to which he is removed;

Students.

(h) notwithstanding anything in this Ordinance, for the purpose of a general election, a person who, on the date of the issue of the writ of election, is duly registered and in attendance at a recognized educational institution and for such purpose resides outside the polling division in which he ordinarily resides is, if he is otherwise qualified as an elector, entitled to vote in the polling division in which he ordinarily resides and, if the institution is in the Territory, he is entitled to vote in the polling division in which he resides at the date of the issue of the said writ or the polling division in which he ordinarily resides as he may elect:

Temporary workers.

(i) subject to paragraph (j), a person shall be deemed to be ordinarily resident, on the date of the issue of the writ ordering a general election, in a polling division in which he is temporarily resident while temporarily employed in the pursuit of his ordinary gainful occupation and, if he is otherwise qualified as an elector, is entitled to vote in that polling division at the election as long as he is still temporarily residing therein

on polling day while still temporarily employed in the pursuit of his ordinary gainful occupation;

- (j) no person shall for the purpose of this Ordinance, be deemed to be ordinarily resident, at the date of the issue of the writ ordering an election in such district, in an electoral district to which he has come for the purpose of engaging temporarily in the execution of any federal or territorial public work, or as a resident in any camp temporarily established in connection with any such public work under federal or territorial government control and located in such electoral district; Persons temporarily engaged in public works.
- (k) no person shall, for the purpose of this Ordinance, be deemed to be ordinarily resident, at the date of the issue of the writ of election, in lodgings, hostels, refuges or similar institutions conducted for charitable or semi-charitable purposes, unless he has been in continuous residence in such lodgings, hostels, refuges or similar institutions for at least ten days immediately preceding the date of the issue of such writ; Persons residing in hostels, refuges, etc.
- (l) a person who, for at least ten days immediately preceding the date of the issue of a writ of election, has been in continuous residence in a sanatorium, a chronic hospital or a similar institution for the treatment of tuberculosis or other chronic diseases shall, for the purposes of this Ordinance, be deemed to be ordinarily resident on such date, in the sanatorium, chronic hospital or similar institution; and Persons residing in sanatorium, etc.
- (m) a person shall not be deemed to have lost his place of ordinary residence in the Territory by reason only of the fact that he has been absent from such place of ordinary residence while serving in the Canadian Forces or in any other of Her Majesty's Army, Navy or Air Forces. Persons in armed forces.

QUALIFICATIONS AND DISQUALIFICATIONS OF CANDIDATES

8. Subject to section 9, any person who is qualified to vote at an election is eligible to be nominated and elected as a member of the Council for the electoral district in which he or she is ordinarily resident. Qualifications of candidates.

Disqualifi-
cations of
candidates.

9. (1) The following persons are not eligible to be nominated or elected as members of the Council:

- (a) every person who, directly or indirectly, alone or with any other person, by himself or by the interposition of any trustee or third party, is holding, enjoying, undertaking or executing any contract or agreement, express or implied, with or for the Territory or with or for any of the officers of the Territory, for which any public money of the Territory is to be paid during the time he is so holding, enjoying, undertaking or executing;
- (b) every person who is
 - (i) a member of the House of Commons of Canada,
 - (ii) a member of the legislature of any province, or
 - (iii) a member of the Council of the Northwest Territories,
 during the time he is such a member; and
- (c) every person accepting or holding any office, commission or employment, permanent or temporary, in the service of the Government of Canada or the Territory, at the nomination of the Crown or at the nomination of any of the officers of the Government of Canada or the Territory, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached during the time he is so holding any such office, commission or employment.

(2) Subsection (1) does not render the following persons ineligible to be nominated or elected as members of the Council:

- (a) a member of Her Majesty's Forces who is on active service as a consequence of war;
- (b) a shareholder in any incorporated company having a contract or agreement with the Territory, except any company which undertakes a contract for the building of any public work;

- (c) a person on whom the completion of any contract or agreement, express or implied, devolves by descent or limitation, or by marriage, or as devisee, legatee, executor or administrator, until twelve months after it has so devolved upon him ;
- (d) a contractor for a loan of money or of securities for the payment of money to the Government of the Territory under the authority of the Commissioner in Council, after public competition, or respecting the purchase or payment of the public stock or debentures of the Territory on terms common to all persons ;
- (e) a member of the reserve forces of the Canadian Forces who is not on full-time service other than active service as a consequence of war ; or
- (f) a justice of the peace, judge of the juvenile court or a person having an appointment made by the Commissioner by reason of which such person is entitled to charge and retain a fee.

10. No person who is ineligible to be a candidate at an election is eligible to be elected or to be or sit as a member of the Council.

REPEAL AND COMING INTO FORCE

11. *An Ordinance Respecting Elections*, chapter 7 of the Ordinances of 1919, *The Registration of Voters' Ordinance*, chapter 23 of the Ordinances of 1952 (1st session) and sections 1 and 4 of, and Schedule 1 to *An Ordinance Respecting the Council of the Yukon Territory*, chapter 23 of the Consolidated Ordinances, 1914, are repealed. **Repeal.**

12. This Ordinance shall come into force on a day to be fixed by order of the Commissioner. **Coming into force.**

SCHEDULE

The following are the Electoral Districts in the Yukon Territory:

ELECTORAL DISTRICT OF DAWSON

The Electoral District of Dawson comprises all that portion of the Yukon Territory lying west of the 138th meridian of west longitude and north of the 63rd parallel of north latitude.

ELECTORAL DISTRICT OF MAYO

The Electoral District of Mayo comprises all that portion of the Yukon Territory lying east of the 138th meridian of west longitude and north of the 63rd parallel of north latitude.

ELECTORAL DISTRICT OF CARMACKS-KLUANE LAKE

The Electoral District of Carmacks-Kluane Lake comprises all that portion of the Yukon Territory lying south of the 63rd parallel of north latitude and north of the 61st parallel of north latitude.

ELECTORAL DISTRICT OF WHITEHORE EAST

The Electoral District of Whitehorse East comprises all that portion of the Yukon Territory lying south of the 61st parallel of north latitude and east of a line described as commencing at the intersection of the east bank of Lake Laberge with the 61st Parallel of north latitude; thence southerly along the east bank of Lake Laberge and the right bank of the Yukon River to the intersection of said right bank of the Yukon River with the production easterly of the south boundary of Lot 10, Group 804; thence westerly along said production of the south boundary of Lot 10 and its production westerly to the centre line of the Two-mile Road; thence southerly along the centre line of Two-mile Road to the centre line of Fourth Avenue of the City of Whitehorse and the production southerly of said centre line of Fourth Avenue to its intersection with the centre line of the main line of the White Pass and Yukon Railway; thence southerly along the said centre line of the White Pass and Yukon Railway to its intersection with the 135th meridian of

west longitude; thence southerly along the 135th meridian of west longitude to its intersection with the south boundary of the Yukon Territory.

