



ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE

YUKON COUNCIL

IN THE YEAR

1971

FIRST, SECOND AND THIRD SESSIONS

J. SMITH
COMMISSIONER

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of the
YUKON TERRITORY

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COUNCIL OF THE YUKON

In The Year

1971

First Session

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1971 (First Session)

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CHAPTER 1
 ORDINANCES OF THE YUKON TERRITORY
 1971 (First Session)

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

(Assented to February 26, 1971)

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

- | | |
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| 1. This Ordinance may be cited as the <i>Financial Agreement Ordinance, 1971</i> . | 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) as an operating grant for the fiscal year 1971-72, an amount equal to \$6,890,000.00, and | |
| (ii) in respect of the period from the first day of April, 1971 to the thirty-first day of March, 1972, an amount equal to | |
| (A) all monies owed by the Government of the Yukon Territory to the Government of Canada and becoming due in that year under a loan agreement entered into pursuant to an Ordinance listed in the Schedule to this Ordinance, minus | |
| (B) all monies paid to the Government of the Yukon Territory in that year in respect of self liquidating loans made by the Territory with monies borrowed from the Government of Canada pursuant to a loan agreement described in clause (A) as certified by the Commissioner; and | |

Chap. 1

- Provisions of Agreement.
- (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 commencing on the first day of January, 1971, and ending on the thirty-first day of December, 1971, 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 commencing on the first day of January, 1971, and ending on the thirty-first day of December, 1971.
- 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 amounts described in subparagraph (i) of paragraph (a) of section 3, in equal instalments in each month in the period from the first day of April, 1971 to the thirty-first day of March, 1972, and
 - (ii) in the case of amounts described in subparagraph (ii) of paragraph (a) of section 3, in the amounts and the times fixed in the loan agreements described in the subparagraph; and
 - (b) for such other terms and conditions as may be agreed upon for the purpose of giving effect to this Ordinance.
- Variation and amendment.
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.
- Ratification.
6. No variation or amendment to the Agreement made pursuant to section 5 is valid unless it is ratified by the Council.
- Suspension of Ordinances, etc.
7. 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 to permit the Government of the Yukon Territory to fulfill every obligation assumed by it under the Agreement.
- No tax collection contravening Agreement.
8. 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.
- Tax reduced.
9. 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.

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|---|---------------------------------|
| 10. 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. |
| 11. Sections 7 to 10 shall remain in operation for only so long as is necessary to give effect to the Agreement. | Operations of sections 7 to 10. |

PART 11

- | | |
|--|---------------------------------------|
| 12. In this Part, "Agreement" means the Agreement entered into pursuant to section 14. | "Agreement" defined. |
| 13. The Commissioner may, on behalf of the Territory borrow from the Government of Canada a sum not exceeding \$5,009,000. | Commissioner may borrow money. |
| 14. 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 | Commissioner may execute Agreement. |
| (a) the repayment to the Government of Canada of the amount borrowed pursuant to section 13, | |
| (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 13, and | |
| (c) such other terms and conditions as may be agreed upon by the Commissioner. | |
| 15. 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. | Commissioner may implement Agreement. |
| 16. No amount shall be borrowed by the Commissioner pursuant to this Ordinance after the thirty-first day of March, 1972. | No borrowing after March 31st, 1972. |
-

SCHEDULE

Yukon Hospital Loan Ordinance	-	1955 (Second Session) Chapter 2
Loan Agreement Ordinance	-	1961 (Third Session) Chapter 4
Financial Agreement Ordinance	-	1962 (First Session) Chapter 4
Financial Agreement Ordinance	-	1967 (First Session) Chapter 19
Canada and Anvil Agreements Ordinance	-	1968 (Third Session) Chapter 2
Financial Agreement Ordinance	-	1969 (First Session) Chapter 1
Financial Agreement Ordinance	-	1970 (First Session) Chapter 10

CHAPTER 2
 ORDINANCES OF THE YUKON TERRITORY
 1971 (First Session)

AN ORDINANCE RESPECTING THE PRESERVATION
 OF ARCHIVES OF THE YUKON TERRITORY

(Assented to February 26, 1971)

