

## CHAPTER 58

## Statute Law Amendment Act, 1972

[Assented to 30th March, 1972.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

- Amends Civil Service Superannuation Act.** 1. Section 4A of the *Civil Service Superannuation Act*, being chapter 57 of the *Revised Statutes of British Columbia, 1960*, is amended by adding, after subsection (2), the following as subsection (3):
- (3) An officer, as defined in subsection (1), to whom this Act applies in accordance with subsection (2) may, upon application in writing to the Superannuation Commissioner, be declared to be exempt from the provisions of this Act and thereupon the amount, if any, at his credit in the Fund shall be payable to him on demand.
- Amends Coal Mines Regulation Act.** 2. Section 28 of the *Coal Mines Regulation Act*, being chapter 3 of the Statutes of British Columbia, 1969, is amended
- (a) by repealing Rule 207 and substituting the following:
- RULE 207. (a) No person shall, in or near any working-place, whether underground or on surface, be in possession of intoxicating liquor.
- (b) No person shall be employed if his ability to work safely is impaired, by any means, to such a degree that he endangers his own safety or that of another person.;
- (b) by striking out the words “and maintained” in the second line of Rule 210, and substituting the words “, maintained, and operated”; and
- (c) by adding, after Rule 224, the following as Rule 225:
- RULE 225. All buildings at a mine shall be constructed in accordance with the National Building Code of Canada as amended from time to time except where the inspector does not consider these standards suitable.
- Possession of liquor; danger of impairment.**
- Building construction.**
- Amends Drainage and Dyking Adjustment and Repeal Act, 1965.** 3. Subsection (1) of section 7 of the *Drainage and Dyking Adjustment and Repeal Act, 1965*, being chapter 10 of the Statutes of British Columbia, 1965, is amended by adding, after the words “Sumas Dyking District,” in the fifth and sixth lines, the words “Sumas Drainage, Dyking, and Development District.”
- Amends Elderly Citizens' Housing Aid Act.** 4. Clause (d) of subsection (2) of section 2 of the *Elderly Citizens' Housing Aid Act*, being chapter 125 of the *Revised Statutes of British Columbia, 1960*, is amended by striking out the word “fifteen” in the first line, and substituting the word “ten.”

- Amends  
Fish  
Inspection  
Act.** 5. Subsection (3) of section 4 of the *Fish Inspection Act*, being chapter 151 of the *Revised Statutes of British Columbia, 1960*, is amended by striking out the words "Department of Fisheries" in the first line, and substituting the words "Fisheries Service."
- Repeals  
Fraser River  
(New West-  
minster) Bridge  
Act.** 6. The *Fraser River (New Westminster) Bridge Act*, being chapter 26 of the Statutes of British Columbia, 1935, is repealed.
- Amends  
Great  
Northern  
Railway  
Relocation  
Act.** 7. The *Great Northern Railway Relocation Act*, being chapter 9 of the Statutes of British Columbia, 1969, is amended
- (a) by striking out the words "Great Northern Railway" and the words "Great Northern Railway Company" wherever they appear in the Act, and substituting, in each case, the words "Burlington Northern Inc.";
  - (b) by repealing the definition of "Authority" in section 2 and substituting the following definition:  
"Authority" means the British Columbia Railway Company established by chapter 36 of the Statutes of British Columbia, 1912; and
  - (c) by repealing section 5 and the Schedule to the Act.
- Amends  
Highways  
(Scenic  
Improvement)  
Act, 1968.** 8. Section 2 of the *Highways (Scenic Improvement) Act, 1968*, being chapter 18 of the Statutes of British Columbia, 1968, is amended by repealing the definition of "Minister" and substituting the following:  
"Minister" means the Minister of Highways.
- Amends  
Land Act.** 9. The *Land Act*, being chapter 17 of the Statutes of British Columbia, 1970, is amended
- (a) in section 85, by adding, after subsection (2), the following as subsection (3):  
(3) Notwithstanding the provision of any other Act, where the timber on the Crown land and the timber on the other land exchanged under subsection (1) are not, under the *Forest Act*, subject to the same royalty rates, the Lieutenant-Governor in Council may, by increasing or decreasing the royalty rate on the timber on the Crown land, equalize the royalty rates.;
  - (b) in section 94, by striking out the words "or under a certificate of forfeiture under the *Taxation Act*," in the second and third lines;
  - (c) by repealing section 97; and
  - (d) in clause (a) of subsection (2) of section 98, by adding, after the word "provision;" in the third line, the words "but the person or department authorized under such other statutory provision to dispose of, or deal with, the land may authorize the minister to dispose of or deal with the land under this Act."
- Amends  
Marriage  
Act.** 10. The *Marriage Act*, being chapter 232 of the *Revised Statutes of British Columbia, 1960*, is amended by inserting, after section 41, the following as section 41A:

Validation  
of certain  
marriages.