ELECTORAL DISTRICT OF WHITEHORSE WEST

The Electoral District of Whitehorse West comprises all that portion of the Yukon Territory lying south of the 61st parallel of north latitude and west of a line described as commencing at the intersection of the east bank of Lake Laberge with the 61st parallel of north latitude; thence southerly along the east bank of Lake Laberge and the right bank of the Yukon River to the intersection of said right bank of the Yukon River with the production easterly of the south boundary of Lot 10, Group 804; thence westerly along said production of the south boundary of Lot 10 and its production westerly to the centre line of the Two mile Road; thence southerly along the centre line of Two-mile Road to the centre line of Fourth Avenue of the City of Whitehorse and the production southerly of said centre line of Fourth Avenue to its intersection with the centre line of the main line of the White Pass and Yukon Railway; thence southerly along said centre line of the White Pass and Yukon Railway to its intersection with the 135th meridian of west longitude; thence southerly along the 135th meridian of west longitude to its intersection with the south boundary of the Yukon Territory.

CHAPTER 8

ORDINANCES OF YUKON TERRITORY
1957 (Second Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER OF THE YUKON TERRITORY TO ENTER INTO AN AGREEMENT WITH THE MINISTER OF CITIZENSHIP AND IMMIGRATION OF CANADA RESPECTING THE EDUCATION OF INDIAN CHILDREN IN THE CITY OF WHITEHORSE

(Assented to November 16, 1957.)

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 *Whitehorse School Agreement Ordinance*.
- Definitions. 2. In this Ordinance,
- “Agreement”. (a) “Agreement” means the Agreement entered into under section 3 and includes any amending agreement entered into under section 5.
- “Commissioner”. (b) “Commissioner” means the Commissioner for the Yukon Territory; and
- “Minister”. (c) “Minister” means the Minister of Citizenship and Immigration for Canada.
- Commissioner may execute Agreement. 3. The Commissioner may, on behalf of the Yukon Territory, enter into an Agreement with the Minister to the effect that
- (a) the Commissioner will
- (i) arrange for the construction of a public school in the City of Whitehorse at a place and according to plans approved by the Minister, and for the letting of all contracts therefor, the supervision of construction and the payment of all costs of construction;

- (ii) make provision for all equipment, supplies and staff necessary for the operation of the school, and for the payment of all accounts and salaries necessary for its administration;
 - (iii) submit at regular intervals to the Minister during the construction of the school engineering progress reports on its construction and estimates of the costs of such construction;
 - (iv) accept up to one hundred and twenty Indian children enrolled in grades four to eight and residing at the hostel to be maintained by the Minister in the City of Whitehorse;
 - (v) ensure that there will be no segregation of children in the school on account of race;
 - (vi) permit the Minister or a person designated by him to visit and inspect the school at any reasonable time; and
 - (vii) have the school built and in operation not later than the 15th day of September, 1959; and
- (b) the Minister will
- (i) pay to the Commissioner out of moneys appropriated for that purpose by the Parliament of Canada fifty per cent of the total cost of construction of the school, including the cost of purchasing the land and the furnishings for the school, such moneys to be paid quarterly on the basis of the progress reports and estimates of the costs of construction prepared by the engineer or architect in charge of construction; and
 - (ii) pay to the Commissioner annually a school fee determined by multiplying the average cost per pupil of operating the school during the year by the total number of Indian children in attendance at the school during the year.

4. The Agreement shall also provide,

- (a) that on completion of the school title thereto will vest solely in the Commissioner, and that the Minister shall have no proprietary interest in it whatsoever;

Additional provisions of Agreement.

- (b) that the payment by the Minister of any of the moneys mentioned in this Ordinance does not entitle him to any part in the management of the school; and
- (c) for such other terms as may be agreed upon for the purpose of giving effect to the provisions of this Ordinance.

Terms or conditions may be amended.

5. The Commissioner may, on behalf of the Yukon Territory, enter into an agreement not inconsistent with the provisions of this Ordinance, amending the terms or conditions of the Agreement.

Powers of Commissioner.

6. The Commissioner is empowered to do every act and exercise every power for the purpose of implementing any obligation assumed by the Yukon Territory under the Agreement.

CHAPTER 9

ORDINANCES OF YUKON TERRITORY
1957 (Second Session)

AN ORDINANCE RESPECTING A
FINANCIAL AGREEMENT BETWEEN THE YUKON
TERRITORY AND THE GOVERNMENT OF CANADA

(*Assented to November 16, 1957.*)

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

1. This Ordinance may be cited as the *Financial Agreement Ordinance, 1957.* Short title.

2. In this Ordinance, Definitions.
 - (a) "Agreement" means the Agreement entered into under section 3 and includes any amending Agreement entered into under section 5; "Agreement".

 - (b) "fiscal year" means the period beginning on and including the 1st day of April in one year and ending on the 31st day of March in the next year; "Fiscal year".

 - (c) "municipality" includes any board, commission or other authority created by the Territory which levies or has the right to levy taxes, licence fees, royalties or rates; "Municipality".

 - (d) "population of Canada" means "Population of Canada".
 - (i) for a calendar year in which a census thereof was taken, the population as ascertained by the census, and
 - (ii) for any other year, the population on the 1st day of June in that year as estimated by the Dominion Statistician, on the assumption that the population changed at a uniform rate annually between censuses;

"Value of the gross national product".

- (e) "value of the gross national product" means, for any year, the total value at market prices of all goods and services produced in the year by the labour, capital and enterprise of persons resident in Canada as determined by the Dominion Statistician minus the amount that the Dominion Statistician determines to be the component thereof representing indirect taxes after first deducting from such taxes the amount of any subsidies by governments towards current cost of production; and

"Value of the gross national product per capita".

- (f) "value of the gross national product *per capita*" means, for any year, the value of the gross national product divided by the population of Canada for that year.

Commissioner may execute Agreement.

3. The Commissioner may, on behalf of the Yukon Territory, enter into an Agreement with the Minister of Finance of Canada on behalf of the Government of Canada that provides

- (a) that the Government of Canada will pay to the Government of the Yukon Territory
 - (i) for the fiscal year ending in 1958, and in each of the four immediately following fiscal years, a subsidy of nine thousand seven hundred and fifty-two dollars being eighty cents per head in respect of a population of twelve thousand one hundred and ninety persons, being the population of the Yukon Territory for the year 1956 as ascertained by the census taken in that year:
 - (ii) for the fiscal year ending in 1958, and for each of the four immediately following fiscal years, a grant of thirty thousand dollars in aid of the Government and Council of the Yukon Territory: and
 - (iii) for the fiscal year ending in 1958, the sum of four hundred and nineteen thousand dollars and for each of the four immediately following fiscal years the greater of
 - (A) the quotient obtained by dividing

1. four hundred and nineteen thousand dollars multiplied by the value of the gross national product *per capita* for the calendar year immediately preceding the calendar year in which the fiscal year for which the payment is made commenced,

by

2. the value of the gross national product *per capita* for the calendar year 1956, or

(B) ninety-five per cent of the sum paid under this subparagraph in the immediately preceding fiscal year; and

(b) that the Government of the Yukon Territory will suspend and refrain, and require municipalities in the Territory to suspend and refrain from the imposition, levying and collection of

(i) individual income taxes, corporation taxes and corporation income taxes in respect of the period of five years commencing on the 1st day of January, 1957, and ending on the 31st day of December, 1961, and

(ii) succession duties in respect of successions or transmissions consequent upon or upon property passing upon death occurring during the period of five years commencing on the 1st day of April, 1957, and ending on the 31st day of March, 1962.