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

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|---|-------------------------------|
| 1. This Ordinance may be cited as the <i>Archives Ordinance</i> . | Short title |
| 2. In this Ordinance,

"public records" means all original documents, parchments, manuscripts, records, books, pamphlets, magazines, periodicals, maps, plans, photographs, letters, copies of letters, papers of all kinds or other documentary materials regardless of physical form or characteristic, deposited, on file, or held with or in any department or agency of the Government of the Territory or any municipal or other public office in the Territory, and includes any such documentary materials that were formerly part of the records or files of any such department, agency, or office. | "Public records" |
| 3. The Commissioner may appoint an archivist to carry out the provisions of this Ordinance. | Appointment of Archivist |
| 4. Subject to the regulations all public records shall be delivered to the Archivist for safe keeping and custody within thirty years from the date on which such public records cease to be in current use. | Custody of all public records |
| 5. The Archivist is authorized and directed to receive and grant discharges for all public records transferred to him under this Ordinance and the Archivist is thereafter responsible for the safe keeping of the public records so transferred. | Responsibility of Archivist |
| 6. The objects of this Ordinance are,

(a) the classification, safe keeping, indexing and cataloguing of all public records transferred to the Archivist under Section 4;

(b) the discovery, collection and preservation of material having any bearing upon the history of the Territory; | Objects of Ordinance |

Chap. 2

- (c) the copying and printing of important public documents relating to the legislative or general history of the Territory;
- (d) the collecting of all documents having in any sense a bearing upon the political or social history of the Territory and upon its agricultural, industrial, commercial and financial development;
- (e) the collecting of municipal, school and church records;
- (f) the collection and preservation of pamphlets, maps, charts, manuscripts, papers, books, photographs and other documentary materials regardless of physical form or characteristic, of general or local historic interest in the Territory;
- (g) the collection and preservation of information respecting the early settlers of the Territory including pioneer experience, customs, mode of living, prices, wages, boundaries, areas cultivated or mined, home and social life;
- (h) the collection and preservation of the correspondence of settlers, documents in private hands relating to public and social affairs and reports of local events of historic interest in domestic and public life;
- (i) the conducting of research with a view to preserving the memory of the indigenous peoples in the Territory and their mode of living and customs;
- (j) the conducting of research with a view to preserving the memory of pioneer settlers in the Territory and of their early exploits and the part taken by them in opening up and developing the Territory; and
- (k) the stimulation of public interest in the history of the Territory by the dissemination of information to the public, by exhibitions and displays of materials preserved in the Archives and by granting to the public access to items preserved in the Archives subject to such precautions as may be necessary for their preservation.

Preservation of official documents.

7. Subject to the regulations no public records shall be destroyed or permanently removed without the knowledge and concurrence of the Archivist.

Certified copies.

8. A copy of any original document in the custody of the Archivist, certified under his hand to be a true copy, is prima facie evidence of the authenticity and correctness of such document.

Commissioner may determine when documents to be made public.

9. Where the public interest so requires the Commissioner may direct that any document transferred to the Archives will not be made available for public inspection for such period of time as the Commissioner determines.

Archivist may acquire documents under conditions.

10. The Archivist may acquire by gift, bequest, loan or purchase and place in the Archives for preservation, any document having any bearing upon the history of the Territory upon such terms and conditions as may be stated by the person giving, bequeathing, lending or selling the document.

11. Where any person is in possession or control of any public record he shall at the request of the Commissioner or his authorized officer forthwith deliver such public record to the Archivist. Commissioner may request public records be delivered to Archivist
12. The Commissioner may make regulations, Regulations
- (a) respecting the duties of the Archivist;
 - (b) prescribing the public records that shall be transferred to the Archivist under this Ordinance and extending or reducing the period that shall elapse before any such public records are transferred to him;
 - (c) for the classification of archives in the custody of the Archivist and the preparation of proper calendars, catalogues and indexes for the purpose of making archives accessible for official, scientific and historical research;
 - (d) directing the manner in which public records shall be disposed of from time to time and the class of documents, papers, pamphlets or reports that shall be deemed to be archives;
 - (e) generally for carrying out the purposes and provisions of this Ordinance into effect; and
 - (f) prescribing any fees that may be required under this Ordinance.
13. Nothing in this Ordinance shall be taken or be deemed to authorize the destruction or other disposition of any official document, paper, map, plan, report, memorandum or other matter in contravention of an Ordinance or an order of a Court or the Commissioner. Nothing in Ordinance authorizes destruction of documents