41A. In any case where either of the parties, with respect to whom there has, before the thirty-first day of January, 1942, been solemnized the rites or ceremony of marriage in accordance with any of the forms sanctioned by this Act, is a person whose previous marriage was dissolved by a decree absolute in divorce proceedings, and where the ceremony or rites were solemnized before the expiry of the time limited for appealing against the decree absolute, if the time limited for appealing has expired without any appeal having been presented against the divorce, and if there was no impediment to the marriage purported to have been solemnized by the ceremony or rites, the marriage purported to be so solemnized is declared to be valid; and the parties with respect to whom the ceremony or rites were solemnized shall be deemed to have been lawfully married on the date of the ceremony or rites.

Amends  
*Mines  
Regulation  
Act.*

11. Section 23 of the *Mines Regulation Act*, being chapter 25 of the Statutes of British Columbia, 1967, is amended

(a) by repealing Rule 280 and substituting the following:

RULE 280. (a) No person shall, in or near any working-place, whether underground or on surface, be in possession of intoxicating liquor.

(b) No person shall be employed if his ability to work safely is impaired, by any means, to such a degree that he endangers his own safety or that of another person.;

(b) by inserting, after the word "installed" in the second line of Rule 309, the words " , maintained, and operated"; and

(c) by adding, after Rule 314, the following as Rule 315:

RULE 315. All buildings at a mine shall be constructed in accordance with the National Building Code of Canada as amended from time to time except where the inspector does not consider these standards suitable.

Possession  
of liquor;  
danger of  
impairment.

Building  
construc-  
tion.

Amends  
*Police Act.*

12. Subsection (2) of section 22 of the *Police Act*, being chapter 288 of the *Revised Statutes of British Columbia, 1960*, is amended by inserting, after the words "police force" in the first line, the words "having jurisdiction within the Province."

Amends  
*Provincial  
Court Act.*

13. The *Provincial Court Act*, being chapter 28 of the Statutes of British Columbia, 1969, is amended

(a) by striking out the word "Senior" and substituting the word "Chief" in

(i) the second line of subsection (3) of section 3;

(ii) the first line of subsection (2) of section 6;

(iii) the fourth line of section 13;

(iv) the fifth line of subsection (3) of section 20;

(v) the first line of clause (a) of subsection (1) of section 21;

and

(vi) the second line of subsection (2) of section 24;

(b) in section 15, by inserting, after clause (c), the following as clause (c1):

(c1) matters assigned to the Family Court under the *Family and Children's Court Act*, repealed by this Act; and

(c) by striking out clause (c) of section 21 and substituting the following:

(c) an appointee of the Law Society of British Columbia; and.

Amends  
Real  
Estate  
Act.

14. The *Real Estate Act*, being chapter 330 of the *Revised Statutes of British Columbia, 1960*, is amended
- (a) in clause (i) of subsection (1) of section 3, by adding, at the end, the words "and complies with the regulations"; and
  - (b) by adding, after clause (s) of section 45, the following as clause (t):
    - (t) prescribe conditions with which an employee must comply under clause (i) of subsection (1) of section 3.

Amends  
Regional  
Hospital  
Districts  
Act.

15. (1) Section 20A of the *Regional Hospital Districts Act*, being chapter 43 of the *Statutes of British Columbia, 1967*, is amended
- (a) by striking out the word "land" and substituting the words "real property" in
    - (i) the first line of subsection (2);
    - (ii) the first line of clause (a) of subsection (2);
    - (iii) the first line of clause (b) of subsection (2);
    - (iv) the first line of clause (c) of subsection (2); and
    - (v) the first line of subsection (3);
  - (b) by striking out the word "property" and substituting the words "real property" in
    - (i) the first line of clause (a) of subsection (3);
    - (ii) the second line of clause (b) of subsection (3); and
    - (iii) the first line of clause (c) of subsection (3); and
  - (c) by adding, after subsection (3), the following as subsection (4):
    - (4) "Real property" in this section has the meaning ascribed to it in the *Assessment Equalization Act*.