4. The Agreement entered into under this Ordinance shall also provide

Additional provisions of Agreement.

(a) that payments on account of the amounts payable by the Government of Canada to the Government of the Yukon Territory referred to in subparagraph (iii) of paragraph (a) of section 3 under the Agreement in respect of a fiscal year shall be made quarterly on the 30th day of June, the 30th day of September, the 31st day of December and the 31st day of March, respectively, in the fiscal year, and the payments on account of population subsidy and in aid of the Government of the

Yukon Territory and its Council shall be made semi-annually on the 1st day of July and on the 1st day of January in the fiscal year, and

- (b) such other terms as may be agreed upon for the purpose of giving full effect to the provisions of this Ordinance, for improvement in the technical procedures required to give effect to the Agreement and generally to give effect to the meaning and intent of this Ordinance.

Terms or conditions may be amended.

5. The Commissioner on behalf of the Yukon Territory may enter into an Agreement, not inconsistent with the provisions of this Ordinance, amending the terms or conditions of the Agreement.

Suspension of Ordinances.

6. Upon execution of the Agreement, the Ordinances of the Territory, and any regulations, rules, by-laws or orders made thereunder, including those of any municipality, shall, for the relevant periods provided in the Agreement, but no longer, be deemed to be amended, suspended, or inoperative, as the case may be, to the extent necessary to give effect to the Agreement and to permit the Government of the Yukon Territory to fulfil every obligation assumed by it under the Agreement.

No tax collections contravening Agreement.

7. Neither the Commissioner nor any municipality shall do any act or exercise any power or collect any tax in contravention of the provisions of the Agreement.

Taxes reduced for period of Agreement.

8. In any case in which by the Agreement any tax or fee is required to be reduced, such tax or fee is, for the relevant periods provided in the Agreement, but no longer, reduced in accordance with the Agreement, and the tax or fee in the reduced amount only shall continue to be payable, exigible and recoverable in the same manner as if it had not been reduced.

Powers of Commissioner.

9. The Commissioner has power to do every act and exercise every power for the purpose of implementing in every respect every obligation assumed by the Government of the Yukon Territory under the Agreement.

10. Sections 6 to 9 shall remain in operation only so long as necessary to give effect to the terms of the Agreement.

Operation
of sections
6 to 9.

11. This Ordinance is retroactive to the extent necessary to give effect to the Agreement.

Retroactive
effect.

CHAPTER 10

ORDINANCES OF YUKON TERRITORY
1957 (Second Session)

AN ORDINANCE TO AMEND THE OLD AGE
ASSISTANCE AND BLIND PERSONS
ALLOWANCE ORDINANCE

(Assented to November 16, 1957.)

1952 (1st) c. 12.
1952 (2nd) c. 10.
1955 (3rd) c. 23.

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

Section 3
amended.

1. Subsections (1) and (2) of section 3 of the *Old Age Assistance and Blind Persons Allowance Ordinance* are repealed and the following substituted therefor:

Agreement
respecting
assistance.

"3. (1) The Commissioner may, on behalf of the Yukon Territory, enter into an agreement with the Minister of National Health and Welfare of Canada on behalf of the Government of Canada to provide a general scheme of assistance in accordance with this Ordinance and the Federal Act to persons who have attained the age of sixty-five years, and for the payment by the Government of Canada to the Yukon Territory in respect of any recipient of an amount equal to not less than fifty per cent of forty-six dollars monthly or the amount of the assistance paid out monthly for assistance, whichever is the lesser.

Agreement
respecting
allowances.

(2) The Commissioner may, on behalf of the Yukon Territory, enter into an agreement with the Minister of National Health and Welfare of Canada on behalf of the Government of Canada to provide a general scheme of allowances in accordance with this Ordinance and the Federal Act to blind persons who have attained the age of eighteen years, and for the payment by the Government of Canada to the Yukon Territory in respect of any recipient of an amount equal to not less than seventy-five per cent of forty-six dollars monthly or of the amount paid out monthly for allowances whichever is the lesser."

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

“(a) to a recipient whose application has been approved, assistance not exceeding forty-six dollars monthly under the conditions specified in this Ordinance and the regulations and the Federal Act;

(b) to a recipient whose application has been approved, an allowance not exceeding forty-six dollars monthly under the conditions specified in this Ordinance and the regulations and the Federal Act; and”

3. This Ordinance shall be deemed to have come into force on the 1st day of July, 1957. Coming into force.

CHAPTER 11

ORDINANCES OF YUKON TERRITORY
1957 (Second Session)

AN ORDINANCE TO AMEND THE DISABLED
PERSONS ALLOWANCE ORDINANCE

(Assented to November 16, 1957.)

1955 (1st) c. 15.
1956 (2nd) c. 7.

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

Section 3
amended.

1. Section 3 of the *Disabled Persons Allowance Ordinance*, is repealed and the following substituted therefor:

Agreement
respecting
allowances.

“3. (1) The Commissioner may on behalf of the Yukon Territory enter into an agreement with the Minister of National Health and Welfare on behalf of the Government of Canada to provide a general scheme of allowances to disabled persons in accordance with this Ordinance and the Federal Act and for payment by the Government of Canada to the Yukon Territory in respect of any recipient of an amount equal to not less than fifty per cent of forty-six dollars monthly to the recipient, whichever is the lesser.

(2) An agreement made under this Ordinance may be varied or amended from time to time by agreement of the Government of Canada and the Commissioner.”

Section 4
amended.

2. Paragraph (a) of section 4 of the said Ordinance is repealed and the following substituted therefor:

“(a) to a recipient whose application has been approved an allowance not exceeding forty-six dollars monthly under the conditions specified in this Ordinance and the regulations and the Federal Act and any agreement made under section 3; and”

Coming into
force.

3. This Ordinance shall be deemed to have come into force on the 1st day of July, 1957.

CHAPTER 12

ORDINANCES OF YUKON TERRITORY
1957 (Second Session)AN ORDINANCE TO AMEND THE
MOTOR VEHICLES ORDINANCE*(Assented to November 16, 1957.)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: 1957 (1st) c. 1.