CHAPTER 3

ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

AN ORDINANCE FOR THE PROTECTION OF CONSUMERS

(Assented to April 1, 1971)

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

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|---|---------------------|
| 1. This Ordinance may be cited as the <i>Consumers' Protection Ordinance</i> . | Short Title. |
| 2. In this Ordinance | Definitions. |
| (a) "assignee" includes any person in whom the right or benefit concerned has become vested, as a result of any assignment or series of assignments; | "Assignee." |
| (b) "borrower" means a person borrowing money or obtaining credit and includes a buyer of goods or services on credit and a hirer of goods on hire-purchase; | "Borrower." |
| (c) "buyer" includes a hirer on a retail hire-purchase; | "Buyer." |
| (d) "cash price" of any goods or services means the price that would be charged by the seller for the goods or services to a buyer who paid cash for them at the time of purchase or hiring; | "Cash price." |
| (e) "collection agent" means any person who | "Collection agent." |
| (i) collects or attempts to collect money owing to others, | |
| (ii) is used by others to levy distress or seize goods, | |
| (iii) collects money under any name which differs from that of the creditor to whom the money is owed, | |
| (iv) offers or undertakes to act for a debtor in arrangements or negotiations with his creditors or receives money from a debtor for distribution to his creditors, | |
| (v) solicits accounts for collection or offers or undertakes to collect debts for others either immediately or at a future date, or | |
| (vi) writes letters, or makes telephone or personal calls on behalf of others for the purpose of inducing a debtor to pay a debt, | |
| but does not include | |
| (vii) a person who accepts payment of accounts on behalf of creditors but who does not otherwise negotiate with or in any way attempts to obtain payment from debtors in respect of the amount owing, | |

- (viii) a chartered bank,
- (ix) a credit union,
- (x) a trustee licensed under the *Bankruptcy Act* acting in that capacity,
- (xi) a duly appointed officer of a court,
- (xii) a barrister or solicitor entitled to practice in the Territory and acting in that capacity,
- (xiii) a trust company,
- (xiv) a real estate broker acting in that capacity, or a real estate salesman acting in that capacity,
- (xv) an insurance agent acting in that capacity,
- (xvi) a mortgage broker acting in that capacity,
- (xvii) a person appointed under the *Companies Act* as a liquidator acting in that capacity, or
- (xviii) a person acting for a friend who receives no reward for his services;

"Cost of borrowing."

- (f) "cost of borrowing" means
- (i) where used in connection with a retail sale or hire-purchase of goods or services or both otherwise than on variable credit, the difference between
 - (A) the total amount which the buyer is required to pay in the transaction (including any down payment and the value ascribed in the contract to any trade-in or other allowance to him), if all payments are made as they fall due, and
 - (B) the total cash price as described in subsection (2) of section 5 or 6, as the case may be,
 - (ii) where used in relation to a loan agreement, the difference between
 - (A) the total amount that the borrower has to pay in the transaction, if all payments are made as they fall due, and
 - (B) the aggregate of the amounts described in clauses (a), (b), (c) or (d) of subsection (2) of section 14 (other than any amount which is declared by section 21 to be part of the cost of borrowing) subject to such adjustment thereof as may be required by subsection (1) or (2) of section 15, if applicable.
 - (iii) where used in relation to a transaction to which subsection (3) of section 15 applies, the difference between
 - (A) the total amount which the borrower is required to pay in the transaction (including any down payment and the value ascribed in the agreement for any trade-in or other allowance to him), if all payments are made as they fall due, and
 - (B) the aggregate of the total cash price of the goods or services, or both, being purchased and the amounts described in clauses (b) and (c) of subsection (3) of section 15,

