



# ORDINANCES

OF THE

# YUKON TERRITORY

PASSED BY THE

**YUKON COUNCIL**

IN THE YEAR

**1962**

FIRST SESSION

G. R. CAMERON

Commissioner

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Printed and Published for the Government of the Yukon Territory under  
Authority of Chapter 93 of the Consolidated Ordinances of 1958.

BY

H. J. TAYLOR, Queen's Printer



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1962 (First Session)

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CHAPTER 1

ORDINANCES OF THE YUKON TERRITORY

1962 (First Session)

AN ORDINANCE TO ASSIST THE CONSTRUCTION OF  
LOW COST HOUSING IN THE YUKON TERRITORY

(Assented to May 11th, 1962)

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 *Low Cost Housing Ordinance*.
- Definition. 2. "holder in fee simple" shall include a person who has entered into an agreement for sale and purchase of land with the Commissioner or duly authorized representative of the Minister of the Department of Northern Affairs and National Resources or the municipality of the City of Whitehorse.
- First Mortgage Loans*
- Commissioner may make housing loans. 3. (1) Subject to this Ordinance, the Commissioner may make a loan to any person described in subsection (2) to assist that person in the construction of a house.
- Persons to whom loans may be made. (2) The Commissioner may make a loan to any person who
- (a) is the holder in fee simple of the land on which a house is to be constructed;
  - (b) is not a mortgagor to the Commissioner; and
  - (c) satisfies the Commissioner that he has been unable to obtain a loan pursuant to provisions of the *National Housing Act, 1954*.
- Conditions. (3) A loan made under the authority of this section shall
- (a) not be made in respect of a house the estimated cost of construction of which is in excess of seven thousand dollars;
  - (b) not exceed six thousand dollars in respect of any one house;
  - (c) bear interest at a rate of seven and one-half per cent per annum;
  - (d) (i) be secured by a first mortgage in favour of the Commissioner upon the land on which the house is to be constructed; or
  - (ii) be secured by an assignment to the Commissioner of all the borrowers rights under an agreement for sale and purchase of the land on which the house is to be constructed;

- (e) be for a term not exceeding twenty years;
- (f) be repayable in full by equal payments of principal and interest during the term thereof or sooner at the election of the borrower; and
- (g) be subject to such other terms and conditions as the Commissioner may deem desirable.

*Second Mortgage Loans*

4. (1) Subject to this Ordinance, the Commissioner may make a loan to any person described in subsection (2) of section 3 to whom a loan has been made pursuant to that section to assist that person in the construction of the house in respect of which a loan was made under section 3. Commissioner may make loans

- (2) A loan made under the authority of this section shall Conditions.
- (a) not exceed one thousand dollars in respect of any house;
  - (b) bear no interest;
  - (c) be for a term not exceeding ten years;
  - (d) (i) be secured by a second mortgage in favour of the Commissioner upon the land on which the house is to be constructed; or  
(ii) be secured by the giving of such further security as the Commissioner may require;
  - (e) be repayable in equal payments during the term thereof; and
  - (f) be subject to such other terms and conditions as the Commissioner may deem desirable.

(3) The Commissioner may forgive payment of the amount due under a mortgage described in paragraph (d) of subsection (2) for any year that the mortgagor continues to live in the house in respect of which the mortgage was given. Forgiving of payment of mortgage where borrower lives in house.

*General*

5. All loans by the Commissioner under this Ordinance shall be paid out of the moneys appropriated by the Council for that purpose. Loans to be made from moneys appropriated by Council.

6. The Commissioner is empowered to do every act and to exercise every power for the purpose of implementing every obligation assumed by, and enforcing every right accruing to, the Yukon Territory under this Ordinance.

7. The Commissioner may by regulation make provision for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this Ordinance. Commissioner to act for Territory.

## CHAPTER 2

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### ORDINANCES OF THE YUKON TERRITORY 1962 (First Session)

#### AN ORDINANCE TO AUTHORIZE THE COMMISSIONER TO BORROW A SUM NOT EXCEEDING THREE HUNDRED AND SIXTY THOUSAND DOLLARS FROM THE GOVERNMENT OF CANADA AND TO AUTHORIZE THE COMMISSIONER TO ENTER INTO AN AGREEMENT RELATING THERETO

*(Assented to May 11th, 1962)*

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 *Loan Agreement Ordinance (1962), No. 1.*
- Commissioner may borrow. 2. The Commissioner may on behalf of the Yukon Territory borrow from the Government of Canada a sum not exceeding three hundred and sixty thousand dollars.
- Commissioner may execute Agreement. 3. The Commissioner is authorized to enter into and execute on behalf of the Government of the Territory an Agreement with the Government of Canada providing for
- (a) the repayment to the Government of Canada of the amount borrowed pursuant to section 2;
  - (b) the payment to the Government of Canada of interest at such rate as may be agreed upon by the Commissioner on the principal from time to time outstanding on the amount borrowed pursuant to section 2; and
  - (c) such other terms and conditions as may be agreed upon by the Commissioner.
- Commissioner may implement Agreement. 4. The Commissioner is empowered to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Yukon Territory under this agreement.
-

## CHAPTER 3

### ORDINANCES OF THE YUKON TERRITORY

1962 (First Session)

#### AN ORDINANCE RESPECTING AN AGREEMENT ON A PROJECT FOR THE DEVELOPMENT OF LAND FOR HOUSING PURPOSES BETWEEN THE YUKON TERRITORY AND THE GOVERNMENT OF CANADA

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

(Assented to May 11th, 1962)

1. This Ordinance may be cited as the *Low Rental Housing Agreement Ordinance*. Short Title.
2. In this Ordinance,
  - (a) "Corporation" means the Central Mortgage and Housing Corporation established by the Central Mortgage and Housing Act. Definitions  
"Corporation";
  - (b) "Housing Authority" means the Corporation established by this Ordinance to administer and manage the Project; "Housing  
Authority";
  - (c) "Project" means a block of ten apartments to be erected according to plans prepared by the Corporation and approved by the Commissioner and Whitehorse; "Project";
  - (d) "Whitehorse" means the Corporation of the City of Whitehorse established by the *Municipal Ordinance*. "Whitehorse";
3. There is hereby established a Corporation called the Housing Authority consisting of not less than three members and not more than five members at any one time.
4. (1) The members of the Housing Authority shall be appointed by the Commissioner of the Yukon Territory acting on the advice of a committee consisting of the Mayor of the City of Whitehorse, a representative of the Council of the Yukon Territory and a representative of the Minister of the Department of Public Works of Canada.
  - (2) The representatives of the Council of the Yukon Territory and the Minister of the Department of Public Works shall be resident in Whitehorse.
  - (3) Any vacancies among members of the Housing Authority shall be filled by the Commissioner acting on the advice of the committee as in the case of the initial appointment.
  - (4) The members of the Housing Authority shall hold office during good behaviour for a term of three years, but are removable by the Commissioner after consultation with the committee referred to in subsection (1) of this section.

(5) Members of the Housing Authority are eligible for re-appointment.

5. The head office of the Housing Authority shall be at Whitehorse.

6. The Housing Authority may in its own name and on its own behalf enter into contracts and execute such deeds and agreements and do such things as may be necessary to manage and administer, supervise, maintain and operate the Project, and do acts and things as may be necessary for the efficient operation of the Project.

7. The Housing Authority will at all times inform the Commissioner of all action taken or proposed to be taken by it in the performance of its duties unless prevented in so doing by emergency and will comply with any directions from time to time given to it by the Commissioner respecting the exercise or performance of its powers, duties and functions, and will prepare annually on or before March 31st an estimate of its expenditures and revenues for the ensuing year and secure approval for such estimates from the Commissioner.

Commissioner  
may execute  
Agreement.

8. The Commissioner is authorized to enter and execute, on behalf of the Yukon Territory, an agreement or agreements with the Government of Canada which will provide

(a) that on or before the 31st day of March, 1963, the Commissioner, the Corporation and Whitehorse may enter into an agreement providing

(i) that the capital cost of the project will not exceed \$125,000.00;

(b) that under the agreement or agreements referred to in paragraph (a) having been entered into, the Corporation will construct the project on land provided by the Crown, and;

(c) for such other terms and conditions as the Commissioner may agree upon.

(ii) that the capital cost of the project will be shared 75% by the Corporation, 17½% by the Commissioner and 7½% by Whitehorse;

(iii) that the Housing Authority will hold, manage, maintain, supervise and operate the Project; and

(iv) that the profits or losses thereon will be shared 75% by the Corporation, 17½% by the Commissioner and 7½% by Whitehorse.

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**CHAPTER 4**

**ORDINANCES OF THE YUKON TERRITORY**

**1962 (First Session)**

**AN ORDINANCE RESPECTING A FINANCIAL AGREEMENT  
BETWEEN THE YUKON TERRITORY AND THE  
GOVERNMENT OF CANADA**

*(Assented to May 11th, 1962)*

*Short Title*

1. This Ordinance may be cited as the *Financial Agreement Ordinance, 1962.* Short Title.

*Part 1*

2. In this Part, Definitions
- (a) "Agreement" means the agreement entered into pursuant to section 3; "Agreement."
  - (b) "local administrative district" has the meaning given to it in the Agreement; and "Local administrative district."
  - (c) "fiscal year" means the period beginning on and including the first day of April in one year and ending on and including the thirty-first day of March in the next year. "Fiscal year."
3. Subject to this Part, the Commissioner is authorized to enter into and execute, on behalf of the Government of the Yukon Territory, an Agreement with the Government of Canada which will provide Commissioner may execute Agreement.
- (a) that the Government of Canada will pay to the Government of the Yukon Territory Provisions of Agreement.
    - (i) in respect of each of the five fiscal years in the period from the 1st day of April, 1962, and ending on the 31st day of March, 1967, a subsidy equal to \$11,702.40;
    - (ii) in respect of each of the five fiscal years in the period from the 1st day of April, 1962, to the 31st day of March, 1967, \$30,000.00 for the purpose of assisting in the cost of the administration of the Government and the Council of the Yukon Territory;
    - (iii) as an operating grant for
      - (A) the fiscal year 1962, an amount equal to \$1,210,079.60;

- (B) the fiscal year 1963, an amount equal to \$1,567,428.60;
- (C) the fiscal year 1964, an amount equal to \$1,826,310.60;
- (D) the fiscal year 1965, an amount equal to \$2,069,560.60;
- (E) the fiscal year 1966, an amount equal to \$2,323,218.60;
- and
- (iv) in respect of each of the five fiscal years in the period from the 1st day of April, 1962, to the 31st day of March, 1967, an amount equal to
- (A) all moneys owed by the Government of the Yukon Territory to the Government of Canada and becoming due in that year under loan agreements entered into pursuant to Part II of this Ordinance, the *Yukon Loan Ordinance, 1954*, the *Hospital Loan Ordinance, 1955*, and the *Loan Agreement Ordinance, 1961*.

minus

- (B) all moneys paid to the Government of the Yukon Territory in that year by local administrative districts in the Territory pursuant to loans made by the Territory from moneys borrowed from the Government of Canada pursuant to a loan agreement described in clause (A), as certified by the Commissioner, and
- (b) that in consideration thereof the Government of the Yukon Territory will suspend and refrain and will require local administrative districts 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, 1962, and ending on the 31st day of December, 1966; and
  - (ii) succession duties in respect of successions or transmissions consequent upon a death or upon property passing upon a death occurring during the period of five years commencing on the 1st day of April, 1962, and ending on the 31st day of March, 1967.

Additional provisions of Agreement.

4. The Agreement shall also provide

- (a) that the amounts payable by the Government of Canada to the Government of the Yukon Territory shall be paid
  - (i) in the case of the amount described in subparagraphs (i) and (ii) of paragraph (a) of section

3, in equal instalments on the first day of July and the first day of January in each of the fiscal years,

(ii) in the case of amounts described in subparagraph (iii) of paragraph (a) of section 3, in equal instalments on the thirtieth day of June, thirtieth day of September, thirty-first day of December and the thirty-first day of March in each of the fiscal years; and

(iii) in the case of amounts described in subparagraph (iv) of paragraph (a) of section 3, before the end of the fiscal year in respect of which they are payable by instalments on such days in that fiscal year as the Commissioner may require, and

(b) for such other terms and conditions as may be agreed upon for the purpose of giving effect to this Ordinance.

- |  |  |
|--|--|
| 5. The Agreement may be varied or amended from time to time as may be agreed upon with the Government of Canada by the Commissioner  | Variation and amendment.                   |
| 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 local administrative district shall, for the relevant periods provided in the Agreement, be deemed to be amended, suspended or inoperative, as the case may be, to the extent necessary to give effect to the Agreement and permit the Government of the Yukon Territory to fulfil every obligation assumed by it under the Agreement. | Suspension of Ordinances, e tc.            |
| 7. Neither the Commissioner nor any local administrative district shall do any act or exercise any power or collect any tax in contravention of the provisions of the Agreement.   | No tax collections contravening 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, 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.  | Taxes reduced.                             |
| 9. The Commissioner is empowered to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Yukon Territory under the Agreement.   | Powers of Commissioner.                    |
| 10. Sections 6 to 9 shall remain in operation for only so long as is necessary to give effect to the Agreement.  | Operation of sections 6 to 9.              |

## Part II

- Commissioner  
may borrow  
money.
11. The Commissioner may on behalf of the Territory borrow from the Government of Canada a sum not exceeding \$7,359,103.00.
- Commissioner  
may execute  
Agreement.
12. The Commissioner is authorized to enter into and execute on behalf of the Government of the Yukon Territory an agreement with the Government of Canada providing for
- (a) the repayment to the Government of Canada of the amount borrowed pursuant to section 11;
  - (b) the payment to the Government of Canada of interest at such rate as may be agreed upon by the Commissioner on the principal from time to time outstanding on the amount borrowed pursuant to section 11; and
  - (c) such other terms and conditions as may be agreed upon by the Commissioner.
- Commissioner  
may implement  
Agreement
13. The Commissioner is empowered to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Yukon Territory under the agreement.
- No borrowing  
after March 31st,  
1967.
14. No amount shall be borrowed by the Commissioner pursuant to this Ordinance after the 31st day of March, 1967.
- Coming into  
force .
15. This Ordinance shall be deemed to have come into force on the 1st day of April, 1962.
-

**CHAPTER 5**  
**ORDINANCES OF THE YUKON TERRITORY**  
**1962 (First Session)**  
**AN ORDINANCE TO REPEAL THE POLL TAX ORDINANCE**

*(Assented to April 30th, 1962)*

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

R.O.Y.T.  
1958 c. 89

1. The *Poll Tax Ordinance* is repealed.
-

## CHAPTER 6

### ORDINANCES OF THE YUKON TERRITORY

1962 (First Session)

### AN ORDINANCE RESPECTING THE IMPOSITION AND COLLECTION OF A TAX ON FUEL OIL

*(Assented to April 30th, 1962)*

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 *Fuel Oil Tax Ordinance*.

#### *Interpretation*

- Definitions.    2.    In this Ordinance,
- “Fuel oil”        (a) “fuel oil” includes all liquid products obtained whether by distillation or condensation or absorption, or any other process, from petroleum, natural gas, casing head or natural gasoline, benzol, benzine, naphtha, coal, coal tar, oil shales, kerosene, gas, oil and any combination of any such products;
- “Importer”        (b) “importer” means any person who brings fuel oil into the Territory for sale to or for the use of any other person;
- “Prescribed”     (c) “prescribed” means prescribed by the regulations;
- “Purchaser”      (d) “purchaser” means any person who within the Territory purchases or receives the delivery of fuel oil for his own consumption or use;
- “Tax”             (e) “tax” means the tax imposed by this Ordinance; and
- “Vendor”         (f) “vendor” means any person who sells or delivers fuel oil to a purchaser.

#### *Tax and Collection*

- Purchasers to pay tax.    3.    (1) Subject to subsections (3) and (4), every purchaser shall, at the time of purchase or receipt of delivery of fuel oil, pay to the vendor for remission to the Territorial Treasurer a tax,
- (a) in the case of purchase or receipt of delivery of fuel oil after the coming into force of this Ordinance, but before the 1st day of April, 1963, of seven cents per imperial gallon;
- (b) in the case of purchase or receipt of delivery of fuel oil on or after the 1st day of April, 1963, but before the 1st day of April, 1964, of eight cents per imperial gallon; and

(c) in the case of purchase or receipt of delivery of fuel oil on or after the 1st day of April, 1964, of nine cents per imperial gallon.

(2) Subject to subsection (3) and (4), every vendor and every importer shall, with respect to fuel oil used or consumed by themselves, their agents or their employees, pay to the Territorial Treasurer in accordance with sections 4 and 5 a tax

Vendors and importers to pay tax on self-consumed fuel.

(a) in the case of fuel oil used or consumed by himself, his agent or employees after the coming into force of this Ordinance, but before the 1st day of April, 1963, of seven cents per imperial gallon;

(b) in the case of fuel oil used or consumed by himself, his agent, or employees on or after the 1st day of April, 1963, but before the 1st day of April, 1964, of eight cents per imperial gallon; and

(c) in the case of fuel oil used or consumed by himself, his agent or employees on or after the 1st day of April, 1964, of nine cents per imperial gallon.

(3) (i) No tax is payable in respect of fuel oil that is used or to be used in stationary generators of electricity, to propel an aircraft, for heating, for mining exploration and preliminary development of an ore body, in the extraction of ore from a mine or the processing or concentrating of such ore, for placer mining as defined in the *Yukon Placer Mining Act*, for lubricating, for laying or sprinkling on roads or streets, or as cleaning fluids or solvents, if

Exemptions.

(a) the purchaser of the fuel oil at the time of its purchase or receipt of delivery furnishes to the vendor a certificate, in a prescribed form, to that effect or

(b) the vendor or the importer with respect to fuel oil used or consumed by himself, his agent or his employees submits a certificate, in a prescribed form, to that effect in his returns under section 4 or 5, respectively.

(ii) None of the fuel oil exempted under subsection (3) (i) shall be used to propel any motor vehicle on a highway as defined in the *Motor Vehicles Ordinance*.

(4) No tax is payable in respect of fuel oil used or to be used by

Ibid

(a) the Government of Canada,

(b) a municipality as defined in the *Municipal Ordinance*, or

(c) a visiting force as defined in the *Visiting Forces (North Atlantic Treaty) Act*, if the person who receives delivery of the fuel oil has been so authorized by such Government, municipality or force, and executes a certificate, in a prescribed form, to that effect.

- |                                    |    |   |
|------------------------------------|----|---|
| Duties of vendor.                  | 4. | Every vendor shall,   |
| Collecting tax                     |    | (a) at the time of sale or delivery of fuel oil, levy and collect the tax thereon from the purchaser or, where the purchaser claims exemption for tax in accordance with subsection (3) or (4) of section 3, obtain the prescribed certificate in support of the exemption claimed;   |
| Reporting and returns of tax.      |    | (b) on or before the tenth day of each month, in respect of all sales or deliveries made by him during the immediately preceding month, send to the Territorial Treasurer <ul style="list-style-type: none"> <li>(i) the total tax payable by purchasers and any tax payable on fuel oil delivered to or used by himself, his agents or employees,</li> <li>(ii) prescribed certificates claiming exemption from tax in respect of all sales, deliveries or consumption upon which tax has not been paid, and</li> <li>(iii) a return, in a prescribed form showing in respect of the said immediately preceding month, the total fuel oil on hand at its commencement, purchased or received during such month and on hand at the close of business on the last day of such month, together with such invoices, accounts, or other documents or copies thereof as the Commissioner may require; and</li> </ul> |
| Contents of invoice.               |    | (c) in every invoice or account furnished by him with respect to any sale of fuel oil made by him, state the date of sale, the number of gallons sold, the price per gallon, the rate of tax per gallon and the total tax.  |
| Duties of importer.                | 5. | Every importer shall, on or before the tenth day of each month, in respect of the immediately preceding month, send to the Territorial Treasurer <ul style="list-style-type: none"> <li>(a) a return, in a prescribed form, showing, in respect of the said immediately preceding month, the total fuel oil on hand at its commencement, purchased or received during such month, sold or delivered during such month and on hand at the close of business on the last day of such month, together with such invoices, accounts or other documents or copies thereof as the Territorial Treasurer may require; and</li> <li>(b) a return, in a prescribed form, showing details of fuel oil used or consumed by himself, his agents or his employees, together with the tax payable there-</li> </ul>   |
| Return showing stock during month. |    |   |
| Return of taxes.                   |    |   |



on or the prescribed certificates claiming exemption from tax.

6. Every person, other than an importer or vendor, who in any day brings into the Territory a greater quantity than fifty gallons of fuel oil for his own use shall within ten days thereof submit a return to the Territorial Treasurer concerning the same together with the tax payable or the prescribed certificate claiming exemption from tax. Returns of tax by other persons.
7. Where the Commissioner is of the opinion, upon evidence satisfactory to him, that any certificate under which exemption from tax is claimed is untrue or improper, he may direct the Territorial Treasurer to collect the tax for the fuel oil in respect of which the certificate was completed from the person who completed the certificate, and such direction shall be deemed to impose the tax on such person in respect of the fuel oil. Where certificates insufficient.
8. Every vendor, importer or person referred to in section 6 shall maintain books or records in respect of importation, sales and use of fuel oil in sufficient detail to permit examination and calculation of the tax and shall preserve such books and records for at least twelve months from the time the tax is collected. Records.