1. Section 33 of the *Motor Vehicles Ordinance*, chapter 1 of the Ordinances of 1957 (1st session), is repealed and the following substituted therefor: Section 33 substituted.

“33. (1) Every holder of a chauffeur’s or operator’s licence who is convicted of Licence shall be delivered on conviction for endorsement.

- (a) an offence under this Ordinance;
- (b) an offence under section 221, 222, 223, 225 or 281 of the *Criminal Code*;
- (c) the offence of manslaughter or criminal negligence under section 192 or 193 of the *Criminal Code* committed in either case by a person while operating a motor vehicle;
- (d) an offence under a provision of a municipal by-law that fixes a speed limit within a municipality; or
- (e) an offence under a provision of the regulations made pursuant to the *Government Property Traffic Act* that fixes a speed limit;

shall forthwith deliver his licence to the Judge or magistrate making the conviction, and the Judge or magistrate shall endorse on the licence the particulars of the conviction.

Magistrate may suspend or cancel licence of offender.

(2) A Judge or a magistrate who convicts the holder of a chauffeur's licence or an operator's licence of

- (a) an offence under this Ordinance;
- (b) an offence under a provision of a municipal by-law that fixes a speed limit within a municipality; or
- (c) an offence under a provision of the regulations made pursuant to the *Government Property Traffic Act* that fixes a speed limit;

may, upon making the conviction, suspend or cancel the licence and shall send the suspended or cancelled licence to the Commissioner, together with a report setting out the nature of the conviction and the circumstances of the offence."

Coming into force.

2. This Ordinance shall come into force on the 1st day of April, 1958.

CHAPTER 13

ORDINANCES OF YUKON TERRITORY
1957 (Second Session)

AN ORDINANCE TO AMEND
THE HOSPITAL AID ORDINANCE

(Assented to November 16, 1957.)

The Commissioner of the Yukon Territory, by and with 1955 (1st) c. 2.
the advice and consent of the Council of the said Territory,
enacts as follows:

1. Paragraph (a) of section 3 of the *Hospital Aid Ordinance* Section 3
amended.
is repealed and the following substituted therefor:

“(a) every such hospital shall receive not more than three
dollars for each day’s actual treatment and stay of
every patient;”

CHAPTER 14

ORDINANCES OF YUKON TERRITORY
1957 (Second Session)

AN ORDINANCE TO AMEND THE
MUNICIPAL ORDINANCE

(Assented to November 16, 1957.)

1949 (2nd) c. 8. The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

Section 2 amended.

1. Paragraph (18) of section 2 of the *Municipal Ordinance* is repealed.

Section 56 amended.

2. Subsection (4) of section 56 of the said Ordinance is repealed and the following substituted therefor:

“(4) Only persons who are qualified to vote at an election and

(a) whose names appear on the voters' list as certified by the Judge, or

(b) who have complied with the requirements of section 85,

may vote at the election.”

Section 84 amended.

3. All that portion of section 84 of the said Ordinance preceding paragraph (a) thereof is repealed and the following substituted therefor:

Procedure at polling place.

“84. Where any person presents himself in accordance with section 83 for the purpose of voting, the Deputy Returning Officer shall examine the copy of the list of voters for the polling division and if he ascertains that the name of such person appears on the copy of the list or that such person has complied with the requirements of section 85, he shall”

Section 85 substituted.

4. Section 85 of the said Ordinance is repealed and the following substituted therefor:

"85. (1) A person who, under section 49, is qualified to vote at an election but whose name does not appear on the voter's list may vote at the election upon complying with the provisions of this section.

Persons not named in voters' list.

(2) The Deputy Returning Officer shall administer to the person applying to vote an oath in the following form:

Oath to be administered.

'Do you solemnly swear (or affirm) that you are of the full age of twenty-one years; that you are a British subject; that you are otherwise qualified to vote within the meaning of section 49 of the *Municipal Ordinance*; that you have not before voted at this election and that you have not received or been promised any consideration whatsoever for voting at this election.'

(3) The person applying to vote shall be vouched for by a person whose name appears on the voters' list and the person vouching shall take or shall have taken an oath to the effect that his name appears on the voters' list and that he knows the person applying to vote and verily believes he is qualified to vote under section 49."

Persons to be vouched for

5. Subsection (1) of section 86 of the said Ordinance is repealed and the following substituted therefor:

Section 86 amended.

"86. (1) Where the Deputy Returning Officer has ascertained that

Initialling and delivery of ballots.

- (a) the name of a person presenting himself in accordance with section 83 for the purpose of voting appears on the copy of the list of voters for the division, or such person has complied with the requirements of section 85, and
- (b) all proper entries in respect of such person have been made in the poll book in the manner prescribed by section 84,

the Deputy Returning Officer shall write his initials on the back of a ballot paper for mayor and a ballot paper for aldermen and shall deliver the same to such person."

Section 254
amended.

6. (1) Section 254 of the said Ordinance is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

"Actual
value".

"(1a) A reference in this section to the "actual value" of any property shall be construed as a reference to the actual value of that property determined in accordance with such rules, standards and methods for the determination of such value for the purposes of assessment and taxation as may be prescribed by the Commissioner from time to time by regulation."

(2) Any regulation made under subsection (1a) of section 254 of the said Ordinance as enacted by this section shall, if the regulation so provides, be effective with reference to a period prior to the making thereof.

CHAPTER 15

ORDINANCES OF YUKON TERRITORY
1957 (Second Session)AN ORDINANCE FOR GRANTING TO THE
COMMISSIONER CERTAIN ADDITIONAL SUMS OF
MONEY TO DEFRAY THE EXPENSES OF THE
PUBLIC SERVICE OF THE TERRITORY*(Assented to November 16, 1957.)*

WHEREAS it appears by message from Frederick Howard Collins, Esquire, Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" to this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purposes relating thereto, for the twelve months ending March 31, 1958.

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

1. This Ordinance may be cited as the *First Supplementary Supply Ordinance, 1957-58.* Short title.

2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole three hundred and sixty-one thousand three hundred and ninety-nine dollars and twenty-five cents for defraying the several charges and expenses of the Public Service of the Yukon Territory and for the twelve months ending March 31st, 1958, as set forth in Schedule "A" of this Ordinance. Amount granted.

3. The due application of all moneys expended shall be duly accounted for. Moneys to be accounted for.

SCHEDULE "A"

Sums granted to the Commissioner by the Ordinance for the financial year ending March 31st, 1958, and the purposes for which they are granted.