- (iv) where used in relation to variable credit, the charges that the buyer or borrower is required to pay periodically on the unpaid balance from time to time for the privilege of purchasing or borrowing on variable credit;
- (g) "court" means the Territorial Court, and in a case where the amount of the loan made or credit extended is not greater than the limit of the jurisdiction of the Magistrate's Court, the Magistrate's Court and includes a magistrate sitting as a small debts official; "Court."
- (h) "credit grantor" means a person lending money or extending credit and includes a seller of goods or services on credit and a person letting goods on hire-purchase; "Credit grantor."
- (i) "debtor" includes a borrower and any person who is responsible for the payment of a debt by virtue of guaranteeing a borrower's liability to pay the debt; "Debtor."
- (j) "direct seller" means the person who, on behalf of a vendor, makes any offer, solicitation, proposal or approach which is intended to result in a sale to which Part VII applies; "Direct seller."
- (k) "goods" means chattels personal other than things in action or money, and includes, emblements, industrial growing crops and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale, and chattels which are to be affixed to land upon or after delivery thereof; "Goods."
- (l) "instalments of approximately equal amount" means a series of instalments in which the amount of any one instalment is not different from the equal amounts of all other instalments by more than one dollar multiplied by the number of instalments required to be paid; "Instalments of approximately equal amount."
- (m) "legal rate" of interest means the rate from time to time payable under the *Interest Act (Canada)* on liabilities on which interest is payable but no other rate is fixed; "Legal rate."
- (n) "loan agreement" means a document or memorandum in writing "Loan agreement."
 (i) evidencing a loan of money, or
 (ii) made or given as security for a loan of money, or
 (iii) made or given as security for a past indebtedness;
- (o) "money lender" means a person who carries on the business of money lending or advertises himself, or holds himself out in any way, as carrying on that business, but does not include a registered pawn broker as such; "Money lender."
- (p) "mortgage", "mortgagee", "mortgage money" and "mortgagor" have the meanings assigned to them by common law; "Mortgage, mortgagee, mortgage money, mortgagor."
- (q) "retail hire-purchase" of goods means any hiring of goods from a person in the course of his business in which "Retail hire-purchase."
 (i) the hirer is given an option to purchase the goods, or

- (ii) it is agreed that upon compliance with the terms of the contract, the hirer will either become the owner of the goods or will be entitled to keep them indefinitely without any further payment,

except

- (iii) a hiring in which the hirer is given an option to purchase the goods exercisable at any time during the hiring and which may be determined by the hirer at any time prior to the exercise of the option on not more than two months' notice without any penalty,
- (iv) a hire-purchase of goods by a hirer who himself intends either to sell them or to relet them for hire by others,
- (v) a hire-purchase by a hirer who is a retailer of a vending machine or a bottle cooler to be installed in his retail establishment,
- (vi) a hire-purchase in which the hirer is a corporation, and
- (vii) a hire-purchase of goods the cash price of which exceeds eight thousand, five hundred dollars;

"Retail sale."

- (r) "retail sale" of goods or of services or of both means any contract of sale of goods or services or both made by a seller in the course of his business except
 - (i) any contract of sale of goods which are intended for resale by the buyer in the course of his business,
 - (ii) any contract of sale to a retailer of a vending machine or a bottle cooler to be installed in his retail establishment,
 - (iii) any contract of sale to a corporation, and
 - (iv) a sale in which the cash price of the goods or services or both exceeds eight thousand, five hundred dollars;

"Sale."

- (s) "sale" includes any transaction whereby the whole or part of the price is paid or satisfied by the exchange of other property, real or personal;

"Sale of goods."

- (t) "sale of goods" includes any transaction in which goods are sold, whether separately or together with services;

"Sale of services."

- (u) "sale of services" means furnishing or agreeing to furnish services and includes making arrangements to have services furnished by others and any transaction in which services are sold, whether separately or together with goods;

"Seller."

- (v) "seller" includes a person who lets goods on hire by a retail hire-purchase;

"Services."