(2) This section is retroactive to the first day of January, 1970, to the extent necessary to give full force and effect to the provisions it amends on and after that date.

Amends  
Special  
Surveys  
Act.

16. Clause (c) of section 17 of the *Special Surveys Act*, being chapter 368 of the *Revised Statutes of British Columbia, 1960*, is amended by striking out the word "of" where it appears the third time in the second line, and substituting the word "or."

Amends  
Teachers'  
Pensions  
Act, 1961.

17. (1) Section 6 of the *Teachers' Pensions Act, 1961*, being chapter 62 of the *Statutes of British Columbia, 1961*, is amended
- (a) by repealing subsections (3) and (4); and
  - (b) by repealing subsection (5) and substituting the following:
    - (5) All contributions made by the employee for service before the commencement of the last thirty-five years of his service during which contributions were made, together with interest at the rate of six per centum per annum, may, at his option, be
      - (a) refunded to him upon termination of his employment; or
      - (b) transferred to his credit in the Employee Contribution Account, and, in that event, are deemed to be contributions under subsection (2).

(2) Clause (b) of subsection (1) comes into force on Royal Assent and clause (a) of subsection (1) comes into force on the first day of July, 1972.

Amends  
*Trespass*  
*Act.*

18. Subsection (2) of section 14 of the *Trespass Act*, being chapter 387 of the *Revised Statutes of British Columbia, 1960*, is amended by striking out the words "any cultivated lands which are within the definition of enclosed land in section 2, but which are not surrounded by a lawful fence, nor does it apply in respect of" in the first, second, and third lines.

Amends  
*Trustee*  
*Board of*  
*The New*  
*Vista*  
*Society*  
*Act.*

19. The *Trustee Board of The New Vista Society Act*, being chapter 51 of the Statutes of British Columbia, 1953, is amended
- (a) in clause (b) of section 5, by striking out the words "Burnaby Club of the Lions International" in the first and second lines, and substituting the words "Burnaby Host Club of Lions International"; and
  - (b) in section 6, by striking out the words "Burnaby Club of the Lions International" in the second line, and substituting the words "Burnaby Host Club of Lions International."

Amends  
*Universities*  
*Act.*

20. Section 47 of the *Universities Act*, being chapter 52 of the Statutes of British Columbia, 1963, is amended
- (a) by renumbering the section as subsection (1); and
  - (b) by adding the following as subsection (2):
- (2) The Board shall not contribute or undertake to contribute more than ten per cent, including the employer contribution to the Canada Pension Plan, of the salary of any employee of the University into a pension fund for that employee.

Amends  
*Vancouver*  
*Charter.*

21. The *Vancouver Charter*, being chapter 55 of the Statutes of British Columbia, 1953, is amended

Poor and  
destitute.

(a) by repealing section 183 and substituting the following:

183. The city shall make provision for its poor and destitute by granting social assistance to them, or by contributing to the cost of social assistance that may be given to them, or both; but only to the extent limited by

- (a) the definitions or limitations, or both, of responsibility contained in the terms or provisions of the *Residence and Responsibility Act*, or in any regulation made thereunder;
- (b) the *Social Assistance Act* and the regulations made and policies formulated thereunder; and
- (c) regulations made under the *Hospital Act*, or the *Community Care Facilities Licensing Act*;

but the Council may, by a two-thirds majority of all the members, authorize additional benefits under special circumstances at the sole cost of the city.;

(b) by adding, after subsection (2) of section 196, the following as subsection (3):

(3) No by-law under this section that has the effect of increasing the remuneration in excess of the percentage fixed with respect to the Public Service of the Province by regulation under section 56 of the *Revenue Act* is valid unless the by-law providing for the excess has been submitted to the owner-electors as provided in this Act, and the number of votes polled in favour of the by-law equals at least three-fifths of the total of votes polled, exclusive of those rejected.; and

- (c) in section 277, by inserting, after clause (c), the following as clause (d):
- (d) has, in the opinion of such official, .
- (i) conducted his business in a manner; or
  - (ii) performed a service in a manner; or
  - (iii) sold, offered for sale, displayed for sale, or distributed to a person actually or apparently under the age of sixteen years any thing
- that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of sixteen years.