Vote No.	Service	Amount	Total
2	Territorial Treasurer		
	Salaries	\$ 7,400.00	\$ 7,400.00
3	Education		
	Office Stationery, Supplies and Equipment	4,050.00	
	Repairs and Upkeep of Buildings	11,905.00	
	School Supplies	8,125.00	
	Grants	20,615.00	44,695.00
		<hr/>	
6	Municipal and Town Administration	\$ 18,700.00	18,700.00
9	Roads, Bridges and Public Works		
	Salaries	1,445.00	
	Operating Maintenance of Equipment	41,406.11	
	Flood Control	72,693.14	
	Dawson Boundary Road Maintenance	50,000.00	
	Liquor Store, Whitehorse	4,400.00	169,944.25
		<hr/>	
10	Capital Account		
	Buildings	\$ 17,300.00	
	Equipment	82,860.00	
	Roads	20,500.00	120,660.00
			<hr/>
			\$361,399.25
			<hr/>

INDEX

INDEX
TO
ORDINANCES OF 1957

FIRST SESSION

APPROPRIATION ORDINANCE
1957-58, c. 9, p. 89

**AUTHORIZATION TO COMMISSION-
ER TO SELL PROPERTY IN
WHITEHORSE, c. 4, p. 82**

**BUSINESS LICENCE ORDINANCE,
an Ordinance to Amend the, c. 6, p. 85**
New section 2A

**MOTOR VEHICLES ORDINANCE, c. 1,
p. 1**

A. SUMMARY OF PARTS

Part	Subject and Sections	Page
	Interpretation (s. 2)	1
I	Registration and Licensing of Vehicles (ss. 3-24)	2-16
II	Chauffeur's and Operator's Licences (ss. 25-39)	16-20
III	Equipment (ss. 40-61)	20-27
IV	Rules of the Road (ss. 62-132)	28-56
V	Responsibility for Accidents (ss. 133-145)	57-61
VI	Safety Responsibility (ss. 146-149)	61-67
VII	Administration (ss. 150-155)	67-71
VIII	Enforcement Provisions (ss. 156-168)	71-75

B. INDEX, BY PARTS

INTERPRETATION

Chauffeur, defined, 2(a)
Dealer, defined, 2(b)
Driver, defined, 2(c)
Gain or reward, defined, 2(d)
Gross weight, defined, 2(e)
Highway, defined, 2(f)
Intersection, defined, 2(g)
Licence, defined, 2(h)
Livery, defined, 2(i)
Taxicab, defined, 2(j)
Motor vehicle, defined, 2(j)
Municipality, defined, 2(k)

Officer, defined, 2(l)
Operator, defined, 2(m)
Owner, defined, 2(n)
Permit, defined, 2(o)
Prescribed, defined, 2(p)
Public service vehicle, defined, 2(q)
Registrar, defined, 2(r)
Settlement, defined, 2(s)
Traction engine, defined, 2(t)
Trailer, defined, 2(u)
Truck, defined, 2(v)
Truck tractor, defined, 2(w)
Vehicle, defined, 2(x)

INDEX

Motor Vehicles Ordinance, c. 1

PART I

REGISTRATION AND LICENSING OF VEHICLES

Sections 3-24

Pages 2-16

- Certificate of registration
 - no false statement of facts in, 9
 - Registrar may issue, 10, 11
 - date of expiry, 11(2)
 - renewal of, 11(3)
 - delivery of, on transfer, 14(2)
 - failure to notify Registrar of sale, 24(e)
- Commissioner
 - may grant PSV licence, 5(4)
 - suspension of licence, 6(8)
 - reciprocal arrangements by, 21
- Dealer's licences
 - licence, 15
 - offence, 16, 17
 - equipment to comply with Ordinance, 18
 - in transit markers, 19
- Equipment
 - dealers must supply before sale, 18
- Exemption of non-residents, 20, 21, 22, 23
- In transit markers, 19
- Licence plates
 - Registrar shall issue, 11
 - shall not operate on highway without, 12(1)
 - to be distinctly visible, 12(2)
 - shall carry two, 12(3)
 - motorcycles require one, 12(4)
 - trailer require one, 12(5)
 - shall remain property of Crown, 12(6)
 - where lost or destroyed, 13
 - shall remain affixed to vehicle on transfer, 14(2)
 - prohibitions respecting, 24
- Livery licences
 - licence required, 7(1)
 - fees, 7(2)
 - consideration of application, 7(3)
 - licence not transferable, 7(4)
 - return of licence, 7(5)
 - suspension of licence, 7(7)
- Motor vehicles insurance, 8
- Non-residents, 20-23
 - registration of vehicles of, 20
 - reciprocal arrangements with provinces, 21
 - permit for delivery goods within Territory, 22
 - vehicles of visiting force exempted, 23
- Permit for foreign motor vehicles delivery goods within Territory, 22

- Public Service Vehicles
 - licence required, 6(1)
 - application for licence, 6(2)
 - form of application, 6(3)
 - fee to accompany application, 5(3)
 - granting of licence, 5(4)
 - issue of licence plates, 6(5)
 - renewal of licence, 6(6)
 - transfer of licence, 6(7)
 - suspension of licence, 6(8)
 - display of licence and plates, 6(9), (10)
 - withdrawal from service, 6(11)
 - capacity to be marked on vehicle, 6(13)
 - operation of, in conformity with law, 6(16)
- Reciprocal arrangements with other provinces, 21
- Registrar
 - shall keep register, 4
 - application to, for registration, 5(1)
 - form of application, 5(2)
- Registration of motor vehicle, 3
- Registration of vehicles of non-residents, 20
- Transfer of motor vehicle
 - owner shall notify Registrar, 14(1)
 - delivery of certificate of registration, 14(2)
- Visiting force
 - vehicles of, exempted, 23

PART II

OPERATOR'S AND CHAUFFEUR'S LICENCES

Sections 25-39

Pages 16-20

- Age, 26
- Applicant
 - may be examined, 27
- Application
 - form prescribed, 28
 - for renewal, 34(1)
- Cancellation and suspension, 32, 33
- Chauffeur's licence
 - required, 25(1)
 - exemption, 25(2)(3)(4)
 - Registrar may issue, 26(1)
 - age, 26(3)(4)
 - applicant for, may be examined, 27
 - form of application for, 28
 - fee, 29
 - signature on licence required, 30
 - expiry date, 31
 - Commissioner may suspend or cancel, 32
 - delivery on conviction for endorsement, 33(1)