- (w) "services" includes
 - (i) work, labour and other personal services,
 - (ii) privileges with respect to transportation, hotel and restaurant accommodations, education, entertainment, recreation, physical culture, funerals, cemetery accommodations and the like and,
 - (iii) insurance provided by a person other than the insurer;

- (x) "time sale agreement" means an agreement evidencing a time sale; "Time sale agreement."
 - (y) "time sale" means "Time sale."
 - (i) any retail sale of goods or of goods and services under which possession of the goods is to be delivered to the buyer, but the transfer of the property in the goods is to take place subsequently to such delivery upon payment by him of the whole or part of the price and cost of borrowing, if any, whether or not such transfer is also subject to the fulfillment of some other condition,
 - (ii) any retail hire-purchase of goods, and
 - (iii) for the purpose of sections 47 to 57, any retail sale of goods or of goods and services in which the seller takes back a chattel mortgage on those goods to secure payment of the whole or part of the price;
 - (z) "variable credit" means credit made available under an agreement whereby the credit grantor agrees to make credit available to be used from time to time, at the option of the borrower, for the purpose of the purchase from time to time of goods or services, and, without limiting the generality of the foregoing, includes credit arrangements commonly known as revolving credit, accounts, budget accounts, cyclical accounts and other arrangements of a similar nature, but does not include any agreement or arrangement in which there is neither a cost of borrowing payable by the borrower nor any additional charge, other than court costs, payable by the borrower in the event of default; "Variable credit."
 - (aa) "vendor" means the person who makes on his own behalf or uses others to make on his behalf, any offer, solicitation, proposal or approach which is intended to result in a sale to which Part VII applies. "Vendor."
3. For the purpose of determining whether
- (a) the cost of borrowing in a sale or hire-purchase exceeds ten dollars; or
 - (b) the cash price of goods or services or both comprised in a sale or hire-purchase exceeds eight thousand, five hundred dollars;
- the following rules apply:
- (i) The cost of borrowing in all sales and hire-purchases which are part of the same transaction shall be added together.
 - (ii) The cash price of goods and services comprised in all sales and hire-purchases which are part of the same transaction shall be added together.
 - (iii) Unless the contrary is proved, all sales and hire-purchases made between the same seller and the same buyer on the same day shall be presumed to be part of the same transaction.
4. Nothing in this Ordinance applies to any loan made by, or any security given to, the Industrial Development Bank, the Canadian Farm Credit Corporation, Central Mortgage and Housing Corporation, or the Commissioner. Application of Ordinance.

PART I

Disclosure of Cost of Borrowing

Application
of section.

5. (1) This section applies to every retail sale of goods or services or goods and services on credit in which there is any cost of borrowing payable by the buyer except
- (a) a sale made on variable credit; and
 - (b) a sale in which the cost of borrowing does not exceed ten dollars.

Contents of
agreement.

- (2) Every sale to which this section applies shall be evidenced by a writing signed by the buyer or his agent prior to, or at the time of delivery of the goods or performance of the services which contains a description of the goods or services and states
- (a) the cash price of the goods included in the sale;
 - (b) the amount of any applicable delivery or installation charge, if not included in the cash price of the goods;
 - (c) any insurance charges actually paid or to be paid by the seller to an insurer on behalf of the buyer on the buyer's request;
 - (d) the registration fee, if any;
 - (e) the total cash price, being the aggregate of the amounts mentioned in clauses (a), (b), (c) and (d);
 - (f) the amount or value of any down payment, trade-in or other allowance made to the buyer;
 - (g) the balance of the total cash price, being the difference between the total mentioned in clause (e) and the amount mentioned in clause (f);
 - (h) the total cost of borrowing expressed as one sum in dollars and cents;
 - (i) the balance owing, being the aggregate of the balance mentioned in clause (g) and the amount mentioned in clause (h);
 - (j) the details of the manner in which the balance owing is to be paid, as required by section 8 or 10;
 - (k) the aggregate of the cost to the buyer being the total mentioned in clause (e) and the amount mentioned in clause (h);
 - (l) the true annual rate of the cost of borrowing calculated in accordance with section 11 and the regulations, expressed as a percentage; and
 - (m) the total additional charge, if any, other than court costs, to be paid in the event of default expressed as a rate percentage per annum.

Application
to hire-
purchase.