#### *Offences and Penalty*

9. (1) Every person who
- (a) makes a false statement in any return, certificate or form used under this Ordinance;
  - (b) obtains or attempts to obtain or knowingly induces, assists or attempts to assist another person to obtain an unwarranted exemption from tax;
  - (c) knowingly gives false information respecting any fuel oil transaction;
  - (d) refuses to produce any records or documents respecting fuel oil or any container used for holding fuel oil that is in his possession or control;
  - (e) refuses or neglects to pay or remit a tax where required to do so by this Ordinance or to execute prescribed returns, certificates or forms in connection with exemptions from tax where required to do so by this Ordinance; or
  - (f) violates any other provision of this Ordinance or the regulations;

is guilty of an offence and liable, upon summary conviction to a fine not exceeding five hundred dollars, with or without the additional amount of any tax not paid as a result of the offence, or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Prosecution does not affect other remedies. (2) A prosecution under this section does not suspend or affect any remedy for the recovery of any tax or amount payable under this Ordinance.

Burden of proof. 10. In any prosecution for an offence under this Ordinance or in any action or other proceedings brought for the recovery of taxes, the burden of proving that he has paid, levied or remitted a tax or that he is exempted under this Ordinance from liability to pay, levy or remit a tax is on the accused or the defendant.

Prosecution to be brought within two years. 11. No prosecution for an offence under this Ordinance shall be commenced after two years from the date of the commission of the offence.

#### *Regulations*

Regulations. 12. The Commissioner may make regulations for carrying out the purposes and provisions of this Ordinance and prescribing forms for returns, certificates and other documents under this Ordinance.

Motor Vehicle Fuel Tax Ordinance repealed. 13. The *Motor Vehicle Fuel Tax Ordinance*, chapter 78 of the Revised Ordinances of the Yukon Territory, 1958, is repealed.

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## CHAPTER 7

### ORDINANCES OF THE YUKON TERRITORY

1962 (First Session)

#### AN ORDINANCE RESPECTING SCHOOLS

(Assented to May 11th, 1962)

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 *School Ordinance*. Short Title

##### *Interpretation*

2. In this Ordinance,
- (a) "school" means a school to which this Ordinance applies; Definitions  
"School"
- (b) "Superintendent" means the Superintendent of schools for the Yukon Territory appointed pursuant to section 5; and "Superintendent"
- (c) "taxpayer" means a person whose name appears on the current assessment roll of the Territory or of a municipality or, in the case of a municipality having no assessment roll, a person who owns assessable property in that municipality and shall include a person in respect of whose children an annual grant in lieu of school taxes is paid by the Federal Government. "Taxpayer"

##### *Classification of Schools*

3. The school system of the Yukon Territory shall consist of Classification  
of schools in  
Yukon Territory.
- (a) territorial schools, and
- (b) district schools. Classes of  
territorial schools
4. (1) Territorial schools may be classed as
- (a) Yukon public schools, where they are established pursuant to section 8 and operated for the education of children that are not of the Roman Catholic faith, and
- (b) Yukon separate schools, where they are established pursuant to section 8 and operated for the education of children of the Roman Catholic faith.
- (2) District schools may be classed as Classes of  
district schools.
- (a) public schools where they are established pursuant to section 15, and
- (b) separate schools where they are established pursuant to section 18.

*Superintendent and Deputy Superintendent*

Superintendent and Deputy Superintendent.

5. The Commissioner shall appoint a Superintendent of Schools and a Deputy Superintendent of Schools for the Yukon Territory.

Superintendent's duties.

6. It shall be the duty of the Superintendent

- (a) to visit all schools and inquire into and report to the Commissioner upon the progress and attendance of the pupils, the discipline and management of schools, the system of education pursued, the mode of keeping school registers, the condition of school buildings and premises, and generally upon all such other matters as by the Commissioner are required;
- (b) subject to the approval of the Commissioner, to make and establish rules and regulations for the conduct of schools;
- (c) subject to this Ordinance, to prescribe the duties of teachers;
- (d) to ensure that teachers are provided with the books necessary for keeping proper records of their classes;
- (e) to ensure that the school houses, school grounds, school furniture, fences and all school property are properly maintained;
- (f) to ensure that school wells and all school grounds and premises are kept in proper sanitary condition and that due provision is made for properly lighting, heating, ventilating and cleaning the school grounds and school premises and report to the Commissioner with respect thereto ;
- (g) to ensure that wholesome drinking water is provided for children during school hours;
- (h) to regulate the management of territorial school libraries;
- (i) subject to the approval of the Commissioner, to select and provide all reference books for the use of pupils and teachers in territorial schools and all globes, maps, charts and other apparatus and supplies as are required for the proper instruction of pupils in such schools;
- (j) to require that no text books or apparatus not approved by the Superintendent be used in any school;
- (k) to suspend or dismiss any teacher in a territorial school for gross misconduct, neglect of duty or refusal or neglect to obey any of the Superintendent's lawful orders or any regulation of the Commissioner ;
- (l) to insure that the schools are conducted in accordance with the provisions of this Ordinance ;
- (m) to prescribe the age at which pupils may be admitted to grade one;
- (n) to investigate disputes arising between parents and a teacher or between children and a teacher:

- (o) to see that the law with reference to compulsory education and truancy is observed;
  - (p) to report annually to the Commissioner and the Council of the Yukon Territory on the schools in the Territory, showing
    - (i) the number of pupils taught in each school,
    - (ii) the average attendance in each school,
    - (iii) the number of his official visits to each school,
    - (iv) the salaries of the teachers,
    - (v) the qualifications of each teacher,
    - (vi) the number of teachers of each sex,
    - (vii) any other information he may possess respecting the schools that he feels should be brought to the attention of the Commissioner and the Council of the Yukon Territory, and
    - (viii) any statements and suggestions for improving the schools and school laws and promoting education generally that he deems useful and expedient; and
    - (ix) such report shall be tabled at the next Council session,
  - (q) to prepare suitable forms and give such instructions as he considers necessary for the making of all reports required by this Ordinance;
  - (r) to investigate any complaint made to him respecting the state of education in any part of the Territory or the conduct of any school and report thereon to the Commissioner;
  - (s) to close any territorial school when the average regular attendance therein falls below seven; and
  - (t) to perform such other duties as are assigned to him by the Commissioner;
  - (u) with respect to a school established under Part II of this Ordinance the Superintendent shall exercise all the powers and perform all the duties described in this section except those which are by the provisions of Part II of this Ordinance especially given to or imposed upon the Board of such a school.
7. The Deputy Superintendent shall perform such duties as are assigned to him by the Superintendent and if the Superintendent is absent or unable to act or if the office is vacant, the Deputy Superintendent has and may exercise all the powers of the Superintendent.

Deputy Superintendent's duties .

## Part I

### *Territorial Schools*

- 8. The Commissioner may establish schools at any place in the Territory.
- 9. The Commissioner may operate and maintain schools established by him pursuant to section 8 for the education of chil-

Yukon special schools.

dren of the Roman Catholic faith separate and apart from the children that are not of the Roman Catholic faith.

10. (1) Subject to subsection (2), the Commissioner may, on behalf of the Yukon Territory, enter into an agreement with the trustees of a school district transferring to them, on such terms and conditions as may be agreed upon by the Commissioner, any school site together with school buildings and residential accommodation for lay teachers maintained in connection therewith provided in that school district by the Government of the Yukon Territory.
- (2) An agreement entered into by the Commissioner pursuant to subsection (1) with the trustees of a separate school district shall be on terms not less favourable than if the agreement was entered into with the trustees of a public school district.
11. (1) The Superintendent may appoint a principal for every territorial school in which more than one teacher is employed and a vice-principal for every school that has more than two hundred and fifty pupils.
- (2) The principal of a territorial school shall be responsible for the administration, organization and general discipline of the school for which he is appointed.
- (3) The vice-principal of a territorial school shall perform the duties assigned to him by the principal and if the principal is absent or unable to act, or if the office is vacant, the vice-principal has and may exercise all the powers of the principal.
12. The Commissioner shall, on the recommendation of the Superintendent, appoint teachers to each territorial school, due consideration being given to the recommendations regarding teacher entitlement contained in the report of the Committee on Education 1960.
13. In any area served by a territorial school the resident adults may elect three of their number to constitute an Advisory Committee whose function shall be to make to the Superintendent and to the Territorial Councillor or Councillors directly concerned in the operation of that school recommendations
- (a) with respect to the care, management and supervision of the property of that school;
- (b) for promoting harmonious relations between parents and teachers and children and teachers in that school ; and
- (c) for the improvement or extension of the education facilities for residents of the community in which that school is located.
- Appointment of principal and vice-principal
- Duties of principal
- Duties and powers of vice-principal
- Commissioner to appoint teachers.

Part II  
*District Schools*

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| 14. | In this Part,<br>(a) "Board" means the Board of school trustees of a school district;<br>(b) "school" means a district school established under this Part; and<br>(c) "returning officer" means a returning officer appointed pursuant to section 19.  | Definition.<br>"Board"<br>"School"<br>"Returning officer" |
| 15. | (1) The Commissioner may on receipt of a petition signed by not less than three taxpayers resident in<br>(a) a municipality, or<br>(b) an area of not more than twenty-five square miles that is outside a municipality and in which there are resident not less than four taxpayers and fifteen children between the ages of five and sixteen years, establish in that municipality or area a school district.  | Establishment of a school district.                       |
| 16. | The petition mentioned in section 15 shall state<br>(a) the religious faith, that is to say Protestant or Roman Catholic, of each of the petitioners;<br>(b) the proposed name of the school district;<br>(c) the proposed limits, location and approximate area of the proposed school district; and<br>(d) the total number of taxpayers and the total number of children between the ages of five and sixteen years, of the religious faith of the petitioners residing within the limits of the proposed district.   | Contents of petition.                                     |
| 17. | The petition described in section 15 shall be accompanied by the sworn declaration of one of the petitioners verifying the facts set forth therein.  | Petition to be sworn.                                     |
| 18. | Where the Commissioner is satisfied that the proposed school district contains<br>(a) fifteen children of a faith other than the Roman Catholic faith and four residents who, on the establishment of a school district, will be liable for assessment for school taxes, he shall establish that district as a public school district, and<br>(b) fifteen children of the Roman Catholic faith and four residents who, on the establishment of a school district will be liable for assessment for school taxes, he shall establish that district as a separate school district. | Establishment of public and separate school districts     |

*Election of School Trustees*

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| 19. | (1) The Commissioner shall, on establishing a school district and as required from time to time, appoint a person who is qualified to vote at an election held under this Part as a returning officer for that district. | Commissioner to appoint returning officer for district. |
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- Commissioner to fix day for holding of first election. (2) The Commissioner shall fix a day for the holding of an election of the first three trustees for a district and such trustees shall hold office until the day in January next following when their successors are sworn in.
- Trustees' term of office. (3) All trustees of a school district, other than the first trustees, shall hold office for two years.
- (4) No decision of a Board of Trustees shall be made by a quorum, a majority of which is composed of persons in respect of whose children an annual grant in lieu of school taxes is paid by the Federal Government.
- Notices as to nominations. 20. The returning officer shall within ten days from the date of notification of his appointment post notices for the nomination of candidates for the office of trustees in the form set out in Schedule A in five public places within the school district.
- Qualifications of voters for public school trustees. 21. Subject to section 24, every taxpayer resident within a school district is qualified to vote at an election of public school trustees for that district if he
- (a) is a Canadian or other British subject of the full age of twenty-one years, and
- (b) has fully paid his rates and taxes of all kinds before the day of nomination of candidates.
- Idem. 22. Subject to section 24, every spouse of a taxpayer described in section 21 is qualified to vote at an election of public school trustees for a district if that spouse
- (a) is a Canadian or other British subject of the full age of twenty-one years, and
- (b) is a resident of the school district.
- Qualifications of voters for separate school trustees. 23. Every person described in section 21 or 22 who is of the Roman Catholic faith is qualified to vote at an election for school trustees for a separate school district.
24. A person of the Roman Catholic faith is not qualified to vote at an election of school trustees for a public school district if there is a separate school district in the same municipality or area.
- Persons not to vote in two elections. 25. Except in the case of the first election held for school trustees for a separate school district, no person who votes at an election of school trustees for a public school district shall vote at the election of school trustees for a separate school district held in the same year.
- Voters list. 26. The collector of taxes for a municipality or area containing a school district shall prepare a list alphabetically arranged of the names of all taxpayers and their spouses qualified to vote at an election of school trustees and shall certify such list.



27. Subject to this Ordinance, a person is qualified to be a trustee of a school district if he is
- (a) qualified to vote at an election of school trustees for that district, and
  - (b) able to read and write in either the French or English language.
28. No person who is a teacher at any school in the Territory shall be eligible to hold office as a school trustee.
29. (1) Every candidate for the Office of school trustee shall be nominated in writing by two taxpayers of the district.
- (2) Except in the case of the first election for trustees held in a district, the nomination papers for a candidate as school trustee shall be delivered to the returning officer not later than five o'clock in the afternoon of the second day of January or, if that date is a holiday, then before five o'clock of the next day thereafter that is not a holiday.
30. If the number of nominations of candidates for the office of school trustee do not exceed the number of trustees to be elected, the returning officer shall declare the persons nominated to be elected, and shall send to the Commissioner a report of their election together with the nomination papers of all persons nominated.
31. Where more nominations are received than the number of trustees to be elected, the returning officer shall provide one polling place for every two hundred and fifty voters and shall appoint a deputy returning officer and a polling clerk for each polling place.
32. Subject to this Part, an election held under this Part shall be conducted in the same manner as is provided in the Municipal Ordinance for an election of a member of a *municipal council*.
33. (1) Subject to subsection (2), all elections for school trustees held under this Part after the first election in a school district shall be held on the twenty-first day after the day fixed for the nomination of candidates or if such day is a holiday on the next day thereafter that is not a holiday.
- (2) If a school district is wholly within a municipality every nomination and election under this Part after the first election shall be held at the same time and place and before the same returning officer as the nomination and election of members of the council for that municipality.
34. The returning officer, deputy returning officer and the polling clerks shall, before entering upon their respective duties, take and subscribe the oath set out in Schedule B.

Qualifications of trustees.

Teachers not to be trustees.

Nominations.

Filing of nominations.

Election by acclamation.

Polling places.

Election procedure.

Date of election.

Where school district in a municipality.

Oaths.

- Opening and closing of polls. 35. (1) On the day of an election under this Part the deputy returning officer shall open each poll at nine o'clock in the forenoon and keep it open until six o'clock in the afternoon.
- Candidate's agent. (2) Every candidate shall be entitled to be represented at each polling place by an agent who shall produce to the deputy returning officer his appointment signed by the candidate.
- Supplies to be provided. 36. (1) The returning officer shall provide each deputy returning officer with
- (a) a sufficient number of ballots in the form set out in Schedule C;
  - (b) necessary material to mark the ballots;
  - (c) a polling book which, with such variations as the provisions of this Ordinance make necessary, shall be in the form of the poll book used for an election of members of a municipal council; and
  - (d) a copy of the instructions set out in Schedule D.
- Poll clerk to record voters. (2) The poll clerk shall write in the poll book the name of each voter presenting himself at the poll for the purpose of voting.
- Deputy returning officer to initial ballots. (3) When the name of any person presenting himself to vote is found upon the list of voters and when the proper entries respecting him have been made in the poll book, the deputy returning officer shall write his initials on the back of the ballot paper and deliver it to that person.
- Voter's oath. 37. Where any objection is made to the right of any person to vote at an election of school trustees, the deputy returning officer shall require that person to take the oath set out in Schedule F before delivering a ballot paper to that person.
- Counting of ballots. 38. (1) At the hour of six o'clock in the afternoon the deputy returning officer shall declare the poll closed and with the assistance of his poll clerk and in the presence of the candidates and their agents, or such of them as are then present, forthwith open the ballot boxes and proceed to examine and count the ballots therein.
- Ballots not to be counted. (2) Every ballot paper
- (a) that is not initialed by the deputy returning officer,
  - (b) on which votes are given to more candidates than are to be elected,
  - (c) on which anything is written or marked that appears to have been put there for the purpose of enabling the ballot to be identified as a ballot of a particular voter,

(d) that is unmarked , or

(e) from which is uncertain for which candidates the voter has voted,

shall be void and shall not be counted.

39. A deputy returning officer shall at the request of any candidate or agent of a candidate, give to that candidate or agent a certificate stating the number of votes given for each candidate and the number of ballots rejected. **Certificate of votes.**
40. (1) The deputy returning officer shall, after counting the ballots placed in a ballot box, place all the ballots, the poll books, the oaths subscribed to by voters and the voters list in the ballot box, seal it and return it to the returning officer with a written statement of the votes cast for each candidate and the number of ballots rejected. **Ballots, etc., to be delivered to returning officer.**
- (2) On receipt of the ballot boxes used in an election the returning officer shall **Declaration of election, etc. by returning officer.**
- (a) add up the votes polled for each candidate,
- (b) declare the three candidates receiving the greatest number of votes elected,
- (c) report the names of the candidates elected to the Commissioner, and
- (d) deliver all voters lists, ballot boxes, ballots and oaths subscribed to by voters to the clerk of the municipality, if the school district is in a municipality, or to the Territorial Secretary or his agent, if the school district is outside the municipality.
41. Before a trustee attends his first meeting with the Board he shall make the following declaration before a justice of the peace or commissioner for oaths: "I ..... do hereby accept the office of trustee for the ..... school district to which I have been elected and I will to the best of my ability, honestly and fairly discharge the duties devolving on me as trustee." **Declaration of trustee.**
42. (1) The trustees of a school district shall within ten days after the date of their election meet and choose one of their number as chairman and shall appoint a secretary and a treasurer or secretary-treasurer who shall be paid such remuneration as the Board may fix. **First meeting of trustees.**
- (2) In case of the absence of the chairman at any meeting of the Board the trustees present shall elect one of their number to act as chairman of the meeting.

**Trustees a body corporate.** 43. The trustees of every school district shall be a corporation under the name "The Board of Trustees for the ..... School District No. .... of the Yukon Territory", the number of the school district to be established by the Commissioner.

*Annual Meeting of Taxpayers*

**Annual taxpayers meeting.** 44. An annual meeting of the taxpayers of every school district shall be called by the Board not later than the first Tuesday of September in each year and shall commence at the hour of eight o'clock in the afternoon.

**Notice of annual meeting.** 45. The Board shall at least eight days before the day for which the annual meeting is called post notices giving the day, place and hour of the meeting in five conspicuous places within the district, one of which shall be the post office for that district, and if there is no post office for that district a sixth notice shall be posted in the post office nearest to that district.

**Chairman.** 46. (1) The Chairman of the Board shall be the chairman of the annual meeting and in the absence of the chairman the taxpayers present shall elect one of their number to preside.

**When chairman to vote.** (2) The chairman shall not vote on any question except in the case of a tie.

(3) It shall be the duty of the Chairman of the Board

(a) to have the general supervision of the affairs of the District.

(b) to certify all accounts against the District passed by the Board before such accounts are paid by the Treasurer.

(c) to countersign all cheques issued by the Treasurer on behalf of the District.

(d) to execute agreements with teachers and to procure the execution thereof by teachers,

(e) to designate one of the trustees as his deputy empowered to act in his absence or in the event the Chairman is unable or unwilling to act.

**Business of annual meeting.** 47. The business of the annual meeting shall be conducted in the following order;

(a) the reading and adopting of minutes of the last annual meeting;

(b) the reading and considering of a statement of the teacher signed by him and giving the following particulars:

- (i) the number of days on which school was kept open in each term since the last annual meeting,
  - (ii) the total number of children attending school during that period, specifying the number of males and females,
  - (iii) the number of children of school age residing in the district who did not attend school during the year,
  - (iv) the average daily attendance of pupils for each term and for the year,
  - (v) the classification of pupils and the number of pupils in each class,
  - (vi) the subjects taught in the school and the number of children studying each subject,
  - (vii) the number of pupils suspended or expelled for misbehaviour or other causes, and
  - (viii) the date on which the public examination of the school was held and the number of visitors present;
- (c) the reading and considering of a statement prepared by the trustees giving the following particulars:
- (i) the names of the trustees,
  - (ii) the officers of the district appointed by the trustees and the salaries paid to those officers,
  - (iii) vacancies created in the Board during the year, giving the causes therefor and an account of the elections held to fill such vacancies and the results thereof,
  - (iv) the contracts entered into during the year by the Board as well as an account of those entered into by their predecessors,
  - (v) the number of regular and special meetings of the Board held during the year together with a statement showing the number of meetings attended by each member, and
  - (vi) the number of visits made by each member of the Board to the school while it was in operation:
- (d) the reading and considering of the treasurer's statement for the fiscal year ending on the thirty-first day of March preceding the annual meeting, giving the following particulars:
- (i) the amount of money received by the district from

each source of revenue including government grants whether paid directly or indirectly to teachers in the district,

- (ii) the amounts of money paid out by the district with particulars as to whom such amounts were paid,
  - (iii) the amount of money due to the district from all sources with particulars as to these sources, and
  - (iv) the amount of money due by the district and the terms and times of payment;
- (e) the reading and considering of a statement prepared by the collector of taxes and signed by him giving the following particulars:
- (i) the total assessed value of all property as shown by the last revised assessment roll,
  - (ii) the total amount of taxes levied during the year,
  - (iii) the rate of the school tax,
  - (iv) the current taxes collected during the year,
  - (v) the arrears of taxes collected during the year, and
  - (vi) the total arrears of taxes that are due, together with a statement of the amount owing by each taxpayer;
- (f) the reading and considering of the Auditor's report;
- (g) the reading and considering of the Superintendent's report received since the last annual meeting; and
- (h) such further statements in relation to the affairs of the district as is deemed advisable.

*Special Meeting of Taxpayers*

**Special meeting of taxpayers .**

48. (1) A special meeting of the taxpayers in any district may be held at any time for the purpose of considering any matter not otherwise provided for in this Ordinance.

**Calling of special meetings.**

(2) The secretary of the Board shall call a special meeting of taxpayers when required to do so by the Board, the Commissioner or the Superintendent or by a notice in writing signed by twenty-five percent of the taxpayers.

**Notice.**

(3) The notice calling a special meeting shall set forth the purpose of the meeting and shall be posted in the manner provided for notices of annual meeting.