INDEX

Motor Vehicles Ordinance, c. 1

- Chauffeur's licence (cont'd)
 - Magistrate may suspend or cancel, 33(2)
 - renewal of, 34(1)
 - when duplicate may be obtained, 34(2)
 - permitting persons without licence to drive, 35
 - operating without, 37(1)
 - employing persons without, 37(2)
 - using another person's, 38
 - applying for, while licence suspended, 39
- Exemption
 - for non-residents, 25(2)
 - for learners, 25(3)
 - for members of visiting force, 25(4)
- Expiry date, 31
- Fees, 29, 34(1)
- Magistrate
 - may endorse licence on conviction, 33(1)
 - may suspend or cancel licence, 33(2)
- Non-residents
 - exemption from obtaining driver's licence, 25(1)
 - learners, exemption for, 25(3)
- Operator's licence
 - required, 25(1)
 - exemption, 25(2)(3)(4)
 - Registrar may issue, 26(1)
 - age, 26(2)
 - applicant may be examined, 27
 - form of application, 28
 - fee, 29
 - signature on licence required, 30
 - expiry date, 31
 - Commissioner may suspend or cancel, 32
 - delivery on conviction for endorsement, 33(1)
 - Magistrate may suspend or cancel, 33(2)
 - renewal of, 34(1)
 - when duplicate may be obtained, 34(2)
 - permitting persons without licence to drive, 35
 - operating without, 37(1)
 - using another person's, 38
 - applying for, while licence suspended, 39
- Prohibitions, 35-39
- Registrar
 - may issue operator's or chauffeur's licence, 26(1)
 - may renew licences, 34(1)
- Renewal of licences, 34
- Signature required on licence, 30
- Visiting force
 - exemption for, members, 25(4)

PART III

EQUIPMENT

Sections 40-61

Pages 20-27

- Bicycles, lights for, 43
- Brakes
 - motor vehicle to be equipped with, 50(1)
 - inspection for, 50(2)
 - standards, 50(3)(4)
 - for trailers, 50(5)
 - standards, 50(6)(7)
 - emergency, 50(8)
- Coupling devices, 60
- Dimming headlights, 49
- Emergency brake, 50(8)
- Exhaust whistles prohibited, 51(4)
- Flares, 48
- Headlights
 - requirements respecting, 41
- Horn
 - every motor vehicle shall carry, 51(1)
 - sound, when necessary, 51(2)
 - unnecessary sounding prohibited, 51(5)
- Inspection of brakes, 50(2)
- Lights
 - vehicle must be equipped with, 40(1)
 - requirements respecting, 41
 - for motorcycles, 42
 - for bicycles, 43
 - for trailers, 44
 - for vehicles other than motor vehicles, 45
 - spotlights, 46
 - parking lights, 47
 - flares, 48(1)
 - location of, 48(2)
 - must carry, 48(3)
 - dimming headlights, 49
- Mirrors, 58
- Motorcycles, lights for, 42
- Mudguards, 61(1)
- Muffler
 - motor vehicle shall be equipped with, 52(1)
 - prohibition respecting, 52(2)
- Night, defined, 40(2)
- Other equipment
 - horns and sirens, 51
 - muffler, 52
 - windshields, 53
 - windshield stickers, 54
 - windshield wipers, 55
 - safety glass, 56
 - obstruction of view, 57
 - mirrors, 58
 - where red flag or red light required, 59

INDEX

Motor Vehicles Ordinance, c. 1

- Other equipment (cont'd)
 - coupling devices, 60
 - mudguards, 61(1)
 - rockguards, 61(2)
- Parking lights, 47
- Red flag or red light, 59
 - when required, 59
- Reflectors, 48
- Rockguards, 61(2)
- Safety glass, 56
- Standards of brakes, 50(3)(4)(6)(7)
- Trailer brakes, 50(5)
 - standards for, 50(6)(7)
- Trailers
 - lamps for, 44
- Sirens
 - restricted use, 51(3)
- View, obstruction of drivers, 57
- Visibility, defined, 40(3)
- Windshields
 - must be in good condition, 53
 - stickers, 54
 - wipers, 55
 - safety glass, 56

PART IV

RULES OF THE ROAD

Sections 62-132

Pages 28-56

Accidents

- person shall remain on scene of, 71(1)(a)
- person shall render all reasonable assistance, 71(1)(b)
- person shall give certain particulars in writing concerning, 71(1)(c)
- unattended vehicles, 71(2)
- written report required, 72
- report of, to Commissioner, 73
- report by owner of repair shop, 74(1)
- coroner's report, 74(2)
- report by insurance companies, 74(3)
- reports to be privileged, 75(1)
- false statements prohibited, 75(2)
- certificate that report made by Commissioner, 75(3)
- place of, 75(4)

Animals

Part IV applies to, on highways, 63(c)

Application of Part IV

- only to operation on a highway, 63(a)
- does not apply to maintenance personnel and vehicles, 63(b)
- applies to animals on a highway, 63(c)
- respecting emergency vehicles, 64
- power of traffic officer, 65

Bicycles and Play Vehicles

rules concerning, 105

Business district, defined, 62(a)

Controlled access highway, 88

defined, 62(b)

Crosswalk, defined, 62(c)

Downgrade, shall not coast on in neutral, 120

Driving on right side (left side) of highway

see Overtaking and Passing

Driving on sidewalk prohibited, 124

Emergency vehicle

defined, 62(d)

exemptions from rules of road, 64

duty to stop when hearing, 99

shall not follow fire apparatus closer than 500', 121

Equipment

operation prohibited where not properly equipped, 126

Fire hose

driving over, prohibited, 122

Glass

throwing on prohibited, 123

Horns

shall sound where view obstructed, 119

Interpretation, 62

Intersections

Stopping at, 109

turning at (see Turning, Starting and Signals)

Laned roadway

defined, 62(e)

rules when driving on a, 79

Leaving vehicles (see Parking and Leaving Vehicles)

Left hand drive vehicles

signals required, 94(1)