6. (1) This section applies to every retail hire-purchase of goods in which the cost of borrowing exceeds ten dollars.

Contents of
agreement.

- (2) Every hire-purchase to which this section applies shall be evidenced by a writing signed by the hirer or his agent prior to, or at the time of delivery of the goods, which contains a description of the goods and states
- (a) the cash price of the goods included in the hire-purchase

- (b) the amount of any applicable delivery or installation charge, if not included in the cash price of the goods;
 - (c) any insurance charges actually paid or to be paid by the seller to an insurer on behalf of the hirer on the hirer's request;
 - (d) the registration fee, if any;
 - (e) the total cash price, being the aggregate of the amounts mentioned in clauses (a), (b), (c) and (d);
 - (f) the amount or value of any down payment, rent paid or to be paid in advance of delivery or on delivery, trade-in or other allowance made to the hirer;
 - (g) the balance of the total cash price, being the difference between the total mentioned in clause (e) and the amount mentioned in clause (f);
 - (h) the total cost of borrowing being the difference between the balances mentioned in clauses (i) and (g) expressed as one sum in dollars and cents;
 - (i) the balance owing, being the aggregate of the rent to be paid by the hirer subsequent to delivery of the goods, and of all further payments, if any, not included in the rent which the hirer will have to pay in order to purchase or become the owner of the goods;
 - (j) the details of the manner in which the balance owing is to be paid, as required by section 8 or 10;
 - (k) the aggregate of the cost to the hirer being the total of the amounts mentioned in clauses (e) and (h);
 - (l) the true annual rate of the cost of borrowing calculated in accordance with section 11 and the regulations, expressed as a percentage; and
 - (m) the total additional charge, if any, other than court costs, to be paid in the event of default expressed as a rate percentage per annum.
7. (1) As soon as possible after the writing required by section 5 or 6 or by subsection (3) of section 15 is received by the seller or his agent, and in any event not later than the time of delivery of the goods or performance of the services, as the case may be, the seller shall give a true copy of the writing to the buyer, but
- (a) if there is more than one buyer, it shall be sufficient to give a copy to one of them; and
 - (b) if the writing was signed by an agent of the buyer, the copy may be given to that agent.
- (2) The buyer or agent to whom the copy of the writing is given shall, if so requested by the seller, acknowledge receipt thereof and in any case the writing shall not be binding on the buyer unless a copy thereof has been given as provided herein.
8. Subject to section 10, the details required by section 5 or 6 of the manner in which the balance owing is to be paid shall include the date and the amount of each payment to be made, except only that where such manner consists of, or includes, a succession of instalments of approximately equal amount payable monthly or at any other regular periods, it shall be a sufficient statement of such succession of instalments to state them in the following form:

Buyer to have copy of agreement.

Acknowledgment of receiving agreement.

Dates of payments.

"10 equal consecutive payments of \$10.00 each on the first day of each month commencing on the 1st day of June, 1971, and ending on the 1st day of March, 1972, totalling \$100.00."

with such changes as may be necessary to fit the circumstances of the case.

- Delivery of goods etc. 9. (1) Subject to section 10, if the writing required by section 5 or 6 is signed prior to the delivery of the goods or performance of the services, the seller shall deliver the goods or perform the services not later than seven days after the delivery date, which is
- (a) the date for delivery or performance fixed by the writing; or
- (b) if none is so fixed, the date on which the writing is received by the seller or his agent.
- Late delivery. (2) If the seller does not deliver the goods or perform the services within the time limited by subsection (1), the buyer is entitled to a rebate of part of the cost of borrowing calculated by applying the true annual rate of the cost of borrowing to the amount of the balance owing over the period of the seller's default.
- Rights preserved. (3) Nothing herein contained derogates from the buyer his right, if any, in the transaction to rescind or cancel for late delivery, failure to perform or otherwise.
- Where section 10. 9 not to apply. Where, in any case to which either section 5 or 6 applies, the date of delivery of the goods or performance of the services is uncertain, the date or dates on which the balance owing is to be paid may be described in the writing by reference to the date on which the goods are delivered or services performed, and if that is done section 9 does not apply.
- Date for calculation of cost of borrowing. 11. Except as otherwise prescribed by regulation, the true annual rate of the cost of borrowing stated in a writing required by section 5 or 6 must be calculated over the period commencing
- (a) where section 9 applies, with the delivery date referred to therein; and
- (b) in any other case, with the date on which the delivery of the goods or performance of the services is completed.
- Payments before delivery of service. 12. For the purposes of clause (f) of subsection (2) of section 5 and clause (f) of subsection (2) of section 6, any payment which is made or to be made by the buyer prior to the delivery of goods or performance of the services is a down payment, notwithstanding that it may be made after the writing is signed.
- Variable credit and credit cards. 13. (1) This section applies to every retail sale to or retail hire-purchase by a resident of the Yukon Territory of goods or services or goods and services made on variable credit; and, for the purposes of this section a buyer who obtains credit by use of a credit card shall, in relation to that credit, be deemed to reside at the address shown on that card, or if there is no address at the address applicable to that card.