**Business of special meetings.**

49. No business shall be considered at a special meeting of taxpayers other than that mentioned in the notices calling the meeting.

*Meetings of School Boards*

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| 50. | A meeting of the Board may be called by the chairman or by a trustee.   | Calling of Board meeting.                     |
| 51. | Subject to section 52, a meeting of the Board shall be called by giving notice in writing to each trustee two days prior to the date of the meeting or in the absence of a trustee from his residence or place of business by leaving such notice with an adult person at the trustee's residence or place of business. | Notice of meeting.                            |
| 52. | (1) The Board of any district may at any meeting at which all of the members of the Board are present decide by resolution to hold regular meetings of the Board and such resolution shall state the day, hour and place of such meeting and no further or other notice of any such meetings shall be necessary.        | Regular meetings.                             |
|     | (2) The Board may by unanimous consent recorded in the minutes waive notice of any meeting and hold a meeting at any time.  | Special meetings.                             |
| 53. | (1) A majority of the Board shall constitute a quorum.  | Quorum.                                       |
|     | (2) No act or proceeding of a Board shall be valid or binding on any party if it is not adopted at a meeting at which a quorum of the Board is present.   | Meetings required to have quorum.             |
| 54. | (1) Where the number of the trustees of a school district is reduced to one or to none the Commissioner shall appoint a returning officer and fix a day for the election of trustees.   | Vacancies on Board.                           |
|     | (2) A trustee elected to fill an office declared vacant shall hold office only for the unexpired term of the person in whose place he has been elected.   | Trustee to serve only unexpired term.         |
|     | (3) Notwithstanding subsection (1), where the term of office of a trustee whose seat has been declared vacant is over one-half completed, the Commissioner may appoint a trustee for the remaining period of the term of that office.   | Commissioner may appoint trustee.             |
| 55. | At all meetings of the Board all questions shall be decided by a majority of votes.   | Questions to be decided by majority of votes. |
| 56. | The Board of every school district shall  | Duties of Board.                              |
|     | (a) appoint a chairman, a secretary and treasurer or a secretary-treasurer and such other officers as are required by this Ordinance;   |   |
|     | (b) procure a corporate seal for the district;  |   |
|     | (c) see that all the reports and statements required by this Ordinance or by the Superintendent are transmitted to the Commissioner without delay;  |   |
|     | (d) keep a record of the proceedings of each meeting of the   |   |

Board signed by the chairman and secretary, see that true accounts of the schools in the district are kept, and see that the affairs of the district are conducted in the manner provided by this Ordinance and with due regard to efficiency and economy;

- (e) provide the officers of the Board with the books necessary for keeping proper records of the district;
- (f) take possession of, and have the custody and safe keeping of, all the property of the district;
- (g) purchase or rent school premises, repair, furnish and maintain the school buildings, furniture, fences and all other school property, keep the wells, washrooms and premises, of each school in a proper sanitary condition, make due provision for properly lighting, heating, ventilating and cleaning each school and if it deems it advisable, purchase or rent premises for a residence for teachers of each school and repair and maintain order in such residence;
- (h) provide wholesome drinking water for the use of the children in each school;
- (i) provide suitable sanitary facilities for the children and teachers in each school;
- (j) keep insured the school buildings and equipment;
- (k) provide a suitable library for each school and make regulations for its management and use;
- (l) provide from the list authorized by the Commissioner all reference books required for the use of pupils and teachers in each school and all such apparatus as it is required for the proper instruction of pupils in each school;
- (m) require that no text books or apparatus be used in a school other than those authorized by the Superintendent;
- (n) exempt, either in whole or in part any indigent persons resident within the district from the payment of school taxes and where necessary provide the children of such persons with text books and other supplies at the expense of the district;
- (o) see that the school is conducted in accordance with the requirements of this Ordinance and of the Commissioner, and
- (p) discipline as it sees fit, any pupil who, upon investigation by the Board, is found to be guilty of truancy, open opposition to authority, habitual neglect of duty,



the use of profane or improper language or other conduct injurious to the moral tone or well-being of the school.

- (q) Engage and employ, subject to any regulations made by the Commissioner relating to qualifications and working conditions, all teachers, principals, vice-principals and other personnel necessary for the efficient operation of the school.
- (r) Suspend or dismiss any teacher, principal, or vice-principal for gross misconduct, neglect of duty or refusal or neglect to obey any lawful order of the Board or Superintendent or any regulation of the Commissioner.
- (s) Make regulations for the management of the school.
- (t) Settle disputes arising in relation to the school between the parents or children and teachers.
- (u) Provide and see that any law with reference to compulsory education and truancy is observed, and
- (v) Provide equipment and supplies for the noon lunch and such equipment and appliances for school sports and games as may be deemed desirable by the School Board.
- (w) Designate the head teacher as principal of any school where more than one teacher is employed and in any school with an enrolment of more than two hundred and fifty pupils shall designate a vice-principal, and
  - (i) the principal shall with the concurrence of the Board be responsible for the administration, organization and general discipline of the school, and
  - (ii) the vice-principal of a school shall perform the duties assigned to him by the principal, if the principal is absent or unable to act, or if the office is vacant, the vice-principal has and may exercise all the powers of the principal.
- (x) The parent or lawful guardian of any child residing outside the limits of any district may apply to the Board for the admission of such child to its school and the Board may, after due consultation and agreement with the Superintendent enroll such child in its school subject to satisfactory financial arrangements being negotiated.

57. The secretary or secretary-treasurer of the Board shall

- (a) keep a full and correct record of the proceedings of every meeting of the Board and see that the minutes when approved are signed by the chairman;
- (b) conduct and preserve the correspondence of the Board as he is directed by the Board;

Duties of the secretary.

- (c) have charge of and keep on record all the books, papers, accounts, assessment rolls, plans and maps committed to his charge by the Board during his term of office and deliver the same to the chairman on ceasing to hold office;
- (d) faithfully prepare and duly transmit to the Commissioner such reports, statements and other information in regard to the district as is from time to time required by the Commissioner or the Superintendent and in such form as is prescribed by the Superintendent;
- (e) at the request in writing of the chairman or any trustee, call meetings of the Board;
- (f) produce the minutes and other books, assessment rolls and all papers and other records of the Board for inspection when required by the Superintendent so to do;
- (g) prepare the statement of the trustees to be presented at the annual meeting of the taxpayers;
- (h) at any annual or special meeting of the taxpayers produce the minute book of the district completed to the date of the meeting and give the taxpayers an opportunity to examine the same; and
- (i) give the notice required by this Ordinance of each annual meeting of the taxpayers, and call, within seven days of the date of receipt of the request, special meetings of the taxpayers as provided in section 48 of this Ordinance.

Duties of the treasurer.

- 58.** The treasurer or secretary-treasurer of the Board shall
- (a) before entering upon his duties give security to the Board satisfactory to it in the form of a guarantee bond from any guarantee company authorized to do business in Canada, in the amount of any moneys for which the treasurer may at any time be responsible;
  - (b) receive all moneys payable to the District and disburse such moneys in the manner directed by the Board;
  - (c) pay all accounts owing by the district after they are certified by the chairman of the Board;
  - (d) keep a complete and detailed account of all moneys received and disbursed for school purposes, including government grants that may have been paid directly to teachers in the district;
  - (e) when called for by the trustees, auditor, Superintendent of Schools, or other competent authority, produce all books, papers and moneys belonging to the district and hand over to the trustees or any person named by them

all such books, papers and money upon ceasing to hold office;

- (f) prepare at the end of each fiscal year ending March 31st, a statement of the finances of the district for submission to the annual meeting of the taxpayers;
- (g) prepare and transmit to the Superintendent such reports and statements with reference to the finances of the district as are from time to time required by the Superintendent and in such form as is prescribed by the Superintendent;
- (h) deposit all moneys of the District forthwith upon receipt thereof in a Canadian chartered bank;
- (i) give and take receipts for all school moneys received and paid out, and keep on file all supporting vouchers; and
- (j) at any annual or special meeting of the taxpayers produce the account books of the District completed to a date designated by the Chairman of the School Board and give the taxpayers an opportunity to examine the same.

59. The Commissioner shall appoint for every school district an auditor who shall audit the books and accounts of the school district in each year prior to the annual taxpayers meeting.

Commissioner to appoint auditor.

60. (1) The Board of every district shall cause to be prepared and transmitted to the Superintendent in the form prescribed by him half-yearly and yearly returns respecting the attendance and classification of pupils in the district and the finances of the district.

Return and reports.

(2) Where the Board of any district neglects or refuses to have prepared and transmitted to the Commissioner any returns and reports required by this Ordinance or by the Commissioner or Superintendent, the trustees through whose neglect or refusal such returns and reports have not been transmitted shall be jointly and severally liable to a penalty of ten dollars for each week that the reports and returns are delayed, which amount may be recovered by action in the Territorial Court by any person authorized by the Superintendent to bring such action.

Penalty for failure to make returns and reports.

#### *Resignation of Trustees*

61. A trustee may resign by sending a notice in writing to the chairman of the Board and such resignation shall take effect on the election or appointment of another trustee .

Resignation of trustee.

#### *Vacation of Office*

62. A trustee who  
(a) is convicted of an offence under the Criminal Code,

Forfeiture of office by trustee.

- (b) becomes insane,
  - (c) absents himself from meetings of the Board over three consecutive months without the authority of a resolution of the Board, or
  - (d) ceases to be an actual resident within the district for which he is a trustee,
- shall be deemed to have forfeited his seat, and the remaining trustee or trustees shall declare his seat vacant.

63. **Trustee not to have interests in contracts with school district.**
- (1) No trustee shall have either directly or indirectly any pecuniary interest, profit or expected benefit in or from any contract, agreement or engagement with the school district of which he is a trustee or receive any compensation for any work, employment or duty on behalf of such district except as secretary, treasurer or secretary-treasurer for the district.
- Penalty.**
- (2) A trustee who violates subsection (1) shall be deemed to have forfeited his seat and the remaining trustees shall declare the seat vacant.

*Financial*

64. **Borrowing for current expenditures.**
- The Board of any district may by resolution authorize the chairman or treasurer to borrow from any chartered bank in Canada a sum not exceeding sixty per cent of the school taxes to be levied for the current year, as are required to meet the expenditures of the school district, until such time as the school taxes levied for the current year are available, and such loans shall be paid out of and shall be a first charge upon the taxes that are collected for the year in which the loan was made and may be secured by a promissory note given by the chairman and treasurer on behalf of the Board.

65. **Borrowing for special purposes.**
- (1) The Board of any district may, upon receiving the approval of the Commissioner, borrow a sum not exceeding forty thousand dollars for the purpose of securing or improving a school site, or on purchasing, repairing, erecting, furnishing or adding to any school building.

- Repayment.**
- (2) Any amount borrowed pursuant to subsection (1) shall be made repayable in equal annual instalments with interest and may be extended over a period of not more than five years, and any such amount borrowed shall be secured by promissory notes given by the chairman and treasurer on behalf of the Board.

66. **Assessment, rating and collection of taxes.**
- The provisions of the *Municipal Ordinance* respecting the assessment, rating and collection of taxes shall apply *mutatis mutandis* with respect to the assessment, rating and collection of taxes by a school district that is situated within a municipality, and the provisions of the *Taxation Ordinance* respecting the assessment, rating and collect -

ion of taxes shall apply *mutatis mutandis* with respect to the assessment rating and collection of taxes by a school district that is situate in an area that is outside a municipality.

67. (1) Where a district is situate within a municipality the trustees may, after the final revision of the assessment roll of the municipality, make a demand on the Council of that municipality for the amount of money required for school purposes for the then current year, but such amount shall not exceed an amount equal to twenty-five mills on the dollar according to the last revised assessment roll of the property liable for assessment in that district for ordinary school purposes, with such additional amount as may be necessary to meet any indebtedness that has been incurred and is coming due, and such sum shall be assessed and collected as the rates of the municipality. **Demand on municipality for collection of taxes.**
- (2) Subject to this Ordinance, the property liable to assessment and taxation for school purposes shall be the property liable to assessment for taxation for municipal or Territorial purposes. **Property liable for assessment and taxation.**
68. (1) Where a separate school district is established by the Commissioner, the assessor shall add a column to the assessment roll in which he shall state the religion, whether Protestant or Roman Catholic, of the person assessed. **Assessment for separate schools.**
- (2) Where in a separate school district property is held by two or more persons as joint tenants or tenants in common who are of different religious faiths the holders of such property shall be assessed in proportion to their respective interests in the property. **Where property held jointly by persons of different religious faiths.**
- (3) Where a separate school district is established by the Commissioner, the taxpayers of that district shall be liable only for the payment of such school taxes they impose upon themselves in respect of that school. **Extent of liability of separate school supporters.**
69. (1) A company may, by notice given to the clerk of a municipality in which a separate school district is situated, to the secretary of the Board of any public school district in the same district and to the secretary of the Board of such separate school district, require any part of the real property of which that company is either the owner or occupant that is liable to assessment, to be entered, rated and assessed for the purpose of the separate school district and the assessor shall thereupon enter the company as a separate school supporter in the assessment roll in respect of that property. **Corporation may require property be assessed for separate school purposes.**
- (2) The notice described in subsection (1) shall be taken as continuing in force and to be acted upon by the clerk of the municipality until such time as the company vacates the property or so notifies the clerk. **Duration of notice.**
- (3) Every notice described in subsection (1) shall be kept by the clerk of the municipality on file in his office and shall during the business hours of the clerk's office be **Inspection of notice.**

open to inspection and examination by any person entitled to examine or inspect the assessment roll.

Penalty for  
false statement.

- (4) A company giving a notice described in subsection (1) that contains false statements therein is liable on summary conviction to a penalty not exceeding five hundred dollars, and any person giving such notices on behalf of a company knowing it to contain false statements is guilty of an offence and liable on summary conviction to a fine of \$500.00 or to imprisonment for three months or both such fine and imprisonment.
- (5) Where a company that is either the owner or occupant of real property in a separate school district that is liable to assessment under this Ordinance for school purposes does not file a notice pursuant to subsection (1) the Assessor shall enter the company as a separate school supporter in the assessment roll in respect of a portion of its total real property so assessable and situate in that separate school district that is the same fraction of the total of all its real property assessable under this Ordinance situate in that separate school district as the number of children enrolled on the last school day of January of the year in respect of which the assessment is made in all schools operated by that separate school district is of the number of children enrolled on that same day in all schools, whether Territorial or District in the area comprising that separate school district.

*Executions Against Board of School District*

Executions  
against  
Boards.

70. (1) A writ of execution against the Board of any district may be endorsed with the direction to the sheriff to levy the amount thereof by rate;  
and the procedure therein shall be as follows:
  - (a) the sheriff shall deliver a copy of the writ and endorsement to the treasurer or leave such copy at the office or dwelling house of the treasurer together with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including interest calculated to the day of service;
  - (b) if the amount described in paragraph (a) is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment roll of the district and shall in like manner as rates are struck for general school purposes, strike a rate on the dollar on the assessable property in the said district sufficient to cover the amount due on the execution, with such additional amount as the sheriff deems sufficient to cover the interest and his own fees up to the time when such rate will be available;
  - (c) after striking a dollar rate on the assessable property in the district, the sheriff shall issue an order under his hand and seal of office directed to the treasurer of the district and shall by such order, after reciting the writ and that the Board had neglected to satisfy the amount of the execution, command

the treasurer to levy or cause to be levied the rate struck by the sheriff at the time and in the manner by law required in respect of general school rates;

- (d) the treasurer shall at the time of levying the annual rate after receipt of the sheriff's order add a column to the tax roll in the said district headed "Execution rate A.B. vs. Trustees of School District ...", or by adding a column for each execution if there is more than one, and shall insert therein the amount required by the sheriff's order to be levied upon each person respectively, and the treasurer shall, as soon as the amount of the execution or executions is collected, return to the sheriff his order with the amount levied thereon; and
- (e) the sheriff shall, after satisfying the executions and all fees thereon, return any surplus paid by the treasurer within ten days after receiving the same to the treasurer for the general purposes of the district.

(2) The treasurer of a school district shall for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Ordinance with respect to executions against a district be deemed to be an officer of the court out of which the writ issued, and as such shall be amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel him to perform the duties imposed upon him.

(3) In this section "treasurer" means

"Treasurer" defined.

- (a) in the case of a school district situate within a municipality, the treasurer of such municipality; and
- (b) in the case of a school district situated outside a municipality, the officer performing the duties of treasurer of the Territory.

71. (1) No school Board shall charge tuition fees unless the parents or guardian of a pupil in attendance at school in the district resides outside the district.

Tuition fees.

(2) The tuition fees charged by a school Board shall be the fees prescribed by the Commissioner.

The Commissioner to prescribe fees.

72. Any Board or any member thereof that willfully neglects or refuses to exercise or to assist in exercising all the powers vested in such Board by this Ordinance for the fulfilment of any contract or agreement made by it is personally responsible for the fulfilment of that contract or agreement.

Liability of Board and members.

73. Where the Board of any district

- (a) wilfully contracts liabilities in the name of the district other than are provided in this Ordinance, or

Liability of trustees for debts.

(b) appropriates any moneys of the district for purposes other than are provided in this Ordinance, the treasurer of the district or any other person authorized by the Commissioner may recover from the members of that Board, either jointly or severally, the amount over and above the amount provided by this Ordinance for which the district has been rendered liable through the action of the Board as a debt in any court of competent jurisdiction.

**Liability of Board.** 74. The members of a Board failing to take a guarantee bond from its treasurer shall be jointly and severally liable for any default of that treasurer to the extent of the sum for which such bond should have been taken, but where on the demand of any trustees the majority of the Board refuses or neglects to take the guarantee bond from the treasurer, such demand shall be recorded in the minutes of the Board and that trustee shall be relieved from all personal liability in the case of any default of the treasurer.

**Penalty for false reports.** 75. Every trustee who knowingly signs a false report or knowingly makes a false return, is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

**Penalty for retaining money or books.** 76. Every trustee, officer or employee of a Board who, after ceasing to hold office, retains any money, book, paper or thing belonging to a Board after having received notice in writing from the chairman of the Board or from the Commissioner requiring him to deposit the same in the hands of a person named in such notice is guilty of an offence and liable on summary conviction to a fine not exceeding \$200.00 for each day during which he wrongfully retains possession of such money, book, paper or thing and in default of payment of that fine, to imprisonment for a term not exceeding thirty days or to both such fine and imprisonment.

**Penalty on returning officer for prejudicing results of election.** 77. Every returning officer of a district who knowingly prejudices the result of any voting by preventing votes from being taken, by taking unlawful votes, by altering returns or books in any way, or by any other means, is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.



*PART III*

*General*

78. (1) The school year shall begin on the first day of July in each year and shall end on the thirtieth day of June next following. **School year.**
- (2) The school year shall consist of two terms, the first term commencing on the first day of September or if the first, second or third day of September in any year is Labour Day or the day following Labour Day and ending on Friday of the week immediately preceding the week that includes Christmas Day, and the second term commencing on the third day of January or if the third day of January in any year is a Saturday or a Sunday, on the fourth or fifth day of January in that year. **Terms of school year.**
- (3) Notwithstanding subsection (2), the Commissioner may authorize the Superintendent to hold school in July and August of any year and select the pupils to be enrolled therein. **School may be held in July and August.**
79. (1) School shall be held between nine o'clock and twelve o'clock in the forenoon and one o'clock and four o'clock in the afternoon of every day except Saturdays, Sundays and holidays. **School hours.**
- (2) Subject to the approval of the Commissioner, the Superintendent may alter the school hours for any school in the Territory. **Alteration of school hours.**
80. (1) The following days shall be school holidays: **Holidays.**
- (a) Good Friday,
  - (b) Easter Monday,
  - (c) the birthday of the reigning sovereign,
  - (d) Empire Day,
  - (e) Dominion Day,
  - (f) Discovery Day,
  - (g) Labour Day,
  - (h) Thanksgiving Day,
  - (i) Remembrance Day,
  - (j) New Years Day, and
  - (k) any day specially appointed as a holiday by the Governor General or the Commissioner.
- (2) The Superintendent may, with the approval of the Commissioner, give such other holiday or holidays as he deems proper to any school which is open during the whole school year, but any such school shall be open at least one hundred and ninety days in each school year. **Idem.**
- (3) Notwithstanding subsections (1) and (2), the Superintendent may, with the approval of the Commissioner, close any school or schools at such time and for such period as he deems necessary. **Closing of schools.**

- English language. 81. All schools shall be taught in the English language, but the Superintendent may permit a primary course to be taught in the French language in any school.
- Religious instruction. 82. (1) Religious instruction may be given to children in school during the first half hour of each day or during such other period as the Commissioner may prescribe.
- Children may leave during religious instruction. (2) Where religious instruction is given in a school pursuant to subsection (1), any child attending that school may, with the approval of his guardian or parents, leave the school during the time that such religious instruction is given or remain in school without taking part in that religious instruction.
- Lord's Prayer. (3) The Superintendent may direct that any school or schools be opened by the recitation of the Lord's Prayer.
- Persons not to interfere with the education of children. 83. No person shall attempt in any way to deprive a child of the advantage that he might derive from the ordinary education given in a school and any such action on the part of a teacher shall be grounds for his dismissal.
- Kindergarten. 84. (1) The superintendent may establish kindergarten classes for the teaching and training of children between the aged of four and six years, and, with the approval of the Commissioner, may fix and charge a monthly fee for each pupil attending such classes to cover the cost of maintaining the kindergarten.
- Education of adults and retarded children. (2) The Superintendent may, with the approval of the Commissioner, establish classes for the instruction of adults and retarded children and prescribe the requirements for admission to those classes.
- Compulsory education. 85. (1) Every parent, guardian or other person having the care or control of a child that is seven years of age or over, but not over the ages of fifteen and is resident in an area in which there is a school shall send that child to school for each day of the school year and during the months of July and August if so instructed by the Superintendent unless
- (a) the child is prevented from attending school for any unavoidable cause;
- (b) the child has reached a standard of education equal to or higher than that to be obtained in that school; or
- (c) the child is being instructed in a manner and to a standard satisfactory to the Superintendent.
- Penalty. (2) Every person who violates subsection (1) is guilty of an offense and liable on summary conviction to a fine not exceeding \$200.00 or to imprisonment for a term not exceeding 30 days or to both such fine and imprisonment.