Liveryman's licence

required for business, 132

Motorcycles

rules concerning riding, 117

Motor vehicle

use or tampering with without consent prohibited, 125

Moving vehicle

duty to keep to right on meeting, 80

turning of, 91

Overtaking and Passing

duty to drive on right, 78

rules when driving on laned roadway, 79

duty to keep to right, 80

overtaking, 81

passing and overtaking, 82

driving on left while passing, 83, 84

zones where passing prohibited, 85

following another vehicle too closely prohibited, 86

where highway divided into two

roadways, 87

controlled access highway, 88

INDEX

Motor Vehicles Ordinance, c. 1

- Owner, defined, 62(f)
- Park, defined, 62(g)
- Parking and Leaving Vehicles
 - to be left off roadway where possible, 111(1)
 - shall not park to obstruct traffic, 111(2)
 - exceptions, 111(3)
 - traffic officer has right to move vehicle, 112
 - right to seize, 112(2)
 - costs and charges, 112(3)
 - parking restrictions, 113
 - parking on right hand side, 114
- Passing (see Overtaking and Passing)
- Pedestrian
 - defined, 62(h)
 - shall obey rules re traffic control signals, 67, 100
 - where, to have right of way, 101(1)
 - shall not walk in front of vehicle, 101(3)
 - where driver has right of way, 102
 - shall not walk on roadway where there is no sidewalk, 104(1)
 - shall walk on left side of highway, 104(2)
 - shall not solicit rides, 104(3)
- Play Vehicles
 - rules concerning, 105
- Racing
 - prohibited, 127
- Railway crossings
 - stops at, 106, 107, 108
- Reports in case of accidents, 71-75
- Residence district, defined, 62(i)
- Right hand drive vehicles
 - signals required, 94(2)
- Right of way
 - rules concerning, 95-99
- Roadway, defined, 62(j)
- Safety zone, defined, 62(k)
- School bus, defined, 62(l)
- School vehicles
 - not to pass when stopped, 110
- Serial Number
 - no sale where defaced, 131(1)
 - removal of, prohibited, 129(2)
 - exception, 129(3)
- Sidewalk
 - defined, 62(m)
 - no driving on, 124
- Signals (see Turning, Starting and Signals)
- Signs
 - defacing of, 130
- Special stops
 - rules concerning, 106-109
- Speed restrictions
 - duty to drive with care, 76(1)
 - where person deemed to be driving without due care, 76(2)
 - speed limit where no signs, 76(3)
 - driving so as to impede traffic, 77
- Starting and Signals (see Turning, Starting and Signals)
- Stops (See Special stops)
- Stop or stand, defined, 62(n)
- Stopping
 - when requested by traffic officer, 129(1)
 - refusal to answer enquiries, 129(2)
- Territorial highway, defined, 62(o)
- Through-highway, defined, 62(p)
 - entering a, 97
- Traffic, defined, 62(q)
- Traffic control device, defined, 62(r)
- Traffic Control Devices and Signals
 - driver shall obey, 66
 - rules as to traffic control signals, 67
 - signs resembling traffic control devices prohibited, 68
 - advertising on traffic control device prohibited, 69
 - altering or destroying traffic signs prohibited, 70
- Traffic control signal, defined, 62(s)
- Traffic Officer
 - defined, 62(t)
 - powers of, 65
 - driver shall obey, 66
 - driver shall give written statement to, upon request, 71(1)(c)
 - may require driver to increase rate of speed, 77(2)
 - right to move parked vehicle, 112(1)
 - right to seize vehicle, 112(2)
 - costs and charges, 112(3)
 - refusal to stop when directed by, 129(1)
 - refusal to answer, 129(2)
 - starting vehicle when not permitted by, 129(3)
- Travelling on narrow roads, 119
- Turning, Starting and Signals
 - rules concerning turning, 89
 - U-turns, 90
 - moving vehicles, 91
 - turning at intersections, offence, 92
 - signals required on turning, 93
 - signals re left hand drive vehicles, 94(1)
 - signals re right hand drive vehicles, 94(2)
- U-turns, 90

INDEX

Motor Vehicles Ordinance, c. 1

- Vehicles
 - parking and leaving, 111-114
 - parking without setting brakes prohibited, 115
 - backing without care prohibited, 116
 - movement prohibited when vision obstructed, 118
 - must be properly loaded, 128
 - shall be properly equipped, 126
 - precautions of removal of damaged, 123(3)

PART V

RESPONSIBILITY FOR ACCIDENTS

Sections 133-145

Pages 56-61

- Action
 - no right of, except as provided by this Part, 145
- Execution on judgment, 144
- Financial responsibility
 - where certificate filed with sheriff, 143
- Foreign vehicles
 - damage arising out of presence of, 139
- Liability
 - for injury caused by vehicle, 135
 - for gratuitous passengers, 137
 - where vehicle stolen, 138
- Owner
 - where deemed guilty of violation, 133
 - shall supply name of operator on request, 134(1)
 - offence for refusal, 134(2)
 - not responsible where no consent, 134(3)
 - liable for injury, 135(1)
 - operator deemed to have consent of owner, 135(2)(3)
 - onus of proof on, 136
 - liability for gratuitous passengers, 137
 - not liable where vehicle stolen, 138
 - where, not a resident, 139
 - where motor vehicle of, seized under writ of attachment, 140-143
- Responsibility for accidents
 - where owner deemed guilty of violation, 133
 - owner shall supply name of operator on request, 134(1)
 - offence for refusal, 134(2)
 - owner not responsible where no consent, 134(3)
 - owner liable for injury, 135(1)
 - operator deemed to have consent of owner, 135(2)(3)

- Responsibility for accidents (cont'd)
 - onus of proof for accidents on highway on owner, 136
 - liability for gratuitous passengers, 137
 - liability where vehicle stolen, 138
- Sheriff
 - may release motor vehicles on receipt of certificate from Commissioner, 143
- Vehicles (see Responsibility for Accidents)
- Writ of attachment, 140-144

PART VI

SAFETY RESPONSIBILITY

Sections 146-149

Pages 61-67

- Impoundment of vehicle involved in accident, 146-149
- Insurance cards, 147
- Offence, 148
- Release from impoundment, 149

PART VII

ADMINISTRATION

Sections 150-155

Pages 67-71

- Motor vehicles
 - officers may order proper equipment, 153
 - power to seize abandoned, 154(1)
 - payment of expenses of seizure of, 154(2)
 - disposal of, 154(3)
- Municipality
 - power to make by-laws controlling traffic, 155
- Officers, Appointment, Powers and Duties of
 - Commissioner may appoint, 152(1)
 - R.C.M.P. ex officio officers, 152(2)
 - power to order proper equipment of vehicles, 153
 - power to seize abandoned motor vehicles, 154(1)
- Registrar
 - Commissioner may appoint, 152(1)
- Regulations
 - power of Commissioner to make, 150
- Traffic Signs
 - power of Commissioner to erect, 151(1)
 - unauthorized, 151(2)
 - removal or defacing of, 151(3)

INDEX

Motor Vehicles Ordinance, c. 1

PART VIII

ENFORCEMENT PROVISIONS

Sections 156-166

Pages 71-75

- Common danger
 - driving to the, description of offence, 156
- Driving vehicle without due care and attention, penalty for, 163(1)
- False statements, 161
- General penalty, 164
- Licence
 - failure to produce, 158
- Licence places, seizure of, 157
- Obstructing an officer, 160
- Penalties
 - for driving vehicle without due care and attention, 163(1)
 - additional, for second or subsequent offence, 163(2)
 - general, 164
 - payable to Y.C.R.F., 166

- Records
 - Registrar shall keep, 165
- Vehicles
 - improperly equipped, 159
 - operation of unregistered, 162(1)
 - operation of, after cancellation of licence, 162(2)

POLL TAX ORDINANCE, an Ordinance to Amend the, c. 7, p. 86

- Section 7(1) substituted
- Section 8(1) substituted

PUBLIC SERVICE ORDINANCE, an Ordinance to Amend the, c. 5, p. 83

- Section 23 substituted
- Section 26 amended
- Section 27 substituted

SUPPLEMENTARY APPROPRIATION ORDINANCE 1957, c. 8, p. 87

SECOND SESSION

ANNUAL VACATIONS ORDINANCE, c. 2, pp. 109-115

- Application of Ordinance, 3
- Commencement of employment, 14
- Commissioner may inspect records, 12
- Definitions, 2
- Employee
 - entitled to vacation, 4
 - may enter into agreement with employer, 15
 - other Ordinances not to effect right of, 17
- Employer
 - not to discriminate, 9
 - to keep Ordinance posted, 10
 - to keep record of employees, 11
- Employment
 - commencement of, 14
- Entitlement to vacation, 4
- Holiday occurring during vacation, 7
- Money deemed to be wages, 13
- Offences, 18
- Ordinances, effect on other, 16
- Payment in lieu of vacation, 15
- Penalties, 18
- Record, Commissioner may inspect, 12
- Repeat, 19
- Short title, 1
- Termination of employment
 - vacation pay, 8