- (3) For the purposes of this Ordinance a child shall be deemed to be of a given age when the anniversary of his birthday the number of which corresponds to that age is fully complete and until then to have been under that age. Age of child.
86. The Superintendent may appoint a truant officer for any school and may make regulations for the directions of such officer in the enforcement of this Ordinance. Truant officers.
87. (1) The Superintendent or a principal of a school may discipline a pupil for Discipline in schools.
- (a) persistent truancy,
  - (b) persistent opposition to authority,
  - (c) habitual neglect of work,
  - (d) the use of profane or improper language,
  - (e) the practice of any vice likely to effect injuriously the character of other pupils, or
  - (f) any conduct injurious to the health, morals or well-being of the school.
- (2) Where the Superintendent or principle suspends a pupil from school, he shall immediately inform the Commissioner of all circumstances of the case and the Commissioner may, Superintendent to report suspension to Commissioner.
- (a) expel the pupil,
  - (b) suspend the pupil for a specified length of time, or
  - (c) permit the pupil to return to school.
88. (1) Upon production of a certificate of illness or quarantine signed by a duly qualified medical practitioner, a teacher in territorial school is entitled to his salary during that illness or quarantine for a period calculated on the basis of one and one quarter days for each month that he has taught school in the Territory. Sick leave for teacher.
- (2) A district school teacher shall be entitled to the same benefits as are granted to a territorial school teacher under subsection 1 of this section and any teacher transferring to another district school or from a territorial school to a district school or from a district school to a territorial school in the Territory without a break in service shall have his salary entitlement during sickness calculated on the basis of his aggregate service in the Territory.
89. (1) Each teacher on first appointment to a position as a teacher in any school governed by this Ordinance shall for the first two year of service be classified as holding a Probationary Appointment and thereafter as holding a Permanent Appointment.

- (2) Where the Superintendent or School Board suspends or dismisses any teacher holding a permanent appointment he or the School Board as the case may be, shall notify the teacher by double registered letter stating the reason for the suspension or dismissal.
- (3) Where a teacher holding a permanent appointment is suspended or dismissed by the Superintendent or the School Board he may within ten days of receipt of the notice described in subsection(2) appeal the suspension or dismissal to the Commissioner who shall thereupon appoint a board consisting of three members to review all the circumstances and hear such evidence as they shall think necessary and the Commissioner, after considering the report of the Board may confirm or revoke or modify the order of suspension or dismissal.

**Duties of  
teacher.**

90. It shall be the duty of every teacher
  - (a) to teach dilligently and faithfully all the subjects required to be taught by the Commissioner;
  - (b) to maintain proper order and discipline and conduct and to manage the school according to the regulations of the Commissioner;
  - (c) to keep in a conspicuous place in the school room a time-table and submit such time-table to the Superintendent for his approval;
  - (d) to keep in the prescribed form the school registers and records and to give access to them to the Superintendent and any other person authorized by the Commissioner to inspect them;
  - (e) at the end of each term or at any other time, to promote such pupils from one class to another as he deems fit, subject to the approval of the Superintendent;
  - (f) at such times as may be directed by the Superintendent, to send reports to the parents or guardians of each pupil respecting that pupil's attendance, conduct and progress at school;
  - (g) to attend to the proper heating, ventilating and cleanliness of the class room and of the sanitary facilities of the school), and to report thereon to the Superintendent;
  - (h) to exercise vigilance over the school property the buildings, fences, fumiture and apparatus and where the school is a territorial school to give prompt notice in writing to the Superintendent of any injury to the same;
  - (i) in a territorial school, to report to the Superintendent any needed repairs to the school buildings or to fumiture in it and any required supply of fuel, drinking water, fumiture or equipment;
  - (j) to notify the Superintendent and the Medical Health Officer for the district in which the school is situate whenever he has reason to believe that any pupil attending school is affected with, or has been exposed to, any infectious or contagious disease, and to prevent the

attendance at school of any pupil so affected or exposed or suspected of being affected or exposed until furnished with a written statement of a medical doctor or a public health nurse that the child is not suffering from any infectious or contagious disease or has not been exposed to such a disease or that all danger from such exposure has passed;

- (k) to suspend any disobedient pupil from class and forthwith report in writing the facts of such suspension to the Superintendent;
- (l) to assist the Superintendent in making any returns or reports required by this Ordinance;
- (m) to furnish to the Commissioner, the Superintendent or any person designated by the Commissioner, any information which it is in his power to give respecting anything connected with the operation of the school or in any way affecting its interests or character;
- (n) in a territorial school, to deliver up the school register, school house key or other school property in his possession when required to do so by written order of the Commissioner or Superintendent in the manner and to the person described in the order;
- (o) to attend all meetings of teachers called by the Superintendent or the principal of the school in which he is employed; and
- (p) to report in writing at once to the Superintendent or the Commissioner upon any matter on which they require a report.

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|-----|--|-----------------------------------|
| 91. | The Commissioner may classify schools in the Territory by such description as he deems appropriate.  | <b>Classification of schools.</b> |
| 92. | The Commissioner shall, on the recommendation of the Superintendent,<br>(a) prescribe the curriculum of studies to be followed in all schools in the Territory;<br>(b) prescribe the text books to be used in all schools other than for religious instruction;<br>(c) establish the system of examinations to be used in all schools in the Territory; and<br>(d) prescribe the qualifications and working conditions for teachers in all schools in the Territory. | <b>Duties of Commissioner.</b>    |
| 93. | The Commissioner may in respect of territorial schools<br>(a) authorize any pupil, notwithstanding anything in this Ordinance to take courses of study by correspondence on such terms and conditions as the Superintendent deems proper and pay such expenses involved in such courses as the Commissioner may determine;<br>(b) provide such dormitory accommodations and food, clothing, medical and dental care for pupils as he deems necessary;                | <b>Powers of Commissioner.</b>    |

- (c) provide residences for teachers and furnish and maintain such residences;
- (d) pay to the parent, guardian or other person having the care or control of a child who in order to attend school is compelled to board away from his home such amount as the Commissioner deems necessary to enable that child to attend school but such amount shall not exceed twenty two dollars per month for any child; and
- (e) pay the actual cost of transporting pupils to and from their homes or other residence approved by the Commissioner for the purpose of this clause and the school they attend or pay such amounts as he may fix to the parent, guardian or other person having the care and control of the child for the transporting of that child to and from his home and the school and so far as practicable in fixing the payments under this clause the Commissioner shall, in the absence of any special circumstances related to the extreme youth or physical condition of a child pay transportation allowance only in respect of a pupil living two or more miles by nearest passable road from the school he is required to attend. Such transportation allowance shall be calculated at the rate of five cents per mile each such child is actually transported to his school by the shortest practicable route on a school day subject to a maximum payment of one dollar per day in respect of each such child.

### *Penalties*

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|---------------------------------|---|
| Penalty for disturbing meeting. | 94. Every person who wilfully disturbs or interrupts the proceedings of any school meeting authorized to be held by this Ordinance, or any one who wilfully disturbs or interrupts the conduct of any school by rude or indecent behaviour, or by making a noise either within the place where school is kept or held, or so near thereto as to disturb the order or exercises of the school, is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars and in default thereof to imprisonment for a term not exceeding thirty days or to both such fine and imprisonment. |
| False returns.                  | 95. Every teacher who keeps a false school register or who knowingly makes a false return is guilty of an offence and liable on summary conviction to a fine not exceeding \$200.00 or in default thereof to imprisonment for a term not exceeding thirty days or to both such fine and imprisonment.   |
|                                 | 96. Every person who violates any provisions of this Ordinance or the regulations for which no other penalty is provided in this Ordinance is guilty of an offence and is liable upon summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding thirty days or to both such fine and imprisonment.   |

97. (1) Any number of teachers may organize themselves into an association, and subject to the regulations of the Department, may hold conventions and institutes for the purpose of receiving instruction, discussing educational matters and matters relating to salaries and working conditions.
- (2) (a) Such association if representing a majority of the teachers in the territorial schools may appoint a three member salary committee to meet with a three member advisory committee appointed by the Commissioner to discuss salaries and working conditions.
- (b) The Advisory Committee to be appointed under this section shall be composed of a member of the Yukon Legislative Council, a member of the Department of Education and a member of the general public.
- (3) Meetings of the salary and advisory committee may be initiated by either committee and shall be held at a time which will enable proper consideration to be given by the Commissioner before the preparation of the estimates for the succeeding year.
- (4) The Advisory Committee created under subsection (2) of this section shall report to the Commissioner and the Financial Advisory Committee of the Yukon Legislative Council.
98. (1) Where the necessity for interpretation of any section, word, phrase or other meaning may arise relative to this Ordinance, due consideration shall be given to the recommendations of the Committee on Education contained in their report in the year 1960 and the decisions thereon of the Yukon Legislative Council taken in 1960 3rd Session. Interpretation.
- (2) Regulations made in accordance with this Ordinance shall be made within the meaning of the recommendations of the Committee on Education in like manner to Subsection (1).

#### *Financial*

99. Subject to this Ordinance all moneys collected as fines under this Ordinance shall be paid into the Yukon Consolidated Revenue Fund. Payment of fines to Y.C.R.F.

#### *Repeal.*

100. The *School Ordinance*, Chapter 99 of the Revised Ordinances of the Yukon Territory, 1958, is repealed. Repeal.

SCHEDULE A.

Public notice is hereby given to the voters of the School District of .....that nominations of candidates for the office of trustee for said district shall be delivered to me at.....in said district before the hour of five o'clock in the afternoon on.....the..... day of.....19.....

Public notice is hereby given to the said voters that if a poll shall be granted for the election now pending for the said trustees such poll will be open on.....,the.....day....., 19....., from the hour of nine o'clock in the forenoon till six o'clock in the afternoon at the polling stations hereinafter designated in and for each of the following polling divisions, that is to say; For Polling Division No. 1 consisting of those electors whose surnames commence with the letters from..... to.....(or whose residences are in the area bounded as follows ....., or as the division is otherwise designated) at..... (here clearly describe the polling place) For Polling Division No. ....(and so continue for all the other polling divisions in the school district)

And I will at .....,on the.....day of..... 19....., at .....o'clock in the .....noon, sum up the votes and declare the result of the election. Given under my hand at the..... of.....in the Yukon Territory, this .....day of.....19.....

SCHEDULE B.

Oath of Returning Officer, Deputy Returning Officer and Poll Clerk:

I, ..... do swear that I have not received any sum of money, office, employment or gratuity, or any bond, bill or note, or any promise of gratuity by myself or another, to my use or advantage, for making any return at this election; that I will return to the (Returning Officer or Commissioner as the case may require), a true and faithful account of the votes polled in this election, and that I will faithfully discharge my duty at the election to the best of my knowledge and judgment. So help me God.



SCHEDULE C.

	JOHN DOE	X
Election of School Trustees for the School District of	RICHARD ROE	X
	GEOFFREY STILES	X
	JOHN STILES	X

SCHEDULE D.

INSTRUCTIONS.

The names of the persons nominated shall be printed in the space on the right of the form in alphabetical order and the voter shall mark his ballot for the persons for whom he desires to vote by placing a cross on the right hand side of the ballot opposite the names of such persons. Any other marks placed on the ballot by any voter will invalidate the same.

SCHEDULE E.

I....., do solemnly swear (or affirm) that I am a Canadian citizen or other British subject of the full age of twenty-one years, a resident taxpayer of ..... district and have paid the taxes due by me in respect of property in the said ..... school district; (or the wife or husband of a taxpayer of ..... school district) that I have not before voted at this election; (in the case of an election of a separate school trustee,) "that I am of the..... faith and a supporter of the separate school" and that I have not received either directly or indirectly nor have I any hope of receiving any reward for voting at this time and place.

**CHAPTER 8.**

**ORDINANCES OF THE YUKON TERRITORY**

**1962 (First Session)**

**AN ORDINANCE RESPECTING THE LORD'S DAY**

*(Assented to April 30th, 1962)*

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 *Lord's Day (Yukon) Ordinance*.

*Definitions*

2. In this Ordinance,

- "Council" (i) "Council" means the Council of any municipality as defined in this Ordinance and includes the Council of any city, village or improvement area or any other municipal authority hereinafter created by or under an Ordinance of the Yukon Territory, competent to pass a by-law under this Ordinance;
- "Electors" (ii) "electors" means all electors as defined in the Municipal Ordinance, being Chapter 1 of the Ordinances of the Yukon Territory, 1959 (Second Session);
- "Municipality" (iii) "Municipality" means a municipality as defined in the Municipal Ordinance, being Chapter 1 of the Ordinances of the Yukon Territory, 1959 (Second Session);
- "Settlement" (iv) "settlement" means any area of not more than twenty-five square miles in which is located a named postal office and having a resident population in excess of 100 persons and which does not form a part of a municipality.

*General*

3. (1) Where a by-law passed under this section is in force and subject to its provisions, it is lawful in the municipality or in such part or parts thereof as are specified in the by-law for any person, after 1:30 o'clock in the afternoon of the Lord's Day or during such period or periods of time after 1:30 o'clock in the afternoon of the
- Sunday sports may be made lawful.

Lord's Day as are specified in the by-law, to provide, engage in or be present at any public game or sport that is specified in the by-law and which but for this Ordinance would be unlawful under section 6 of the Lord's Day Act (Canada), or to do or engage any other person to do any work, business or labour in connection with any such public game or sport which but for this Ordinance would be unlawful under section 4 of the Lord's Day Act (Canada).

R.S.C, 1952,  
c. 171.

- (2) Subject to subsection 5, the council of any city, town, village or township may pass a by-law,
- (a) providing that subsection 1 applies in the Municipality or specifying a part or parts of the municipality in which subsection 1 applies;
- (b) providing that subsection 1 applies after 1.30 o'clock in the afternoon of the Lord's Day or specifying the period or periods of time after 1:30 o'clock in the afternoon of the Lord's Day during which subsection 1 applies; and
- (c) specifying the public games and sports to which subsection 1 applies.

Implementing  
by-law  
authorized.

(3) Any provision of a by-law under this section may differ in different parts of the municipality and in respect to different public games and sports.

Variation in  
by-law  
authorized.

(4) A by-law under this section shall not specify horse-racing as a public game or sport.

Horse-racing.

(5) No by-law under this section shall be passed until the following question has been submitted to and has received the affirmative vote of a majority of the electors who vote on the question ;

Vote before  
passing of  
by-law.

Are you in favour of public games and sports for gain after 1.30 o'clock in the afternoon of the Lord's Day to be regulated by municipal by-law under the authority of the Lord's Day (Yukon) Ordinance.

(6) No by-law passed under this section shall be repealed until the following question has been submitted to and has received the affirmative vote of a majority of the electors who vote on the question ;

Vote before  
repeal of  
by-law.

Are you in favour of the repeal of the by-law passed under the authority of the Lord's Day (Yukon) Ordinance, that regulates public games and sports for gain after 1.30 o'clock in the afternoon of the Lord's Day?

- Sunday movies etc., may be made lawful.
4. (1) Where a by-law passed under this section is in force and subject to its provisions, it is lawful in the municipality or in such parts or parts thereof as are specified in the by-law for any person, after 1:30 o'clock in the afternoon of the Lord's Day or during such period or periods of time after 1:30 o'clock in the afternoon of the Lord's Day as are specified in the by-law, to provide, engage in or to be present at any exhibition of moving pictures or any theatrical performance, any concert or any lecture or such of them as are specified in the by-law and which but for this Ordinance would be unlawful under section 6 of the Lord's Day Act (Canada), or to do or engage any other person to do any work, business or labour in connection with any such exhibition of moving pictures, theatrical performance, concert or lecture, as the case may be, which but for this Ordinance would be unlawful under section 4 of the Lord's Day Act (Canada).
- Implementing by-law authorized.
- (2) Subject to subsection 4, the council of any city, town, village or township may pass a by-law,
- (a) providing that subsection 1 applies in the municipality or specifying a part or parts of the municipality in which subsection 1 applies;
- (b) providing that subsection 1 applies after 1.30 o'clock in the afternoon of the Lord's Day or specifying the period or periods of time after 1:30 o'clock in the afternoon of the Lord's Day during which subsection 1 applies; and
- (c) specifying that subsection 1 applies to the exhibition of moving pictures, theatrical performances, concerts and lectures or any one or more of them.
- Variation in by-law authorized.
- (3) Any provision of a by-law under this section may differ in different parts of the municipality and in respect of the exhibition of moving pictures, theatrical performances, concerts or lectures.
- Vote before passing of by-law.
- (4) No by-law under this section shall be passed until the following question has been submitted to and has received the affirmative vote of a majority of the electors who vote on the question:
- Are you in favour of moving pictures, theatrical performances, concerts and lectures (or as the case may be) for gain after 1.30 o'clock in the afternoon of the Lord's Day to be regulated by municipal by-law under the authority of the Lord's Day (Yukon) Ordinance.
- Variation of question.
- (5) The question set out in subsection 4 may be varied by deleting therefrom any one or more of the expressions "moving pictures", "theatrical performances", "concerts," or "lectures" as the council by resolution determines.

(6) No by-law under this section shall be repealed until the following question has been submitted to and has received the affirmative vote of a majority of the electors who vote on the question:

Are you in favour of the repeal of the municipal by-law passed under the authority of the Lord's Day (Yukon) Ordinance that regulates moving pictures, theatrical performances, concerts and lectures (or as the case may be) for gain after 1:30 o'clock in the afternoon of the Lord's Day?

(7) The expression "concert" in this section does not include a concert of an artistic and cultural nature that is governed by section 7.

"Concert"  
defined.

5. (1) The council may submit any question set out in this Ordinance to the electors at any time. When question may be submitted.

(2) Upon the presentation of a petition requesting that a question under this Ordinance be submitted to the electors, signed by at least 10 per cent of the electors in the municipality, the council shall before or at the next municipal election submit the question to the electors, but, if a petition is presented in the month of November or December in any year, it shall be deemed to be presented in the month of February next following.

Petition.

(3) A petition mentioned in subsection 2 shall be deemed to be presented when it is lodged with the clerk of the municipality and the sufficiency of the petition shall be determined by him and his certificate as to its sufficiency is inclusive for all purposes.

Idem.

6. Every by-law under this Ordinance shall provide for the regulation and control of the activities specified therein, and may provide for the regulation and control of any matter or thing in connection therewith.

Regulation  
and control.

7. It is lawful for any person after 1:30 o'clock in the afternoon of the Lord's Day to provide, engage in or be present at any concert, recital or other musical performance of an artistic and cultural nature produced by a non-profit organization at which an admission fee is charged and which but for this Ordinance would be unlawful under section 6 of the Lord's Day Act (Canada), or to do or engage any other person to do any work, business or labour in connection with any such concert, recital or other musical performance which but for this Ordinance would be unlawful under section 4 of the Lord's Day Act (Canada).

Sunday musical  
concerts lawful.

8. (1) Where a majority of persons over the age of twenty-one years, residing in a settlement, present to the Commissioner satisfactory evidence of their desire to permit in the settlement the same activities which in the case of a municipality may be made the subject of a by-law under the provisions

of this Ordinance, he may permit such activities upon terms which conform as far as possible to the terms which would govern similar activities in a municipality.

(2) The Commissioner may, in his discretion, revoke or limit the permission given under subsection (1).

When daylight  
saving time  
is in effect.

9. If and so long as the time commonly observed in a municipality in which a by-law under this Ordinance is in force or in which a concert, recital or other musical performance is produced under section 7 is one hour in advance of standard time, the times mentioned in this Ordinance or in a by-law under this Ordinance shall be reckoned in accordance with the time so commonly observed and not standard time.
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**CHAPTER 9.**  
**ORDINANCES OF THE YUKON TERRITORY**  
**1962 (First Session)**

**AN ORDINANCE TO PROVIDE FOR THE MAINTENANCE  
OF CERTAIN DEPENDANTS OF TESTATORS  
AND INTESTATE**

*(Assented to May 11th, 1962)*

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 *Dependant's Relief Ordinance*. **Short title.**

*Interpretation*

2. (1) In this Ordinance,
- (a) "allowance" means an allowance ordered to be paid pursuant to this Ordinance; **"Allowance"**
  - (b) "child" includes **"Child"**
    - (i) a natural child, stepchild or adopted child of a deceased, or
    - (ii) a child who appears to the satisfaction of the Court in effect to have been adopted although there has not been compliance with the Adoption Ordinance;
  - (c) "Court" means the Territorial Court of the Yukon Territory; **"Court"**
  - (d) "deceased" includes a testator and a person dying intestate; **"Deceased"**
  - (e) "dependant" means the spouse of a deceased, a child of the deceased under twenty-one years of age, and a child of the deceased twenty-one years of age or over who by reason of mental or physical infirmity is unable to earn a livelihood, and any person who satisfies the Court of a moral claim to participate in an estate under the provisions of this Ordinance; **"Dependant"**
  - (f) "estate" means all the property of which a deceased was competent to dispose by will, otherwise than by virtue of a special power of appointment, less the amount of his funeral, testamentary and administration expenses, debts and liabilities and any succession or other duties payable out of his estate on his death. **"Estate"**

**Application of Ordinance.**

(2) This Ordinance is applicable in respect of any deceased person who, at the time of his death on or after the 1st day of January, 1962, was domiciled in the Yukon Territory.

**Application to Court for relief.**

3. (1) Where a person dies domiciled in the Yukon Territory leaving one or more dependants, an application may be made to the Court by or on behalf of any such dependant for an order making reasonable provision for his maintenance.

**Intestate deemed to be a testator etc.**

(2) Where an application is made under subsection (1) by or on behalf of any dependant of an intestate, then, for the purpose of this Ordinance, the intestate shall be deemed to be a testator and to have provided by will for the distribution of his estate as an intestacy, and this Ordinance shall be construed accordingly.

4. Any application may be made by notice of motion styled in the matter of the estate of the deceased.

**Service of notice of motion.**

5. (1) Notice of any application shall be served upon

(a) the public administrator for the judicial district in which the deceased was last ordinarily resident, and

**Notice of motion.**

(b) the executors named in the will or any person to whom a grant of letters of administration has been made,

at least fourteen clear days before the notice is returnable.

(2) The Court may direct any other person to be served with notice of an application and, subject to this Ordinance, the practice and procedure of the Court upon applications in chambers shall, so far as the same are found to be applicable, apply to proceedings under this Ordinance.

**Affidavit.**

6. An application shall be supported by an affidavit of the applicant setting forth fully all the facts in support of the application.

**Other evidence.**

7. In addition to the evidence adduced by the applicant, the Court may direct such other evidence to be given as it deems necessary.

**Maintenance order.**

8. (1) If upon an application the Court is of opinion that the deceased has by will so disposed of real or personal property that reasonable provision has not been made for the maintenance of the dependant to whom the application relates, then, subject to this Ordinance, the Court may in its discretion make such order as it deems proper charging the whole or any portion of the estate with payment of an allowance sufficient to provide such maintenance as the Court thinks reasonable, just and equitable in the circumstances.



- |   |   |
|---|---|
| <p>(2) No allowance ordered to be made to the wife of a deceased shall be less than she would have received if her husband had died intestate leaving a widow and children, but the Court may refuse to make an order in favour of a widow who had without reasonable excuse left her husband or was otherwise separated from her husband under such circumstances as would disentitle her to alimony.</p>  | <p><b>Widow's allowance.</b></p>                |
| <p>(3) Payment of an allowance may be made to or for the use and benefit of a dependant</p> <p style="padding-left: 20px;">(a) in the form of a lump sum,</p> <p style="padding-left: 20px;">(b) in the form of periodic payments of stated amounts, or</p> <p style="padding-left: 20px;">(c) by the transfer or assignment of property</p> <p style="padding-left: 40px;">(i) absolutely, or</p> <p style="padding-left: 40px;">(ii) in trust for life or a term of years.</p>  | <p><b>How allowance may be made.</b></p>        |
| <p>(4) Where a transfer or assignment of property is ordered pursuant to subsection (3), the Court may give all necessary and proper directions for the execution of the transfer, or may grant a vesting order.</p>  | <p><b>Directions for transfer.</b></p>          |
| <p>(5) The Court shall, in determining whether and how provision for maintenance ought to be made by an order, have regard to the nature of the property comprising the deceased's estate and shall not make any order necessitating a realization that would be improvident having regard to the interests of the dependants and any person who, apart from the order, would be entitled to any such property.</p>   | <p><b>Interests protected.</b></p>              |
| <p>(6) The Court shall, in deciding upon an application, have regard to</p> <p style="padding-left: 20px;">(a) any past, present or future capital or income received from any source by the dependant to whom the application relates,</p> <p style="padding-left: 20px;">(b) the claims that any person may have as a dependant of the deceased, and</p> <p style="padding-left: 20px;">(c) generally, any other matters that the Court deems should be taken into account.</p> | <p><b>Factors to be taken into account.</b></p> |
| <p>(7) The Court shall, in deciding upon an application, have regard to the deceased's reasons, so far as ascertainable, for making the dispositions made by his will or for not making any provision or any further provision, as the case may be, for a dependant, and the Court may</p>  | <p><b>Idem.</b></p>                             |

accept such evidence of those reasons as it considers sufficient, including any statement in writing signed by the deceased and dated, but in estimating the weight to be attached to any such statement the Court shall have regard to all the circumstances from which any reasonable inference can be drawn respecting the accuracy of the statement.

**Devise of property pursuant to contract.**

9. Where a deceased has in his lifetime, bona fide and for valuable consideration, entered into a contract to devise or bequeath any real or personal property and has by his will devised or bequeathed such property in accordance with the provisions of the contract, such property is not liable to be charged by an order made under this Ordinance except to the extent that the value of the property, in the opinion of the Court, exceeds the consideration received by the deceased therefor.

**Allowances fall rateably on whole estate.**

10. The incidence of any allowance shall, unless the Court otherwise determines, fall rateably upon the whole estate, or where the authority of the Court does not extend or cannot be made to extend to the whole estate, then on so much thereof as is situated in the Yukon Territory.

**Power of Court to release part of estate.**

11. The Court may exonerate any part of the deceased's estate from the incidence of an allowance after hearing such of the parties as may be affected by the exoneration as it deems necessary, and may for the purpose of such hearing direct any executor or trustee to represent, or appoint any person to represent, any such party.

**Power of Court to allow commutation.**

12. The Court may
- (a) at any time order any legatee or devisee to pay
    - (i) a periodic payment to represent, or
    - (ii) a lump sum in commutation of, such proportion of a sum ordered to be paid pursuant to this Ordinance as falls upon the part of the deceased's estate in which the legatee or devisee has an interest,
  - (b) exonerate such part of the deceased's estate from any further liability under this Ordinance, and
  - (c) direct
    - (i) in what manner the periodic payment referred to in paragraph (a) shall be secured, or
    - (ii) to whom the lump sum referred to in paragraph (a) shall be paid and in what manner it shall be invested for the benefit of the person to whom it is payable.

13. (1) Where an order is made under this Ordinance, then, for all purposes, the will shall have effect and shall be deemed to have had effect as from the deceased's death, as if it had been executed, with such variations as are specified in the order, for the purpose of giving effect to the provision for maintenance made by the order. **Effect of order.**
- (2) The Court may give such consequential directions as it deems fit for the purpose of giving effect to an order, but no larger part of an estate shall be set aside, or appropriated to answer by the income thereof the provision for maintenance made by an order, than such part as is sufficient, at the date of the order, to produce by the income thereof the amount of the provision for maintenance. **Directions.**
- (3) A certified copy of every order made under this Ordinance shall be filed with the clerk of the Court out of which the grant of letters probate or letters of administration in the estate to which the order relates was issued, and a memorandum of the order shall be endorsed on, or annexed to, the original grant of letters probate or letters of administration. **Grant to be endorsed.**
14. No order under section 8 shall be made unless on an application made within one year from the grant of letters probate or letters of administration in the estate to which the application relates, but the Court may, if it deems it just, allow an application to be made at any time as to any portion of the estate remaining undistributed at the date of the application. **Time limited for entertaining applications.**
15. (1) After service of notice of an application the executor, trustee or administrator of an estate shall not proceed with the distribution thereof until the application is disposed of. **Distribution of estate postponed.**
- (2) Every executor, trustee or administrator who contravenes subsection (1) is guilty of an offence and liable on summary conviction
- (a) in the case of a person, other than a corporation, to a fine not exceeding one thousand dollars and in default of payment to imprisonment for a term not exceeding sixty days, and
- (b) in the case of a corporation, to a fine not exceeding two thousand dollars.
16. No dependant for whom provision is made pursuant to this Ordinance has capacity to anticipate the same, and no mortgage, charged or assignment of any kind whatsoever of such provision made before the order of the Court has any force, validity or effect. **Mortgage in anticipation invalid.**

- Power of Court to discharge or vary order.**
17. (1) The Court may at any time discharge, vary or suspend any order made by it, or make such other order as it deems just in the circumstances, on the ground that any material fact was not disclosed to the Court when the order was made.
- (2) An application for an order under subsection (1) may be made by or on behalf of
- (a) a dependant,
- (b) a beneficiary under a will, or
- (c) a person entitled under the Intestate Succession Ordinance to share in the estate of the deceased.
- Costs.**
18. The Court may direct that the costs of any application shall be payable out of the estate or otherwise as it deems just, and may fix the amount of the costs payable by any party, exclusive of necessary disbursements, at a lump sum having regard to the value of the estate and the amount of any allowance applied for or directed by its order.
- Enforcement of order.**
19. Any order made under this Ordinance may be enforced against the estate of the deceased in the same way and by the same means as any other judgment or order of the Court against the estate might be enforced, and the Court may make such order or direction, or interim order or direction, as may be necessary to secure to the dependant payment out of the estate of the allowance to which the dependant is, or may be found to be entitled.
- Part distribution.**
20. Nothing in this Ordinance shall authorize the revocation or annulment of any administrative acts or payments or distributions made prior to service of the notice pursuant to section 5 of this Ordinance by the executor or administrator of the will in respect of which relief is sought.
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**CHAPTER 10.**  
**ORDINANCES OF YUKON TERRITORY**

**1962 (First Session)**

**AN ORDINANCE RESPECTING THE INCORPORATION OF  
YUKON SOCIAL SERVICE SOCIETY AND THE REPEAL  
OF CHAPTER 14, ORDINANCES OF YUKON TERRITORY  
1953 (FIRST SESSION)**

*(Assented to May 11th, 1962)*

WHEREAS "The Children's Aid Society of Southern Yukon" was incorporated under authority of Chapter 14 of the Ordinances of Yukon Territory 19 53 (First Session),

AND WHEREAS the Department of Welfare of the Government of the Yukon Territory has recently assumed the responsibility for and is performing many of the functions previously performed by the said Society,

AND WHEREAS the members of the said Society are desirous of changing the name of the said Society and associating themselves together in the formation of a society with a Constitution and By-laws in the form set forth in Schedule "A" to this Ordinance,

AND WHEREAS the members of the said Society are further desirous that all assets of the said Society be and become the property of the new Society,

AND WHEREAS the said assets consist only of cash in the bank in the sum of \$4,438.73 and furnishings valued at \$304.50, and no debts are outstanding in the name of the Society,

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. Upon the filing with the Registrar of Joint Stock Companies of a Constitution and Bylaws in the form set forth in Schedule "A" and subscribed to by at least six (6) of its members, The Children's Aid Society of Southern Yukon shall constitute a body corporate under the name of "Yukon Social Service Society", and its assets shall be and become the property of "Yukon Social Service Society."
2. Except as hereinbefore provided, the Society shall at all times be subject to and be governed by the provisions of the Societies Ordinance.

3. Chapter 14, Ordinances of Yukon Territory 1953 (First Session) and Chapter 11, Ordinances of the Yukon Territory 1956 (Second Session) are repealed with effect from the date of the filing of the Constitution and By-laws as hereinbefore provided.

## *CONSTITUTION AND BY-LAWS*

### *CONSTITUTION*

1. The name of the Society is the Yukon Social Services Society.
2. The Society's headquarters will be in the City of Whitehorse, in the Yukon Territory, and the Society will carry on its activities in the Yukon Territory, including the communities, towns and cities therein.
3. The object of the Society are:
  - (a) To interest itself and provide assistance in the field of welfare and seek to further social improvement in specific fields which are generally outside the scope of Government Welfare Activities.
  - (b) To assist the Welfare Department of the Government of the Yukon Territory in every way possible and to respond to expressed needs by organized social action.
  - (c) To act as a resource agency by conducting surveys and recommending appropriate action to community organizations and government departments; seeking thereby to institute improved and positive social structures.
  - (d) To utilize the special skills, training, knowledge, ability and prestige of persons for the purpose of sociological study and recommending improvements in fields such as Family Disorganization; Youth Problems; Alcoholism; Racial Problems; Development of Positive Social Attitudes; Crime and other related fields and social issues.
  - (e) To promote favourable attitudes on the part of the general public towards positive change and social improvements.

### *BY-LAWS*

#### *Membership*

4. The membership of the Society may consist of Regular Members, Honorary Members and Life Members, as follows:
  - (a) Regular Membership shall be such persons of the full age of 21 years or more and married persons of 18 years or

over, who annually pay to the Society the sum of not less than one dollar.

- (b) Honorary Members shall be such persons who may from time to time be granted membership in the Society by majority vote of the Board of Directors.
  - (c) Life Members shall be such persons who contribute to the Society in lump sum the amount of Twenty-five dollars or more and who are approved as such by majority vote of the Board of Directors; provided that, persons who have shown continued interest in the Society and on the recommendation of the Board of Directors may be granted life membership by majority vote of the members at a general meeting of the Society.
5. Annual membership fees in the sum of not less than one dollar shall be due and payable on the 1st day of April of each year and shall be paid prior to the Annual General Meeting for that year.
  6. Regular members in good standing shall be those persons who have paid their membership fees as provided herein.
  7. Only life members and regular members in good standing shall have a vote at any general meeting of the Society.

#### *Board of Directors*

8. There shall be a Board of Directors consisting of President, Vice-President, Secretary, Treasurer or Secretary-Treasurer and not less than nine other persons. The members of the Board of Directors shall be members of the Society who are qualified to vote at a general meeting, and shall be elected at a general meeting as hereinafter provided.
9. (1) At the first Annual Meeting of the Society the Directors other than the President, Vice-President, Secretary and Treasurer or Secretary-Treasurer, shall be elected as follows:
  - (a) One-third thereof shall be elected for a term of 3 years;
  - (b) One-third thereof shall be elected for a term of 2 years;
  - (c) One-third thereof shall be elected for a term of 1 year.
- (2) The President, Vice President, Secretary and Treasurer, or Secretary-Treasurer shall at each annual meeting be elected for a term of one year.

10. Subject to section 9 hereof, the term of office for each Director shall be 3 years and elections to fill vacancies in the Board of Directors on expiry of the term of office shall be held at each Annual Meeting.
11. A member may be re-elected to the Board of Directors.
12. Vacancies on the Board of Directors, where not caused by the expiry of the term of office, may so long as a quorum of Directors remain in office, be filled by the Directors from among the qualified members of the Society, if they shall see fit to do so, otherwise such vacancy shall be filled by election at the next annual meeting, provided that the term of office shall be for the unexpired term of the previous incumbent.

#### *Directors' Powers*

13. The Directors shall have and exercise all the powers of the Society as fully and completely as the Society could in general meeting, subject always, however, to the provisions of the "Societies Ordinance."
14. The Directors may, by two-thirds vote of the whole of their number, remove from the Board of directors any member thereof where in its judgment the best interests of the Society require such action.
15. The Directors may appoint such Committees or representatives of the community at large as may be necessary to implement the objects of the Society provided that the chairman of such committees shall be members of this Society.
16. The Directors may appoint an honorary physician and solicitor as ex officio members of the Board.
17. The Directors may appoint the Superintendent of Welfare for the Yukon Territory and the Superintendent of Indian Affairs for the Yukon Indian Agency as ex officio members of the Board.

#### *Officers*

18. The president or vice president and secretary or treasurer shall have signing powers in all banking transactions and shall execute all deeds, mortgages, contracts or other instruments on behalf of the Society.
19. Subject to these by-laws, the duties of all officers of the Society shall be such as the terms of their engagement call for or the Board of Directors requires of them.



### *Meetings*

20. The First annual general meeting of the Society shall be held during the month of 196 , and subsequent annual general meetings shall be held during the month of May in each year at such place and time as may be determined by the Directors.
21. Additional general meetings may be called from time to time as may be considered necessary by the Directors.
22. At least fourteen full day's notice of the time and place of annual general meetings and other general meetings shall be mailed to all members in good standing and shall be given by advertisement in at least one newspaper published and circulated in the Yukon Territory.
23. At any meeting of members a quorum shall consist of 25% voting members present in person.
24. The first meeting of each year of the Board of Directors shall be held within two weeks after the annual general meeting of the Society held for that year. The Board of Directors shall thereafter hold meeting at least seven times a year and on such other occasions as the president may determine or upon request of at least five members of the Board.
25. At any meeting of the Board of Directors a quorum shall consist of seven members of the Board present in person.

### *Finances*

26. For the purposes of carrying out the objects of the Society, the Directors may borrow or raise or secure the payment of money in such manner as they think fit, and in particular by the issue of debentures; provided debentures shall not be issued without the sanction of an extraordinary resolution passed at a general meeting called for that purpose by a two-thirds majority of the members present and voting thereon.

### *Fiscal Year*

27. The fiscal year of the Society shall end on the 31st day of March of each calendar year.

### *Audit*

28. The members of each annual meeting shall appoint an auditor or auditors for the ensuing fiscal year.

29. The auditors shall make a report to the members and Directors on the account examined by them and on every balance sheet and statement of income and expenditure laid before the Society at any annual meeting during their tenure of Office.
30. Every auditor of the Society shall have a right to access at all time to all records, documents, books, accounts and vouchers of the Society, and is entitled to require from the Directors and officers of the Society such information and explanation as may be necessary for the performance of the duties of auditors.
31. The Directors shall see that all necessary books and records of the Society required by the by-laws of the Society or by any applicable statute or law are regularly and properly kept.
32. The Directors shall from time to time determine whether and to what extent and at what time and places and under what conditions the accounts and books of the Society or any of them shall be open for inspection of members not being Directors, and no member (not being a Director) shall have any right of inspecting any account or book or document of the Society except as conferred by law or authorized by the Directors or by resolution of the members, whether previous notice thereof has been given or not.

#### *Seal of the Society*

33. The Board of Directors may adopt a seal which shall be the common seal of the Society.
34. The common seal of the Society shall be under the control of the Directors, and the responsibility for its custody and use from time to time shall be determined by the Directors.

#### *Amendments*

The by-laws of the Society shall not be altered or added to except by an extraordinary resolution of the Society passed at a general meeting of the members called for that purpose by a majority vote of at least two-thirds of the members present and voting thereon.

“L. A. Dickson”

“Hinson MacLeod F/L.”

## CHAPTER 11.

### ORDINANCES OF YUKON TERRITORY

1962 (First Session)

#### AN ORDINANCE TO PROVIDE CANCER DIAGNOSIS AND TREATMENT

(Assented to May 11th, 1962)

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 *Cancer Diagnosis Ordinance*. Short title.

##### *Interpretation*

2. In this Ordinance:

(a) "Administrative Officer" means the Yukon Hospital Insurance Administrator appointed by the Commissioner under the provisions of the Yukon Hospital Insurance Ordinance; "Administrative Officer"

(b) "resident" means a person, other than an Indian as defined under the Indian Act of Canada or an Eskimo, who has resided in the Yukon for a period of three consecutive months out of the twelve consecutive months immediately preceding the date of application for diagnosis or treatment; "Resident"

(c) "diagnostic procedure" includes X-ray and laboratory tests as recommended or conducted by a qualified medical practitioner. "Diagnostic procedure"

3. When a qualified medical practitioner as a result of preliminary examination and diagnostic tests has reason to believe a resident is suffering from cancer he shall so certify to the Administrator and the Administrator may then authorize the necessary expenditure to ensure such resident is given an opportunity of further diagnostic procedure or treatment including the costs of transportation to an approved centre for such purpose.

4. The Commissioner may make regulations

(i) setting out the application procedure to be followed by a resident applying for diagnostic procedure or treatment or transportation costs, and

(ii) generally for the administration of this Ordinance.

**CHAPTER 12.**

**ORDINANCES OF YUKON TERRITORY**

**1962 (First Session)**

**AN ORDINANCE TO AMEND THE YUKON HOUSING ORDINANCE**

*(Assented to April 30th, 1962)*

O.Y.T.  
1961 (2nd)  
c.3

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

1. Paragraph (b) of subsection (3) of section 3 of the *Yukon Housing Ordinance* is repealed and the following substituted therefor:

“(b) bear interest at a rate of seven and one-half per cent per annum;”

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## CHAPTER 13.

### ORDINANCES OF YUKON TERRITORY

19 62 (First Session)

#### AN ORDINANCE TO AMEND THE COMPANIES ORDINANCE

(Assented to April 30th, 1962)

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

R.O.Y.T.  
1958  
c.19

1. Subsection (3) of section 298 of the *Companies Ordinance* is repealed and the following substituted therefor:

“(3) Where a company described in subsection (2) has not, by the expiration of the time referred to in the notice described in that subsection, shown cause as to why its name should not be struck off the register, the Registrar shall

    - (a) strike the name of the company off the register, and
    - (b) publish in two issues of the Yukon Gazette published at least twenty-eight days apart, notice that the name of the company has been struck off the register, and upon such publication the company shall
    - (c) in the case of an incorporated company, be dissolved, or
    - (d) in the case of an extra-territorial company, be deemed to have ceased to do business in the Territory under its licence or certificate of registration, except that the liability, if any, of every director, managing officer and member of the company shall continue as if the name of the company had not been struck off the register.”
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**CHAPTER 14.**  
**ORDINANCES OF YUKON TERRITORY**

**1962 (First Session)**

**AN ORDINANCE TO AMEND THE LEGAL PROFESSION  
ORDINANCE.**

*(Assented to April 30th, 1962)*

R.O.Y.T.  
1958  
c. 64.

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 *Legal Profession Ordinance* is amended by adding thereto, immediately after section 25 thereof, the following heading and section:

**“EXEMPTION**

- Exemption. 26.** A barrister and solicitor who in the course of his duties as an employee of the Government of Canada is required to practise law in the Territory shall be deemed to have complied with those requirements of this Ordinance which in the absence of this section would otherwise have to be observed before he could practise law in the Territory.”
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**CHAPTER 15.**

**ORDINANCES OF THE YUKON TERRITORY**

**1962 (First Session)**

**AN ORDINANCE TO AMEND THE LABOUR  
PROVISIONS ORDINANCE.**

*(Assented to May 11th, 1962)*

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

R.O.Y.T.  
1958, c.62  
O.Y.T. 1961  
3rd. c. 3.

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

"4 (1) An employer shall pay to his 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) Every employer shall forthwith upon termination of the employment of an employee pay to the employee all wages and monies then owing to the employee by the employer.

(4) Nothing in subsection (3) shall be deemed to limit any lawful right of set-off."