- Vacation
 - entitlement to, 4
 - periods, 5
 - wage, 6
 - holiday occurring during, 7
 - pay, payment of, on termination, 8
- Wages
 - money deemed to be, 13

AREA DEVELOPMENT ORDINANCE, c. 5, pp. 122-123

- Interpretation, 2
- Penalty, 6
- Powers of Commissioner
 - may designate development area, 3
 - may make regulations, 4
 - shall table regulations made, 4(2)
 - may order person to remedy default, 5
- Short title, 1

CONVERTED ELECTIONS ORDINANCE, c. 6, pp. 124-130

- Appeals
 - effect of judgment, 20
- Application of Ordinance
 - counting ballots, 22
- Application of rules of court
 - appeals, procedure on, 3(2)
 - application to Court, where and how made, 4
 - rules of Court, 3(1)

INDEX

Controverted Elections Ordinance, c. 6

- Application to a court for particulars, 12(1)
 - order, 12(2)
 - to set aside a petition, 11
 - where and how made, 4
- Costs
 - court discretion, 21(1)
 - paid out of security for costs, 21(2)
- Interpretation
 - definitions, 2
- Judicature Ordinance
 - application of, 3(1)
- Petitions
 - allowed, 18(2)
 - appeal, effect of, 18(3)
 - applications arising out of, 11, 12
 - dismissed, 18(1)
 - filing, 7(1)
 - form and contents, 6
 - petitioner, who may be, 5
 - security for costs, 7(2)
 - service of, 8(1)
 - stay of proceedings, effect of, 18(3)
 - trial of, 13
 - withdrawal of, 10
- Service of petitions, 8(1)
 - address of petitioner for, 9(1)
 - address of respondent for, 9(2)
 - effected, 9(3)
 - time extension, 8(2)
- Trial of petitions
 - application to dismiss, 15
 - at issue, 13
 - entry of judgment, 17(1)
 - open court, 16
 - petition, allowed or dismissed, 18
 - recovery of costs, 17(2)
 - report to Commissioner:
 - as to directions and reasons for judgment, 17(3)
 - as to stay of proceedings or appeal, 17(4)
 - setting down for trial, 14
- Wrongful election
 - effect of judgment declaring a, 17, 18, 19(4)
 - entry of judgment, 17(1), 19(3)
 - service of notice of admission, 19(2)
 - written notice of admission, 19(1)

DISABLED PERSONS ALLOWANCE ORDINANCE, an Ordinance to Amend the, c. 11, p. 150

- Section 3(1)(2) substituted, 1
- Section 4(a) substituted, 2
- Coming into force, 3

ELECTIONS ORDINANCE, c. 7, pp. 131-139

- Application of Canada Elections Act to electoral districts, 3

Candidates, qualifications and disqualifications of, 8, 9, 10

Electors

- qualifications and disqualifications of, 5, 6
- rules as to residence of, 7

Interpretation, 2

Schedule

- description of electoral districts,

Short title, 1

FINANCIAL AGREEMENT ORDINANCE, 1957, c. 9, pp. 143-147

- Agreement
 - contravention of, prohibited, 7
 - taxes reduced for period of, 8
 - power of Commissioner to implement under, 9
- Commissioner
 - may amend terms of agreement, 5
- Definitions, 2
- May execute agreement with Canada, 3
- Operation of sections 6-9, 10
- Ordinances, suspension of, 6
- Power of Commissioner, 9
- Retroactive effect of Ordinance, 10
- Short title, 1
- Terms of agreement, 3, 4

FIRST SUPPLEMENTARY SUPPLY ORDINANCE 1957-58, c. 15, pp. 157-158

FLORAL EMBLEM ORDINANCE, c. 4, p. 121

- Adoption of floral emblem, 1

HOSPITAL AID ORDINANCE, c. 13, p. 153

- Section 3(a) substituted, 1

LABOUR PROVISIONS ORDINANCE, c. 3, pp. 116-120

- Application of Ordinance, 3
- Definitions, 2
- Hours of work, 3
- Offence, 10
- Pay days, 4
- Penalty, 10
- Records of hours and wages to be kept, 9
- Repeal, 11
- Short title, 1
- Wages
 - not less than generally accepted as current in district, 5
 - mining camps, 6
 - public works, 7
 - limitations of action for, 8

INDEX

MINERS LIEN ORDINANCE,

c. 1, pp. 99-108

Application

forms, 16

retroactive effect, 17(1)

Interpretation

definitions, 2

Liens

against owner and others interested,
3(2)

death of lien holder, 13

discharge of, 14

encumbrances, precedence over other,

4

for performance of work or service,

3(1)

subsequent mortgages, effective

against, 3(3)

Proceedings to realize lien

actions for liens united, 12(1)

costs, 12(4)

death of claimant, 12(2)

how enforced, 10

liability, Court may fix, 11

sale to satisfy liens, 12(3)

vacating registration of liens, 12(5)

application for, 12(6)

when lien ceases to exist, 9

Registration of lien

claim of lien, 5

failure to deposit lien, 8

fees for registration of instruments, 15

number of claims, 6

registration, 7

presumption of, 17(2)

Schedule

affidavit verifying claim, Form E

claim of lien, Form B

claim of lien for wages, Form C

claim of lien for wages when several

claimants, Form D

originating summons, Form A

MOTOR VEHICLES ORDINANCE, 1957,

**an Ordinance to Amend the, c. 12,
pp. 151-152**

Section 33 substituted, 1

Coming into force, 2

MUNICIPAL ORDINANCE, An Ordinance to Amend the, c. 14, pp. 154-156

Section 2(18) repealed, 1

Section 56(4) substituted, 2

Section 84 amended, 3

Section 85 substituted, 4

Section 86(1) substituted, 5

Section 254 amended, 6

OLD AGE ASSISTANCE AND BLIND

PERSONS ALLOWANCE ORDINANCE, an Ordinance to Amend the,

c. 10, pp. 148-149

Section 3(1)(2) substituted, 1

Section 4(a)(b) substituted, 2

Coming into force, 3

WHITEHORSE SCHOOL AGREEMENT ORDINANCE, c. 8, pp. 140-142

Commissioner

may execute agreement, 3

may amend terms of agreement, 5

may implement obligations under

agreement, 6

Definitions, 2

Short title, 1

Substance of agreement, 3, 4