2. Section 6 of the said Ordinance is repealed and the following substituted therefor:

"6. Where as a condition of employment, in addition to the payment of wages, it is agreed that the employer shall furnish board and lodging to the employee, he shall do so in a reasonable manner without charge to the employee."

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CHAPTER 16.

ORDINANCES OF THE YUKON TERRITORY

1962 (First Session)

AN ORDINANCE TO AMEND THE DISABLED PERSONS  
ALLOWANCE ORDINANCE

(Assented to April 30th, 1962)

R.O. 1958,  
c. 31.

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

1. Subsection (1) of 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 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 sixty-five dollars monthly or of the amount of the allowance paid monthly to the recipient, whichever is the lesser.”

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 sixty-five dollars monthly under the conditions specified in this Ordinance and 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 first day of February, 1962.



## CHAPTER 17

### ORDINANCES OF THE YUKON TERRITORY

1962 (First Session)

#### AN ORDINANCE TO AMEND THE OLD AGE ASSISTANCE AND BLIND PERSONS ALLOWANCE ORDINANCE.

(Assented to April 30th, 1962)

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

R.O. 1958,  
c. 82.

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:

“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 sixty-five dollars monthly or the amount of the assistance paid out monthly for assistance, whichever is the lesser.

Agreement  
respecting  
assistance.

(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 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 sixty-five dollars monthly or of the amount paid out monthly for allowances, whichever is the lesser.”

Agreement  
respecting  
allowance.

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

“(a) to a recipient whose application has been approved, assistance not exceeding sixty-five 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 sixty-five 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 first day of February, 1962.

Coming into  
force.

CHAPTER 18

ORDINANCES OF THE YUKON TERRITORY

1962 (First Session)

AN ORDINANCE TO AMEND THE LIQUOR ORDINANCE

(Assented to May 11th, 1962)

R.O.Y.T. 1958 The Commissioner of the Yukon Territory, by and with the  
c. 67; advice and consent of the Council of the said Territory, enacts  
1959 (1st) c.6; as follows:  
1961 (2nd) c.6.

- 1. Subsection (1) of section 2 of the *Liquor Ordinance* is amended by adding thereto the following paragraph:

"Notice to inspector".

"(y) "notice to inspector" shall mean a notice given pursuant to this Ordinance and addressed to the Licence Inspector, P. O. Box 2029, Whitehorse, Yukon Territory, and if not delivered personally to the inspector notice shall be given by registered mail if registration facilities are reasonably available and if not so available may be given by ordinary prepaid mail."

- 2. Section 9 of the said Ordinance is repealed and the following substituted therefor:

Time during which liquor store to remain open.

"9. Except as otherwise provided in this Ordinance no sale or delivery of any liquor may be made at or from the premises of any liquor store nor may any liquor store be open for the sale of liquor except during the periods from ten o'clock in the forenoon to twelve noon and from two o'clock in the afternoon to six o'clock in the afternoon from Monday through Friday inclusive and on Saturday from two o'clock the afternoon to five o'clock in the afternoon and from six o'clock in the afternoon to eight thirty o'clock in the afternoon but nothing herein shall authorize the sale of liquor,

(a) on any legal holiday,

(b) on any day on which polling takes place at any election or plebiscite held in the electoral district in which the liquor store is situate.

- 3. The said Ordinance is further amended by adding thereto the following sections:

Entertainment licence.

"12A. (1) In premises licenced as cocktail lounges no entertainment other than wired music or recorded music shall be permitted without a licence to be known as an "Entertainment Licence" which shall be issued

on condition the entertainment is offered by adults and is in keeping with and designed to meet safety regulations and generally accepted standards of decency.

(2) A cocktail lounge in respect of which an entertainment licence is in force shall be classified as a "Cabaret Lounge" and may be open from eleven thirty o'clock in the forenoon to two thirty o'clock in the afternoon and from four o'clock in the afternoon to one o'clock in the forenoon of the immediately following day during the period commencing sixteenth September and ending fourteenth June and from eleven thirty o'clock in the forenoon to two thirty o'clock in the afternoon and from five o'clock in the afternoon to two o'clock in the forenoon of the immediately following day during the period commencing fifteenth June and ending on fifteenth September, but nothing herein shall be interpreted to authorize the sale or serving of liquor in the premises on Sundays, Christmas Day, Good Friday, days on which polling is taking place in the area where the premises are located or any other days which may be designated by special order of the Commissioner.

(3) No entertainment licence shall be issued unless in the opinion of the Commissioner adequate facilities for preparing and serving food are available.

(4) The entertainment licence may have attached to it conditions governing

- (a) the hours during which entertainment may be offered,
- (b) the number of performers,
- (c) the dressing-room facilities available for the performers,
- (d) limiting the number of persons in the audience, and
- (e) the type of entertainment to be offered.

(5) The fee chargeable for a licence under subsection (1) of this section shall be twenty five dollars where the permitted occupancy by members of the public is less than forty, and fifty dollars where the permitted occupancy is forty or over.

**Fee for  
entertainment  
licence.**

(6) Every entertainment licence shall expire at midnight on the thirty-first day of March next following the day on which the licence comes into force.

**Expiry date  
of licence.**

(7) The licence may be cancelled or suspended if the inspector in his discretion finds a breach of any of the conditions attached to the licence has been committed

**Licence may  
be suspended  
or cancelled.**

or if there is an abuse of the privileges created by the licence. Such notice of cancellation or suspension shall be in writing and shall take effect immediately according to its term by leaving it at the premises.

**Penalty for offering entertainment without licence.**

(8) Any person or corporation offering entertainment for which an entertainment licence is required without having such a licence in force is guilty of an offence and liable upon summary conviction to a fine not exceeding five hundred dollars and for a second or subsequent offence to a fine not exceeding one thousand dollars.

(9) Any entertainment licence issued pursuant to this section shall be revoked, cancelled or suspended, as the case may be, if the licence permitting the sale of liquor in the premises is revoked, cancelled or suspended.

**Beer and wine served with meals.**

12B(1) Subject to the approval of the Commissioner who may attach such conditions as he shall consider proper to ensure public safety and good operating standards the operator of a diningroom or other premises where food is prepared and served at tables may apply for a licence to sell beer and wine with meals served at designated tables between the hours of twelve noon and two o'clock in the afternoon and six o'clock in the afternoon to nine o'clock in the afternoon.

**Expiry.**

(2) The licence issued under subsection (1) of this section shall expire at midnight on the thirty-first day of March of the year next following the date of issue and the fee therefor shall be one hundred dollars.

**Seasonal Closing.**

(3) The operator of such licenced dining-room or other premises shall have the option to close the premises for any part of the licence year on giving notice in writing to the inspector but may not thereafter re-open the premises during that year for the sale of beer and wine without prior written permission of the inspector.

**Minors.**

(4) Nothing in this Ordinance shall prohibit the presence of persons under the age of twenty-one years for the purpose of consuming a meal in premises licenced for the sale of beer and wine under this section but no beer or wine shall be served or offered to such persons.

**Staff.**

(5) The employment in premises licenced under subsection (1) of this section of kitchen help or serving staff under the age of twenty-one years but over eighteen years of age is hereby permitted subject to such persons being prohibited from having control of or dispensing beer or wine.

(6) A peace officer and the inspector shall have all rights to enter and inspect as they would have to enter and inspect any cocktail lounge or tavern in the performance of their duties.

**Entry.**

(7) If in the opinion of the inspector the licence hereby provided for is used as a device to facilitate the sale of beer and wine or beer or wine consumed is not purchased in conjunction with bonafide meals eaten by the individuals consuming the beer or wine he may in his discretion immediately cancel the licence issued under these provisions and if over any thirty day period it shall appear to him the money value of gross sales of beer and wine exceeds the money value of the gross sales of meals, the licence hereby provided for may be revoked or suspended by written order of the inspector.

**Abuses.**

(8) It shall be the duty of the licensee to keep and preserve and make available to the inspector records of the gross sales of food and beer and wine in the licenced premises.

(9) Any licensee failing to keep proper records or refusing to make them available to the Inspector or furnishing false information in such records is guilty of an offence and liable upon summary conviction to a fine not exceeding two hundred and fifty dollars or three months imprisonment or to both such fine and imprisonment.

12C.(1) Upon application and subject to such other conditions as may be set out in the licence or regulations made by order of the Commissioner the licensee of a theatre with a minimum seating capacity of five hundred offering bona fide legitimate stage presentations may be granted a licence for the sale of liquor to the holders of tickets for that evening's performance, and such sales shall be allowed during the period commencing not more than one half hour before the start of the evening performance and ending when the evening performance commences, with the right to resume the sale of liquor during two intermission periods the last of such intermissions to be at least one half hour before the final curtain.

**Liquor served at theatres.**

(2) Nothing shall authorize the sale of liquor in a theatre licensed under subsection (1) of this section on Sundays, Good Friday and Christmas Day and other days prohibited elsewhere in this Ordinance.

**Sale of liquor prohibited on Sundays etc.**

(3) Liquor may only be served or consumed in that part of the theatre prescribed by the Commissioner and no

minors or interdicts may be admitted to such area.

(4) No foodstuffs may be served or consumed in the area designated under subsection (3).

Expiry.

(5) The licence issued under subsection (1) of this section shall be valid for thirty days in each instance and the fee therefor shall be fifty dollars for such period of thirty days.

“Special  
Occasion  
Permit”

12D. (1) A “Special Occasion Permit” may be issued on application made to a vendor by an officer acting on behalf of a corporation or recognized society, association, club or other duly constituted organization whether incorporated or not and such permit shall be for a period and subject to such conditions as may be imposed by the Commissioner but nothing in the permit shall permit the sale or serving of liquor in the premises designated in the permit before six o’clock in the afternoon or after three o’clock in the immediately following forenoon.

(2) No special occasion permit may be issued in respect of more than four days in succession and no organization shall be granted a special occasion permit for more than twelve (12) days in any one calendar year or in respect of Sundays, Christmas Day, Good Friday and days on which polling is taking place in the area where the premises are located.

Fee.

(3) The fee for a special occasion permit shall be five dollars for each day period covered by the permit or such other fee as the Commissioner may from time to time impose by Order.

Permit may  
be suspended.

(4) A special occasion permit may be suspended immediately by order of the inspector or a peace officer if in his opinion the special occasion is not being conducted in an orderly manner.

12E. In the case of any application for a licence for premises not heretofore so licenced and in the case of any application for a special occasion permit pursuant to section 12D, the Commissioner may at his discretion empanel a board consisting of three members appointed by him to consider the application and such board shall recommend the grant or refusal of such permit or recommend the imposition of such conditions on the permit as it shall see fit.”

4. Subsection (2) of Section 12 of the said Ordinance is repealed and the following substituted therefor:

“12.(2) (a) Every licence granted under the provisions of Sections 12, 12A, 12B, 12C of this Ordinance shall be

in prescribed form and shall be signed by the Commissioner.

(b) A Special Occasion Permit shall be in prescribed form and may be signed by the Commissioner, the Superintendent or a Liquor Vendor.

5. Section 15 of the Ordinance is amended by adding thereto the following:

“(9) Any order of suspension, cancellation or closing made by an inspector or a peace officer shall be valid for not more than three days but may be extended by order of the Commissioner for such period as he shall see fit.

(10) A magistrate or justice trying an alleged contravention of any provisions of this Ordinance may recommend to the Commissioner the suspension or cancellation of any licence granted for the sale of liquor.

(11) The suspension or cancellation of any licence granted under this Ordinance or the closing of premises shall be subject to a right of appeal to the Judge of the Territorial Court and subject to such directions regarding procedure and notice to persons interested as the Judge of the Territorial Court shall prescribe. Upon the hearing of an appeal the Judge of the Territorial Court shall have full power to confirm, revoke or to modify the order.

(12) No order of suspension, cancellation or prohibition of any licence shall itself be suspended or revoked until any appeal shall have been disposed of.

(13) No appeal shall be filed after the expiration of twenty-one days from the date of the order of suspension, cancellation or prohibition.”

6. Subsection (2) of Section 50 of the said Ordinance is hereby repealed and the following substituted therefor:

“(2) Subsection (1) of this section does not apply to the consumption of liquor lawfully purchased under a banquet permit or special occasion permit authorizing its use for consumption in a public place or the lawful consumption of liquor in licenced premises.”

7. Paragraphs (a) and (b) of subsection (1) of Section 31 of the said Ordinance are repealed and the following substituted therefor:

Hours of sale.

(a) taverns may be open

(i) from Monday to Saturday inclusive from the hours of

nine o'clock in the forenoon to six thirty o'clock in the afternoon and from seven thirty o'clock in the afternoon to twelve o'clock midnight,

(ii) during the period commencing on fifteenth June and ending on fifteenth September next following

(aa) on each day except Saturday and Sunday from ten o'clock in the forenoon to six thirty o'clock in the afternoon and from seven thirty o'clock in the afternoon to one o'clock in the forenoon of the immediately following day, subject however to the right of the licensee to elect by notice to the inspector in writing to close earlier, and such notice will remain in force until revocation is communicated to the inspector in writing.

(bb) on Saturday from 12:01 o'clock in the forenoon to one o'clock in the forenoon subject however to the right of the licensee to give notice in writing that he will not be open for the sale of liquor during such period, and from ten o'clock in the forenoon to six thirty in the afternoon and from seven thirty in the afternoon to twelve o'clock midnight.

(b) cocktail lounges may be open

(i) during the period commencing sixteenth September and ending on fourteenth June next following on each day except Sunday from ten o'clock in the forenoon to twelve o'clock midnight,

(ii) during the period commencing on the fifteenth June and ending on fifteenth September next following

(aa) on each day except Saturday and Sunday from eleven o'clock in the forenoon to one o'clock in the forenoon of the immediately following day, subject however to the right of the licensee to elect by notice to the inspector in writing to close earlier, and such notice will remain in force until revocation is communicated to the inspector in writing,

(bb) on Saturday from 12:01 o'clock in the forenoon to one o'clock in the forenoon, subject however to the right of the licensee to give the said notice in writing that he will not be open for the sale of liquor during such period, and from eleven o'clock in the forenoon to twelve o'clock midnight.

(c) A club having a liquor licence or beer licence, shall open at noon each day from Monday to Saturday inclusive and shall close at the same hour as would apply if that club was licensed as a cocktail lounge under this Ordinance.



8. Paragraph (c) of subsection (1) of Section 31 of the said Ordinance is redesignated as paragraph (d).

9. Subsection (3) of Section 31 is repealed and the following substituted therefor:

“(3) Except during the hours mentioned in subsection (1) of this section and for a period of thirty minutes thereafter the licensee and any employee of the licensee of a cocktail lounge or tavern shall ensure that such cocktail lounge or tavern is closed and cleared of all persons except the licensee, his wife or any employee of the licensee, but nothing herein prevents a peace officer or an inspector from entering any cocktail lounge or tavern in the performance of his duties.”

10. Subsection (2) of Section 37 of the said Ordinance is repealed and subsection (3) is redesignated as subsection (2)”

11. Section 76 of the said Ordinance is repealed and the following substituted therefor:

“76. (1) Every person, other than a corporation, who violates section 44, 47 or 51 is guilty of an offence and liable upon summary conviction,

(a) subject to paragraphs (b) and (c), to a fine not exceeding four hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment,

(b) for a second offence, to a fine not exceeding six hundred dollars or to imprisonment for a term not exceeding eight months, or to both such fine and imprisonment; and

(c) for a subsequent offence, to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

(2) Every corporation that violates section 44, 47 or 51 is guilty of an offense and liable upon summary conviction,

(a) Subject to paragraph (b) to a fine not exceeding two thousand dollars, and

(b) for a second or subsequent offence, to a fine not exceeding six thousand dollars.”

12. Section 77 of the said Ordinance is repealed and the following substituted therefor:

- “77. (1) No interdicted person and no person to whom the sale of intoxicating liquor is prohibited under the provisions of an Act of Canada shall enter, be found in or remain upon any licensed premises.
- (2) a person who violates a provision of this section is guilty of an offence and liable on summary conviction for a first offence to a fine of not more than twenty-five dollars and in default of payment to imprisonment for a term of not more than fourteen days, and for a second or subsequent offence to a fine of not less than twenty-five dollars or more than fifty dollars and in default of payment to imprisonment for a term of not more than one month.
- (3) No person under the age of twenty-one years shall apply for, attempt to purchase or purchase or otherwise obtain liquor.
- (4) Unless expressly permitted under this Ordinance no person under the age of twenty-one shall enter, be in or remain in any licenced premises.
- (5) No cheque issued under the authority of the *Family Allowances Act of Canada* or the *Unemployment Assistance Act of Canada* shall be given or taken in exchange for money or moneys worth or as security therefor in any licenced premises.
- (6) A person violating any of the prohibitions contained in subsection six (6) of this section is guilty of any offence and liable upon summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.
- (7) Every person, other than a corporation, who violates any provisions of this Ordinance or the regulations for which no other penalty is provided in this Ordinance is guilty of an offence and liable upon summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding four months, or to both such fine and imprisonment.
- (8) Every corporation that violates any provision of this Ordinance or the regulations for which no other penalty is provided in this Ordinance is guilty of an offence and liable on summary conviction to a fine not exceeding four hundred dollars.”
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CHAPTER 19

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ORDINANCES OF THE YUKON TERRITORY  
1962 (First Session)

AN ORDINANCE TO AMEND THE INTESTATE  
SUCCESSION ORDINANCE

(Assented to April 30th, 1962.)

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

R.O.Y.T.  
1958  
c. 59.

1. Section 5 of the *Intestate Succession Ordinance* is repealed and the following substituted therefor:

“5. Where a person dies intestate leaving a widow but no issue, his whole estate shall go to his widow.”

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## CHAPTER 20

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### ORDINANCES OF THE YUKON TERRITORY

1962 (First Session)

#### AN ORDINANCE TO AMEND THE PUBLIC SERVICE ORDINANCE

(Assented to April 30th, 1962)

R.O.Y.T.  
1958  
c. 94

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 11 of the *Public Service Ordinance* is repealed and the following substituted therefor:

“11. (1) The Commissioner shall appoint a Selection Board consisting of the Executive Assistant to the Commissioner or, in his absence, a senior administrative assistant, who shall be Chairman of the Board, the Head of the Department concerned and the Head of another Department to be designated by the Commissioner.

(2) The Selection Board will review and evaluate the qualifications of all candidates for admission to and promotion in the Public Service, and submit recommendations to the Commissioner who shall thereupon proceed to make the necessary appointment.”

2. Section 12 of the said Ordinance is repealed and the following substituted therefor:

“12. Every Head of Department shall notify the Commissioner of every vacancy in any position in his Department immediately after the vacancy occurs, and when such vacancy is to be filled the Head of the Department shall request the Commissioner to make an appointment to fill the vacancy under the provisions of this Ordinance.”

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CHAPTER 21

ORDINANCES OF THE YUKON TERRITORY  
1962 (First Session)

AN ORDINANCE TO AMEND THE  
MOTOR VEHICLES ORDINANCE

(Assented to May 11th, 1962)

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

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

1. Subsection (3) of section 22 of the *Motor Vehicles Ordinance* is repealed and the following substituted therefor :

“(3) A permit issued pursuant to subparagraphs (a), (b), (c) and (d) of subsection (1) is valid for only one trip.”

2. Subsections (6) and (7) of section 22 of the said Ordinance are repealed.

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

“3. Permit fees for:

- (a) an “In transit” permit .....\$ 1.00
- (b) a permit issued pursuant to subclauses (a), (b) or (c) of subsection (1) of section 22 .... 100.00
- (c) a permit issued pursuant to subclause (d) of subsection (1) of section 22 ..... 50.00
- (d) a permit issued pursuant to subsection (8) of section 22 .... 10.00

CHAPTER 22

ORDINANCES OF THE YUKON TERRITORY

1962 (First Session)

AN ORDINANCE TO AMEND THE MUNICIPAL ORDINANCE

(Assented to May 11th, 1962)

O.Y.T. 1959 (2nd)

c.1  
1960 (1st) c.6  
1961 (1st) c.6  
1961 (2nd) c.5  
1961 (2nd) c.9  
1961 (3rd) c.2

Levy of  
School tax.

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 194 of the *Municipal Ordinance* is hereby repealed and the following substituted therefor:

“194. The Council of each Municipality shall in each year as set out immediately below levy a school vote in the amount shown opposite the year appearing in the first column, that is to say

(i) in the year ending December 31st, 1962 ...12 mills

(ii) in the year ending December 31st, 1963 ...14 mills

(iii) in the year ending December 31st, 1964 ...16 mills

(iv) in the year ending December 31st, 1965 ...18 mills

(v) in the year ending December 31st, 1966 ...20 mills.”

2. Section 195 of the said Ordinance is repealed and the following substituted therefor:

Rate to be  
set annually.

“195. The maximum rate of the school levy in the years succeeding 31st December 1966 shall be set by the Commissioner on or before the thirty-first day of December of the year preceeding the year in which such rate shall be imposed and collected.”

3. Subsection (1) of Section 228 of the said Ordinance is repealed and the following substituted therefor:

Notice of  
application  
for confirmation  
of sale.

“228. (1) Upon the expiration of six months from the date upon which the tax sale was held, the clerk shall notify by registered mail all persons having a registered interest or encumbrance, or an interest or encumbrance of which the clerk has notice, in or upon any parcel of land sold for taxes, that application will be made to a judge for confirmation of the tax sale.”

4. Section 240 of the said Ordinance is repealed and the following substituted therefor:

Electors  
qualified to  
hold office.

- “240. (1) An elector shall be qualified to be nominated and elected to hold office as a member of the Council who
- (a) is a natural person,
  - (b) is a ratepayer in respect of real property
    - (i) the assessed value of which is at least one thousand dollars greater than all encumbrances registered against it, and
    - (ii) on which taxes are not in arrears, or
  - (c) is the spouse of such elector, ordinarily residing with such elector.
- (2) Notwithstanding the death of an elector the surviving spouse, who at the time of such death is a member of the Council and who but for the operation of paragraph (c) of subsection (1) of this section would not have been qualified to hold office as a member of the Council, shall be qualified to remain in office until the next election of the Council.
- (3) The expression “ordinarily residing” as used in this section, shall, subject to the next succeeding subsections, be that place where a person is or was ordinarily resident at any material time or during any material time determined by reference to all the facts of the case.
- (4) 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, whereto, when away therefrom, he intends to return; specifically, when a person usually sleeps in one place and has his meals or is employed in another place, the place of his ordinary residence is the place where the person sleeps.
- (5) A person can have only one place of ordinary residence and it cannot be lost unless or until another is gained; although, generally, a person's place of ordinary residence is where his family is, if he is living apart from his family, with the intent to remain so apart from it in another place, the place of ordinary residence of such person is such other place; temporary absence from a place of ordinary residence does not cause a loss or change of place of ordinary residence.”

## CHAPTER 23

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### ORDINANCES OF THE YUKON TERRITORY

1962 (First Session)

#### AN ORDINANCE TO AMEND THE PUBLIC SERVICE ORDINANCE

(Assented to May 11th, 1962)

R.O.Y.T.  
1958 c. 94

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 18 of the *Public Service Ordinance* is repealed and the following substituted therefor:

“18 (1) The Head of Department may grant to each officer, clerk or other employee under his direction leave of absence for the purpose of vacation for a period not exceeding one and one-quarter days for each month of completed service and not exceeding fifteen days in any one fiscal year, exclusive of Sundays and holidays.

(2) In addition to any leave granted under Subsection (1) of this Section, the Head of Department may grant further leave credit not exceeding one half day for each month of service after the first day of April, 1961, to welfare workers whose duties make it necessary to be on call on weekends and evenings.

(3) Every Head of Department shall take annual leave at such time during the year as the Commissioner determines.

(4) The earned but unused vacation leave of one fiscal year may be carried forward and added to the vacation leave of the succeeding fiscal year, except that in no case shall more than the accumulated annual vacation leave earned in two immediately preceding fiscal years be carried forward to the next year.”

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ORDINANCES  
OF THE  
**YUKON TERRITORY**

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PASSED BY THE  
**YUKON COUNCIL**  
IN THE YEAR  
**1962**  
SECOND, THIRD, FOURTH AND FIFTH SESSION

G. R. CAMERON  
COMMISSIONER

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Printed and Published for the Government of Yukon Territory under  
Authority of Chapter 93 of the Consolidated Ordinances of 1958.

BY  
H. J. TAYLOR, Queen's Printer





ORDINANCES  
OF THE  
**YUKON TERRITORY**

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PASSED BY THE

**YUKON COUNCIL**

IN THE YEAR

**1962**

SECOND, THIRD, FOURTH AND FIFTH SESSION



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## CHAPTER 1

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AUTHORIZE THE  
COMMISSIONER OF THE YUKON TERRITORY  
TO ENTER INTO AND EXECUTE AN AGREEMENT  
WITH THE GOVERNMENT OF CANADA  
RESPECTING FITNESS AND AMATEUR SPORT

*(Assented to December 3rd, 1962)*

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 *Fitness and Amateur Sport Agreement Ordinance*. Short title.
  
2. The Commissioner may, on behalf of the Government of the Yukon Territory, enter into an agreement with the Government of Canada, under and for the purposes of the Fitness and Amateur Sport Act, to provide for the payment by the Government of Canada to the Government of the Yukon Territory of contributions in respect of costs incurred by the Yukon Territory in undertaking programmes designed to encourage, promote and develop amateur sport. Commissioner may execute Agreement.
  
3. Any agreement made under this Ordinance may be amended Amendment of Agreement.
  - (a) with respect to the provisions of the agreement in respect of which a method of amendment is set out in the agreement, by that method; or
  - (b) with respect to any other provision of the agreement, by the mutual consent of the parties thereto.
  
4. The Commissioner is authorized to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Yukon Territory under the agreement made under this Ordinance. Commissioner may implement Agreement.

CHAPTER 2

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO FACILITATE CORNEA  
TRANSPLANTS FROM THE BODIES OF  
DECEASED PERSONS TO LIVING PERSONS

(Assented to December 3rd, 1962)

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 *Cornea Transplant Ordinance*.

Interpretation.

2. In this Ordinance, "person lawfully in possession of the body" does not include

(a) a coroner in possession of a body for the purpose of investigation; or

(b) an embalmer or funeral director in possession of a body for the purpose of its burial, cremation or other disposition.

Removal of eyes on deceased's request, death in hospital.

3. Where a person, either in writing at any time or orally in the presence of at least two witnesses during his last illness, has requested that his eyes be used after his death for the purpose of improving or restoring the sight of a living person and he dies in a hospital, the administrative head of the hospital, or the person acting in that capacity, may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for that purpose.

Idem., death outside hospital.

4. Where a person, either in writing at any time or orally in the presence of at least two witnesses during his last illness, has requested that his eyes be used after his death for the purpose of improving or restoring the sight of a living person and he dies in a place other than a hospital, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in



possession of the body of the deceased person may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for that purpose.

5. Where a person has not made a request under Section 3 or 4 and dies either in or outside a hospital, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of the body of the deceased person may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for the purpose of improving or restoring the sight of a living person.

Removal  
of eyes  
without  
deceased's  
request.

6. An authority given under section 3, 4 or 5 is sufficient warrant for the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for the purpose of improving or restoring the sight of a living person.

Authority  
sufficient.

7. An authority shall not be given under section 3 or 4 if the person empowered to give the authority has reason to believe that the person who made the request subsequently withdrew it.

Exception.

8. An authority shall not be given under section 3, 4 or 5 if the person empowered to give the authority has reason to believe that an inquest may be required to be held on the body of the deceased.

Idem.

9. Any duly qualified medical practitioner who is authorized pursuant to this Ordinance to remove the eyes from the body of a deceased person shall not do so if

Idem.

(a) he has reason to believe that the person who made the request that his eyes be used after his death for the purpose of improving or restoring the sight of a living person subsequently withdrew the same; or

(b) he has reason to believe that an inquest may be required to be held on the body of the deceased.

10. Nothing in this Ordinance makes unlawful any dealing with the body of a deceased person that would be lawful if this Ordinance had not been passed.

Lawful  
dealings  
not  
affected.

CHAPTER 3

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE RESPECTING THE  
PREVENTION OF FIRE

(Assented to December 3rd, 1962)

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 <i>Fire Prevention Ordinance</i> . |
|--------------|--|

**INTERPRETATION.**

- |                        |   |
|------------------------|---|
| Definitions.           | 2. In this Ordinance,   |
| "Deputy Fire Marshal". | (a) "Deputy Fire Marshal" means a person appointed Deputy Fire Marshal pursuant to section 3;   |
| "Fire Marshal".        | (b) "Fire Marshal" means the person appointed Fire Marshal pursuant to section 3;   |
| "Fire extinguisher".   | (c) "Fire extinguisher" means any first aid fire appliance, container or apparatus holding any fire extinguishing liquid, material or agent and designed for the specific purpose of extinguishing fire in its incipient stage; |
| "Inspector".           | (d) "inspector" means a person appointed inspector pursuant to section 3;   |
| "Local assistant".     | (e) "local assistant" means a person described in section 7, and  |
| "Structure".           | (f) "structure" means any structure of any kind whatsoever erected or placed on, in, over or under any area of land or water.   |

**ADMINISTRATION.**

- |                              |                                 |
|------------------------------|---------------------------------|
| Appointment of Fire Marshal. | 3. The Commissioner may appoint |
|                              | (a) a Fire Marshal,             |

- (b) one or more deputy Fire Marshals, and
- (c) one or more inspectors,

for the purpose of this Ordinance.

**4. The Fire Marshal shall**

Duties of  
Fire  
Marshal.

- (a) keep a record of fires reported to him;
- (b) review plans and specifications for the construction, alteration or repair of structures with a view to determining that proper precautions are taken against fire and the spread of fire;
- (c) submit to the Commissioner within three months following the end of each year a report for the year, setting forth particulars of fires, fatalities or injuries by fire, investigations and inquiries into fires, prosecutions for arson or attempted arson and a summary of the administration and the fire prevention and fire protection activity of the office of the Fire Marshal, together with such other information as the Commissioner prescribes;
- (d) advise and make recommendations to the Commissioner with respect to
  - (i) the establishment of fire brigades and the necessary organization and equipment of such brigades,
  - (ii) the provision of adequate water supply for fire fighting purposes,
  - (iii) the installation and maintenance of fire alarm systems and fire extinguishing equipment,
  - (iv) the storage, use, sale or disposal of combustibles, explosives or other inflammable material,
  - (v) the construction and maintenance of fire escapes and other exit facilities in the event of fire or the alarm of fire,
  - (vi) the types and adequacy of fire alarms in communities and in or upon any building or property

- (vii) fire prevention precautions in the construction or major alteration of or addition to any structure or property,
  - (viii) the enactment and enforcement by municipalities of by-laws for the prevention and suppression of fire and the safeguarding of persons and property in the event of fire or the alarm of fire,
  - (ix) the co-ordination of the work of fire brigades in the Territory, and
  - (x) the organization of fire brigades in the Territory for the purposes of civil defence; and
- (e) disseminate to the public information concerning the prevention of fire and the protection of persons and property from fire.

**5.** Where the Fire Marshal is absent or unable to act, or where the office of the Fire Marshal is vacant, the Deputy Fire Marshal who has held office for the longest period of time shall act in place of the Fire Marshal.

Deputy Fire Marshal to act for Fire Marshal.

**6.** The duties of an inspector shall be those assigned to him by the Fire Marshal.

Duties of Inspector.

**7.** (1) Subject to subsection (2), the chief or acting chief of the fire brigade of every municipality or settlement in which a fire brigade has been established, and the municipal clerk of every municipality in which no fire brigade has been established is, by virtue of his office, a local assistant to the Fire Marshal and is subject to the directions of the Fire Marshal in carrying out the provisions of this Ordinance within the boundaries of the municipality or settlement.

Local assistant.

(2) The council of a municipality in which no fire brigade has been established may appoint a person to act as local assistant in place of the municipal clerk and upon such appointment being made the municipal clerk shall no longer be a local assistant.

Council may appoint person in place of municipal clerk.

(3) The council making an appointment pursuant to subsection (2) shall notify the Fire Marshal of the name, address and occupation of the appointee.

Notification of Fire Marshal.

(4) The Commissioner may appoint local assistants in areas not included in subsection (1). Commissioner may appoint local assistants.

(5) A member of the Royal Canadian Mounted Police while on duty in the Territory shall have all the powers of a local assistant. R.C.M.P. officers to have powers of local assistant.

**INVESTIGATIONS OF FIRES.**

8. (1) A local assistant shall investigate the cause, origin and circumstances of every fire occurring within his jurisdiction that has destroyed or damaged property. Investigation by local assistants.

(2) Any investigation pursuant to subsection (1) shall commence within seventy-two hours of the time the condition of the structure first permits an investigation. Commencement of investigation.

(3) A local assistant may make an order prohibiting the entering of premises in which a fire has occurred until he has completed his investigation. Order prohibiting entrance of premises where fire has occurred.

(4) The local assistant shall immediately upon completion of the investigation furnish to the Fire Marshal a report of all the facts that can be ascertained relating to the cause and origin of the fire and such further information as may be required by the Fire Marshal. Report by local assistant.

9. (1) In addition to any investigation made by a local assistant under section 8, the Fire Marshal or any other person approved by the Commissioner may make an inquiry into the cause, origin and circumstances of any fire that has destroyed or damaged property. Inquiry by Fire Marshal.

(2) The person conducting an inquiry pursuant to subsection (1) may Witnesses.

(a) summon witnesses to appear before him and require them to give evidence upon oath and to produce such documents and things as he deems requisite to the full investigation of the matter under inquiry;

(b) for the purpose of obtaining further evidence adjourn the inquiry from time to time but no such adjournment shall be for more than thirty days; and

(c) impose a fine not exceeding one hundred dollars upon any witness who refuses to answer any question put to him in the course of the inquiry.

**Suspicion  
of arson.**

**10. If**

- (a) the Fire Marshal, upon receiving the report made by a local assistant under section 8, or
- (b) the person making the inquiry under section 9 has reason to believe that arson or an attempt to commit arson may have been committed, the Fire Marshal or the person making the inquiry, as the case may be, shall immediately give all the information in his possession to the nearest detachment of the Royal Canadian Mounted Police.

**REPORTS BY INSURERS, ADJUSTERS AND OWNERS OF PROPERTY.**

**Report by  
insurers.**

**11. (1) Every fire insurance company carrying on business within the Territory shall forward to the Fire Marshal within fifteen days of the end of each month a statement showing the claims, if any, that have been made during the preceding month in respect of policies of fire insurance issued by it, the name and address of the insured, the location and value of the insured property, the amount of the insurance carried, the amount of loss sustained and the name and address of the person adjusting the claim.**

**Report by  
adjusters.**

**(2) Every person adjusting a claim against an insurer in respect of a loss of property by fire, whether that person represents the insurer or the insured, shall forward a report in writing to the Fire Marshall showing the date of the fire, the name and address of the owner and of the occupier of the property where the fire occurred, the location of the property, the name and address of the insured and each insurer, the value of the property insured, the amount of insurance placed with each insurer, the amount of loss which each insurer is to bear and such other particulars as the Fire Marshall may require.**

**Suspicion  
of arson.**

**(3) Where an adjuster referred to in subsection (2) believes that, in respect of a claim he is adjusting, arson or an attempt to commit arson may have been committed, he shall immediately give all information in his possession to the nearest detachment of the Royal Canadian Mounted Police.**

12. The occupant of any property upon which any fatality or injury has been caused by fire shall forthwith report such fatality or injury to the Fire Marshal giving the name, age and sex of each person sustaining such fatality or injury, the cause of the fire, if known, and such other information as the Fire Marshal requires.

Where fatality or injury caused.

**INSPECTION OF PREMISES WHERE FIRE HAS OCCURRED.**

13. The Fire Marshal, a Deputy Fire Marshal, an inspector or a local assistant may enter and inspect any structure or premises in which a fire has occurred or is in progress or any structure of premises immediately adjoining a structure or premises in which a fire has occurred or is in progress if he believes on reasonable and probable grounds that this Ordinance or the regulations made hereunder have been contravened or that an offence under section 374, 375 or 377 of the Criminal Code has been committed or attempted.

Power to enter premises where fire has occurred.

**FIRE HAZARDS.**

14. (1) The Fire Marshal or a local assistant may from time to time inspect any structure or premises and where it is found that

Inspection of structure or premises.

- (a) the structure for want of proper repair or by reason of age or dilapidated condition or for any other cause is a fire hazard and is so situated as to endanger other structures or property;
- (b) the structure is so used or occupied that any fire occurring therein would be likely to cause such structure to become a hazard to life or property;
- (c) an inflammable or potentially explosive substance or material is located in any structure or upon any premises, or hazardous conditions exist therein or thereon dangerous to such structure or premises; or
- (d) the structure is lacking adequate provision for the safe evacuation of persons therefrom in case of fire or an alarm of fire,

the Fire Marshal or the local assistant may in writing order the owner, lessee or occupant of the building or premises,

- (e) in any case mentioned in paragraph (a), to repair, remove or destroy the structure;
- (f) in any case mentioned in paragraph (b), to alter the use or occupancy of the structure;
- (g) in any case mentioned in paragraph (c), to remove the inflammable or potentially explosive substance or material or to remedy the hazardous conditions; and
- (h) in any case mentioned in paragraph (d), to install safeguards by way of fire extinguishers, fire alarms, exit signs and other equipment and devices, and such fire escapes and exit doors as may be deemed necessary for safe evacuation in the event of fire or an alarm of fire.

Service of order.

(2) Every order made pursuant to subsection (1) shall specify the date within which the order shall be complied with and shall be served upon the person to whom it is directed either personally or by registered mail.

Owner of inflammable or potentially explosive substance or material to remove.

(3) The Fire Marshal or local assistant when making an order pursuant to paragraph (g) of subsection (1) may also order the owner of the inflammable or potentially explosive substance or material to remove that substance or material from the structure or premises.

Danger to safety of public.

(4) Where any of the conditions described in paragraph (a) to (d) of subsection (1) or in section 15, in the opinion of the Fire Marshal or a local assistant, constitute a danger to the safety of the public, the Fire Marshal or the local assistant may order the structure or premises closed to the public until the condition has been remedied and the premises inspected and approved by the Fire Marshal or the local assistant.

Heating appliances.

**15.** Where an appliance, apparatus or place is used or intended to be used for supplying fire or heat and in the opinion of the Fire Marshal or a local assistant the use of the appliance, apparatus or place for that purpose is likely to be dangerous to persons or property, the Fire Marshal or the local assistant may order in writing that a fire not be lighted or maintained in the appliance, apparatus or place until the dangerous condition has been remedied and the appliance, apparatus or place has been inspected and approved by the Fire Marshal or the local assistant.



16. (1) The owner, lessee or occupant of a structure or premises or the owner of an inflammable or potentially explosive substance or material against whom an order is made pursuant to section 14 or 15 by a local assistant may within seven days from the date on which a copy of the order is served on him appeal the order in writing to the Fire Marshal.

Appeal to Fire Marshal.

(2) The Fire Marshal shall forthwith consider the order and either affirm, modify or revoke the same and cause a copy of his decision to be served on the person appealing either personally or by registered mail.

(3) Unless the Fire Marshal otherwise orders, the operation of an order referred to in subsection (1) is suspended until a copy of the Fire Marshal's decision has been served on the person appealing.

17. (1) The person appealing an order of a local assistant under section 16 may within seven days from the date a copy of the Fire Marshal's order is served on him appeal to a judge by serving a notice of appeal on the Fire Marshal and filing a copy thereof with the Clerk of the Court.

Appeal to a Judge.

(2) The owner, lessee or occupant of a structure or premises or the owner of an inflammable or potentially explosive substance or material against whom an order is made pursuant to section 14 or 15 by the Fire Marshal may appeal to a judge in the manner set out in subsection (1).

(3) Unless a judge otherwise orders, the operation of an order referred to in subsection (2) is suspended until a copy of the judge's decision has been served on the person appealing either personally or by registered mail.

18. (1) Where an owner, lessee or occupant of a structure or premises fails to comply with an order made pursuant to section 14 and

Failure to comply with Order.

- (a) has not within the prescribed time appealed from the order, or
- (b) has appealed from the order and a decision has been rendered against him,

if the structure or premises is located

- (c) within a municipality, the council of the municipality may take the necessary steps to perform the work required by the order;

or

(d) outside of a municipality, the Commissioner may take the necessary steps to perform the work required by the order.

Cost may be recovered.

(2) Subject to subsection (3), the cost of performing the work pursuant to subsection (1) may be added to and shall form part of the taxes on the property on which the work was done.

Limitation of amount to be added in any one year.

(3) No amount shall be added to such taxes in any one year in excess of five percent of the assessed value of the property or two hundred and fifty dollars, whichever is greater.

Location of owner, lessee or occupant unknown.

19. (1) Where an order is made under subsection (1) of section 14 and

- (a) the whereabouts of the owner are unknown to the Fire Marshal, and
- (b) there is no lessee or occupant of the structure, or the whereabouts of the lessee or occupant are unknown

the Fire Marshal or any person authorized in writing by him, upon obtaining leave under subsection (2) and upon compliance with any conditions attached thereto, may enter into or upon the structure or premises and carry out the order.

Application for leave.

(2) Upon ex parte application by the Fire Marshal for leave to proceed to carry out the order, the judge may grant such leave, upon such conditions with respect to notice of intention to do so as upon such other conditions as the judge deems fit.

Saleable material.

(3) Where the carrying out of an order pursuant to subsection (1) results in any saleable material being obtained, the Fire Marshal may cause such material to be sold at such price and in such manner as he directs.

Proceeds of sale.

(4) The Fire Marshal shall apply the proceeds from any sale under subsection (3) against the expense of complying with any conditions prescribed by the judge and the expense actually and necessarily incurred in carrying out the order, and shall pay the surplus, if any, to the Commissioner.

(5) The Commissioner shall pay the moneys so received, or any part thereof, to any person entitled thereto or to the municipality in which the structure or premises is situated, or to the Yukon Consolidated Revenue Fund. Idem.

**PUBLIC SAFETY.**

**20.** (1) The outside doors and the main inside doors of every structure used as a theatre, dance hall or skating rink and of every structure used as a church, school or place of public resort or amusement having seating capacity for more than fifty persons, shall be so hung as to open freely outwards and when the public is using the structure Doors of public buildings.

- (a) the doors shall be kept open by proper fastening; or
- (b) the doors may be closed but not locked otherwise than by latches which release when pressure not exceeding fifteen pounds is applied to a releasing device located on the inner side of the door which consists of bars or panels not less than two-thirds of the width of the door and placed at a height suitable for the service required but not less than thirty inches and not more than forty-four inches above the floor.

(2) Any fences connected with any structure referred to in subsection (1) shall have gates that are at least as wide as the outside doors of the structure and are so hung as to open freely outwards or are kept open by proper fastenings during the time the public is using the structure. Fences.

(3) Every person who violates subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars and in default of payment to imprisonment for a period not exceeding three months. Liability for violation.

**21.** (1) No person shall sell or offer for sale Sale of fire extinguishers, fire alarms and heating appliances.

- (a) a fire extinguisher;
- (b) a fire alarm device; or
- (c) a heating appliance that
  - (i) uses electrical energy to produce heat, or

- (ii) produces heat by the burning of
  - (A) natural gas or oil,
  - (B) manufactured gas, or
  - (C) a mixture of liquified material which is composed predominantly of propane, propylene, butane or butylene, or of a combination thereof,

unless the extinguisher, device or appliance has been listed and labelled by any of the following organizations:

- (1) Canadian Standards Association,
- (2) Canadian Gas Association,
- (3) Underwriters' Laboratories of Canada,
- (4) Underwriters' Laboratories Incorporated,
- (5) Associated Factory Mutual Fire Insurance Companies,

or by a person or government department specified by the Commissioner in Council.

(2) Any person selling or offering for sale the equipment listed under subsection (1) which has not been listed and labelled or approved as provided for may in writing request the Commissioner to appoint an evaluator who shall examine and make such tests as he thinks fit of the equipment for which approval is sought and the evaluator shall if he approves the equipment list and label it for sale or mark it as rejected as the case may be and report the result of his examination to the Commissioner.

(3) If the equipment is approved by the evaluator the person offering same for sale shall be permitted to sell such approved equipment during the ensuing twelve months and not thereafter.

**OFFENCES AND PENALTIES.**

Offences and penalties.

**22.** Every person who

- (a) hinders or obstructs the Fire Marshal, a Deputy Fire Marshal, a local assistant or an inspector in the performance of his powers or the execution of his duties, or

- (b) violates any of the provisions of this Ordinance or the regulations, for which violation no other penalty is provided,

is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars.

**23.** Any owner, lessee or occupant of any structure or premises who fails to comply with an order of the Fire Marshal or a local assistant duly made under the authority of this Ordinance, is guilty of an offence and is liable on summary conviction to a fine not exceeding twenty-five dollars for each day's neglect or failure to comply therewith. Idem.

**24.** The Commissioner may make regulations Regulations.

- (a) respecting the establishment and operation of any plant and equipment used in the business of dry cleaning, dry dyeing, cleaning and pressing or any similar business in which inflammable liquid or other light petroleum or coal tar product or volatile liquid is used;
- (b) respecting the sale, distribution, installation and maintenance of fire fighting and fire prevention equipment, apparatus, material and supplies, including fire alarm systems, and for the licensing and control of manufacturers, agents and jobbers, wholesale and retail vendors and installers of such equipment, apparatus, material or supplies;
- (c) respecting the licensing and control of manufacturers, agents and jobbers, wholesale and retail vendors and installers of oil burners and appliances using inflammable liquids as fuel;
- (d) respecting the storage, sale and use of inflammable liquids;
- (e) respecting the prevention and extinguishment of fires, the provision and installation of safety devices and means of exits in hotels, boarding houses, apartment blocks and other places of public accommodation;

- (f) respecting the prevention and extinguishment of fires, the provision and installation of safety devices and means of exit in churches, schools and institutions;
- (g) establishing minimum building standards for fire prevention purposes and designating the areas within the Territory to which such minimum standards shall apply; and
- (h) generally, for carrying into effect the purposes and provisions of this Ordinance.

Repeal.

**25.** The Fire Investigation Ordinance, chapter 44 of the Revised Ordinances of the Yukon Territory, 1958, and the Fire Prevention Ordinance, chapter 45 of the Revised Ordinances of the Yukon Territory, 1958, are repealed.



## CHAPTER 4

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE RESPECTING SURVIVORSHIP

*(Assented to December 3rd, 1962)*

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 *Survivorship Ordinance*. Short title.
  
2. (1) Where two or more persons die at the same time or in circumstances rendering it uncertain which of them survived the other or others, the deaths are, subject to subsections (2) and (3), presumed to have occurred in the order of seniority, and accordingly the younger is deemed to have survived the older. General rule.
  - (2) Where an Ordinance or an instrument contains a provision for the disposition of property operative if a person designated in the Ordinance or instrument Substitute gifts.
    - (a) dies before another person,
    - (b) dies at the same time as another person, or
    - (c) dies in circumstances rendering it uncertain which of them survived the other,

and the designated person dies at the same time as the other person or in circumstances rendering it uncertain which of them survived the other, then, for the purpose of that disposition, the case for which the Ordinance or instrument provides is deemed to have occurred.
  - (3) Where a will contains a provision for a substitute personal representative operative if an executor designated in the will Substitute executors.
    - (a) dies before the testator,

- (b) dies at the same time as the testator, or
- (c) dies in circumstances rendering it uncertain which of them survived the other,

and the designated executor dies at the same time as the testator or in circumstances rendering it uncertain which of them survived the other, then, for the purpose of probate, the case for which the will provides is deemed to have occurred.

Exception.

**3.** Nothing in this Ordinance shall be construed as affecting the operation of sections 104 and 159 of the Insurance Ordinance.



## CHAPTER 5

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE RESPECTING THE  
PRESUMPTION OF DEATH

*(Assented to December 3rd, 1962)*

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 *Presumption of Death Ordinance*. Short title.
  
2. In this Ordinance "court" means the Territorial Court or a judge thereof.
  
3. (1) Upon application to be heard after such notice as the court deems proper, the court, if satisfied that Presumption of death order.
  - (a) a person has been absent and not heard of or from by the applicant, or to the knowledge of the applicant by any other person, since a day named;
  - (b) the applicant has no reason to believe that the person is living; and
  - (c) reasonable grounds exist for supposing that the person is dead,

may make an order declaring that the person shall be presumed to be dead for all purposes, or for such purposes only as are specified in the order.

(2) The order shall state the date on which the person is presumed to have died or the date after which the person is presumed not be living.
  
4. An order, or a certified copy thereof, declaring that a person is presumed dead for all purposes or for the purposes specified in the order is proof of death in all matters requiring proof of death. Certified copy of order sufficient as evidence.

CHAPTER 6

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO EXTEND THE JURISDICTION  
OF THE TERRITORIAL COURT TO APPROVE  
THE VARIATION OF TRUSTS IN THE INTERESTS  
OF BENEFICIARIES AND TO SANCTION  
DEALINGS WITH TRUST PROPERTY

(Assented to December 3rd, 1962)

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 *Variation Of Trusts Ordinance*.

Judge may approve arrangement varying a trust on behalf of certain persons.

2. (1) Where any property is held on trusts arising before or after the coming into force of this Ordinance under any will, settlement or other disposition, a judge may, if he thinks fit, by order approve on behalf of any person described in subsection (2) any arrangement, whether or not there is any other person beneficially interested who is capable of assenting thereto, varying or revoking all or any of the trusts or enlarging the powers of the trustees of managing or administering any of the property subject to the trusts.

Persons on behalf of whom judge may approve.

(2) A judge may approve an arrangement under subsection (1) on behalf of the following persons:

- (a) any person having, directly or indirectly, an interest, whether vested or contingent, under the trusts who by reason of infancy or other incapacity is incapable of assenting;
- (b) any person, whether ascertained or not, who may become entitled, directly or indirectly, to an interest under the trusts as being at a future date or on the happening of a future event a person of any specified description or a member of any specified class of persons;

- (c) any person unborn; or
- (d) any person in respect of any interest of his that may arise by reason of any discretionary power given to anyone on the failure or determination of any existing interest that has not failed or determined,

but the arrangement shall not be approved on behalf of any person described in paragraph (a), (b) or (c) unless the carrying out thereof appears to be for the benefit of that person.



CHAPTER 7

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ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE INSURANCE  
ORDINANCE

*(Assented to December 3rd, 1962)*

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

R.O.Y.T.  
1958, c.5,  
1959 (1st).

1. Section 48 of the *Insurance Ordinance* is repealed and the following substituted therefor:

- “48. A contract containing
- (a) a deductible clause;
  - (b) a co-insurance, average or similar clause; or
  - (c) a clause limiting recovery by the insured to a specified percentage of the value of any property insured at the time of loss, whether or not that clause is conditional or unconditional,

shall have printed or stamped on its face in red ink the words “This policy contains a clause which may limit the amount payable”, and unless those words are so printed or stamped the clause is not binding upon the insured.”

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CHAPTER 8

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE MOTOR  
VEHICLES ORDINANCE

(Assented to December 3rd, 1962)

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

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

1. (1) Subparagraphs (ii) to (vi) of paragraph (b) of Item 1 of Schedule A of the *Motor Vehicles Ordinance* are repealed and the following substituted therefor:

	Apr. 1	Oct. 1	Jan. 1
“(ii) over 2,000 lbs.....	\$10.00	\$5.00	\$2.50”

(2) Paragraph (c) of Item I of Schedule A of the said Ordinance is repealed and the following substituted therefor:

“(c) truck tractors

(i) having a rated load capacity up to and including 10,000 lbs.....	\$50.00	\$25.00	\$12.50
(ii) having a rated load capacity of over 10,000 lbs....	\$100.00	\$50.00	\$25.00”

2. Paragraph (b) of Item 2 of Schedule A of the said Ordinance is repealed and the following substituted therefor:

“(b) public service vehicle truck tractor

(i) brought into the Territory for the purpose of transporting goods through the Territory without loading or discharging any part of such goods inside the Territory .....	\$200.00	\$100.00	\$50.00
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(ii) any other .....\$250.00 \$125.00 \$65.00

(iii) Notwithstanding the foregoing subparagraphs (i) and (ii) of this paragraph, if the load capacity rating of the public service vehicle truck tractor does not exceed 10,000 lbs. the rate applicable shall be half of the rate shown in subparagraphs (i) or (ii) as the case may be."

3. This Ordinance shall come into force on the first day of April, 1968.

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CHAPTER 9

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE LABOUR  
PROVISIONS ORDINANCE

*(Assented to December 3rd, 1962)*

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

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

1. Section 10 of the *Labour Provisions Ordinance* is repealed and the following substituted therefor:

"10. (1) An employer or any one acting on behalf of an employer who violates any provision of this Ordinance is guilty 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 in respect of each employee affected by the violation.

Offences.

(2) Where a person is convicted of an offence under this Ordinance and part or all of the offence consists of paying lesser wages to an employee than required by this Ordinance, the convicting magistrate may, in addition to any penalty he imposes pursuant to subsection (1), order the convicted person to pay to that employee an amount equal to the difference between the wages paid to that employee and the wages required by this Ordinance to be paid to him.

**LABOUR PROVISIONS OFFICER.**

11. (1) The Commissioner may appoint a Labour Provisions Officer for the Territory.

Labour  
Provisions  
Officer.

(2) The duties of the Labour Provisions Officer shall be to investigate any circumstances he suspects constitute an offence under this Ordinance and, if he deems necessary, to lay an information against any person he believes to have committed such offence."

CHAPTER 10

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE  
MUNICIPAL ORDINANCE

(Assented to December 3rd, 1962)

R.O.Y.T.  
1959(2nd)  
c.1.  
1960(1st)  
c.6.  
1961(1st)  
c.6.  
1961(2nd)  
c.5.  
1961(2nd)  
c.9.  
1961(3rd)  
c.2.  
1962(1st)  
c.22.

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 34 of the *Municipal Ordinance* is amended by adding thereto the following subsection:

Acting  
Clerk.

“(2) In the absence of the clerk the council may by resolution appoint an acting clerk who shall during the period specified in such resolution exercise and perform the powers and duties of the clerk.”

2. Paragraph (c) of section 118 of the said Ordinance is repealed and the following substituted therefor:

Miscellaneous  
By-laws.

“(c) authorizing the making of grants to any person, society or organization, other than a hospital or nursing station in the municipality, not exceeding any one fiscal year.

- (i) five thousand dollars in the aggregate, or
- (ii) two hundred and fifty dollars without the approval of the Commissioner or one thousand dollars with the approval of the Commissioner to any one such person, society or organization.”

3. Section 194 of the said Ordinance is repealed and the following substituted therefor:

Levy of  
school tax.

“194. The council of each municipality shall in each year as set out immediately below levy a school rate in the amount shown opposite the year appearing in the first column, that is to say

- (i) in the year ending  
December 31st, 1962 ..... 12 mills



- (ii) in the year ending  
December 31st, 1963 .....14 mills
- (iii) in the year ending  
December 31st, 1964 .....16 mills
- (iv) in the year ending  
December 31st, 1965 .....18 mills
- (v) in the year ending  
December 31st, 1966 .....20 mills

on the total annual real property assessment of all property liable to taxation in the municipality.”



CHAPTER 11

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ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE LIQUOR  
ORDINANCE

*(Assented to December 3rd, 1962)*

R.O.Y.T.  
1958c.67,  
1959(1st)  
c.6,  
1961(2nd)  
c.6,  
1962(1st)  
c.18.

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

1. Subsection (1) of section 12A of the *Liquor Ordinance* is repealed and the following substituted therefor:

Entertain-  
ment licence.

"12A. (1) In premises licensed as taverns no entertainment other than recorded music operated and controlled by the licensee is permitted.

Idem.

(1a) In premises licensed as cocktail lounges no entertainment other than recorded music operated and controlled by the licensee is permitted without a licence to be known as an "Entertainment Licence" which shall be issued on condition the entertainment is offered by adults and is keeping with the designed to meet safety regulations and generally accepted standards of decency."

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## CHAPTER 12

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE  
PUBLIC HEALTH ORDINANCE

*(Assented to December 3rd, 1962)*

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

R.O.Y.T.  
1958c.92.  
1959(1st)  
c.8.  
1961(1st)  
c.9.

1. Paragraphs (v) and (w) of section 3 of the *Public Health Ordinance* are repealed.
2. The heading immediately preceding section 5 and section 5 of the said Ordinance are repealed and the following substituted therefor:

“Medical Health Officers and Health Officers.

5. (1) Subject to section 6, the council of a municipality may appoint

Council may  
appoint  
Medical  
Health  
Officer or  
Health  
Officer.

- (a) a licensed medical practitioner as Medical Health Officer for the municipality; or
- (b) if no licensed medical practitioner is available, some suitable person as Health Officer,

and such person shall hold office during pleasure.

- (2) The Commissioner may by order establish in areas of the Territory not within a municipality one or more Health Districts and may for each such Health District appoint

Establishment  
of Health  
Districts and  
appointment  
of Medical  
Health Officer  
or Health  
Officer.

- (a) a licensed medical practitioner as Medical Health Officer, or
- (b) some other suitable person as Health Officer, and such person shall hold office during pleasure.

6. (1) Where a municipality has entered into an agreement authorized by a by-law passed pursuant to section 97A of the Municipal Ordinance, if the party providing

Approval of  
Medical  
Health Officer  
or Health  
Officer.

public health services to the municipality pursuant to the agreement disapproves in writing of the person holding the office of Medical Health Officer or Health Officer, the council shall dismiss him and appoint a person approved by the party providing the public health services.

Idem.

(2) Any appointment to the office of Medical Health Officer or Health Officer during the term of an agreement referred to in subsection (1) shall be subject to the approval of the person providing the public health services.

**Boards of Health.**

7. (1) The council of a municipality for which a Medical Health Officer or Health Officer has been appointed may appoint a Board of Health for the municipality.

Appointment of Board of Health. Commissioner may request appointment of Board of Health.

(2) If the council of a municipality described in subsection (1) has not appointed a Board of Health, the Commissioner may by letter addressed to the clerk of the municipality request the council to appoint a Board of Health.

Appointment by Commissioner.

(3) If within two months of the mailing of the letter referred to in subsection (2) the council has not appointed a Board of Health, the Commissioner may appoint a Board of Health for the municipality.

Expenses of Board of Health.

(4) The expenses of a Board of Health appointed pursuant to subsection (3) shall be borne by the municipality for which it is appointed.

Boards of Health for areas outside a Municipality.

8. The Commissioner may appoint Boards of Health for areas in the Territory not within a municipality.

Board of Health appointed by council.

9. (1) A Board of Health established by a council shall consist of the Medical Health Officer or Health Officer of the municipality and four ratepayers not more than two of whom shall be members of the council.

Chairman and secretary.

(2) The council shall designate one of the members as chairman of the Board and another as secretary of the Board.

Term of office.

(3) Subject to subsection (4), the term of office of  
 (a) a member of the Board who is also a member of council shall be for a period fixed by the council at the time of his appointment or, if he ceases to be a member of the council before the expiry of the period so fixed, until he ceases to be a member of the council;

- (b) the member of the Board who is the Medical Health Officer or the Health Officer shall be for the period during which he holds the office of Medical Health Officer or Health Officer; and
- (c) members of the Board not described in paragraph (a) or (b) shall be for a period of three years;

(4) Any member of the Board may be reappointed for a term to be determined by the council except that no member shall be reappointed if, Reappointment of member.

- (a) on the expiry of his term of office he has been a member of the Board for nine consecutive years; or
- (b) the term for which it is intended to reappoint him would result in his being a member of the Board for more than nine consecutive years.

(5) Meetings of the Board shall be held at least once a month at the call of the chairman or at any time on the demand of any three members. Meetings.

(6) A copy of the minutes of each meeting of the Board shall be filed with the clerk of the council. Minutes.

(7) The Board may make rules governing its proceedings, the conduct of its meetings, the appointment of committees and generally for the transaction of its business. Rules.

(8) The chairman shall submit to the council within three months following the end of each year a report on public health services and conditions in the municipality. Annual report.

10. The duties of a Board of Health established by a council are Duties.

- (a) to advise the council on matters pertaining to public health in the municipality;
- (b) to administer within the municipality the Public Health Ordinance and regulations and such by-laws pertaining to public health as are passed by the council; and
- (c) to administer local public health services and to advise the council with respect to financial matters pertaining thereto including cost-sharing arrangements with other agencies for the provision of these services.

Board of Health established by Commissioner.

10A. (1) A Board of Health established by the Commissioner shall consist of as many members as he may designate but not less than three.

Chairman and secretary.

(2) The Commissioner shall appoint one of the members as chairman of the Board and another member as secretary of the Board.

Term of office.

(3) The term of office of a member shall be as designated by the Commissioner at the time of his appointment.

Rules.

(4) The Board may make rules governing its proceedings, the conduct of its meetings, the appointment of committees and generally for the transaction of its business.

Duties.

(5) The duties of the Board shall be those assigned to it by the Commissioner.

Annual report.

(6) The chairman shall submit to the Commissioner within three months following the end of each year a report on public health services and conditions in the area in which the Board has jurisdiction.

Annual report to mayor of municipality.

10B. In the case of a Board of Health appointed by the Commissioner pursuant to subsection (3) of section 7, a copy of the report referred to in subsection (6) of section 10A shall be sent to the mayor of the municipality for which the Board was appointed."

3. The heading immediately preceding section 11 of the said Ordinance is repealed and the following substituted therefor:

"Part II  
Enforcements."



## CHAPTER 13

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE  
MUNICIPAL ORDINANCE

*(Assented to December 3rd, 1962)*

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 *Municipal Ordinance* is amended by adding thereto, immediately after section 97 thereof, the following section:

"97A. (1) The council may by by-law authorize the mayor to enter into an agreement with any person or with the Governments of Canada, the Territory or any province with respect to

- (a) the provision of public health services in the municipality, and
- (b) the sharing of the cost of providing such services.

(2) A by-law passed pursuant to subsection (1) shall not be valid unless prior to the third reading thereof it has been submitted to and approved by the Commissioner."

2. Paragraph (a) of subsection (1) of section 121 of the said Ordinance is amended by striking out the word "and" at the end of subparagraph (i) thereof and by adding thereto the following subparagraph:

- "(iii) such sums as may be necessary to meet the expenses of the Board of Health of the municipality and the municipality's share of the cost of providing public health services in the municipality; and"

O.Y.T.  
1959 (2nd)  
c.1.  
1960 (1st)  
c.6.  
1961 (1st)  
c.6.  
1961 (2nd)  
c.5.  
1961 (2nd)  
c.9.  
1961 (3rd)  
c.2.  
1962 (1st)  
c.22.

Agreements  
to provide  
public health  
services.

Approval of  
Commissioner.

CHAPTER 14

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ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE  
LIQUOR ORDINANCE

*(Assented to December 3rd, 1962)*

R.O.Y.T.  
1958c.67,  
1959(1st)  
c.6,  
1961(2nd)  
c.6,  
1962(1st)  
c.18,  
1962(5th)  
c.12.

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

1. Subsection (2) of section 8 of the *Liquor Ordinance* is hereby revoked.



## CHAPTER 15

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ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE FUEL OIL  
TAX ORDINANCE

*(Assented to December 3rd, 1962)*

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

1. Paragraph (b) sub-clause (i) of subsection (3) of section 3 of the Fuel Oil Tax Ordinance is amended by substitution of a comma for the period at the end thereof and adding thereafter the word "or" O.Y.T.  
1962(1st)  
c.6.

2. Sub-clause (i) of subsection (3) of section 3 of the said Ordinance is further amended by the addition of the following paragraph:

"(c) the vendor or the importer certifies on or before the tenth day of each month that to the best of his knowledge and belief the purchasers listed in a schedule accompanying his certificate had purchased the fuel oil in question for a purpose which would have exempted it from tax if the purchaser had furnished a certificate under paragraph (a)."

CHAPTER 16

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE  
MUNICIPAL ORDINANCE

*(Assented to December 3rd, 1962)*

O.Y.T.  
1959(2nd)  
c.1,  
1960(1st)  
c.6,  
1961(1st)  
c.6,  
1961(2nd)  
c.5,  
1961(2nd)  
c.9,  
1961(3rd)  
c.2,  
1962(1st)  
c.22.

Electors  
qualified to  
hold office.

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

1. Subsection (1) of section 240 of the said Ordinance is repealed and the following substituted therefor:

"240. (1) An elector shall be qualified to be nominated and elected to hold office as a member of the Council who

- (a) is a natural person
- (b) is a ratepayer in respect of real property
  - (i) the assessed value of which is at least one thousand dollars, and
  - (ii) on which taxes are not in arrears, or
- (c) is the spouse of such elector, ordinarily residing with such elector."

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Labour Provision .....	62	1961 (3rd) c.3-s.3A added 1962 (1st) c.15-s.4;6 1962 (5th) c.9-s.10; 11 added

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Loan Agreement (1961) .....	new	1961 (3rd) c.4
Loan Agreement (1962) No. 1 .....	new	1962 (1st) c.2
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