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| <p>(2) Every extension of variable credit by a credit grantor shall be governed by a master agreement which shall be signed by the borrower before the first extension of variable credit to him, and which states</p> <p>(a) at what periods payments are to be made by the borrower,</p> <p>(b) the amount of the minimum payments that will be required from the borrower, but, if this may vary according to the amount of credit extended or outstanding, the method of calculating the minimum payments shall be set out in an intelligible manner,</p> <p>(c) the prevailing rate or rates of charges that the borrower will be required to pay periodically for the variable credit extended to him expressed as a percentage or percentages per annum of the balance of principal and accrued charges outstanding at the commencement of the period; and</p> <p>(d) if the charges payable on payments in arrears are to be calculated otherwise than in accordance with clause (c) hereof, the manner in which those charges are to be calculated and the rate thereof expressed as a percentage per annum on the amount in arrears.</p> | <p>Contents of master agreement.</p> |
| <p>(3) Subject to subsection (4), the master agreement shall also contain a table showing the amount in dollars and cents of the monthly charge produced by the applicable rate or rates on outstanding balances, using a sufficiently large number of representative amounts to give a fair representation of the dollars and cents charges applicable to various sizes of outstanding balance.</p> | <p>Table of charges.</p> |
| <p>(4) At the option of the credit grantor, the table required by subsection (3) may, instead of being included in the master agreement, be embodied in a separate document, which shall be given to the borrower before he signs the master agreement.</p> | <p>Separate document for charges.</p> |
| <p>(5) The credit grantor shall give a copy of the master agreement to the borrower before the first extension of credit thereunder.</p> | <p>Delivery of master agreement.</p> |
| <p>(6) There may be more than one master agreement in force concurrently between a credit grantor and a borrower if</p> <p>(a) each agreement relates to a different category of goods or services; or</p> <p>(b) the borrower has the right to decide under which agreement any purchase shall be made.</p> | <p>Several master agreements.</p> |
| <p>(7) Subject to subsection (6), every extension of variable credit by a credit grantor to a borrower who has signed a master agreement shall be governed by the last master agreement signed by the borrower.</p> | <p>Agreement to govern credit.</p> |
| <p>(8) A credit grantor shall, on demand, but not more often than once a year, furnish to a borrower a photostatic copy of any master agreement signed by that borrower which is then in force.</p> | <p>Copies of master agreement.</p> |
| <p>(9) A credit grantor may, by giving written notice thereof to the borrower,</p> <p>(a) increase the rate or rates of charges payable by the borrower in respect of subsequent purchases; or</p> | <p>Variations of master agreement.</p> |

(b) increase the minimum periodic payments payable by the borrower in respect of subsequent purchases;

or both, but, except as otherwise provided in the regulations, no such increase shall affect the borrower's obligations in respect of his then outstanding balance which shall continue to be governed by the then prevailing terms.

Decreasing payments under master agreement.

(10) A credit grantor may decrease the rate or rates of charges or the minimum periodic payments payable by a borrower, or both, either in respect of subsequent purchases only or in respect of both his then outstanding balance and subsequent purchases.

Liability of borrower under master agreement.

(11) Subject to subsection (13) a borrower to whom variable credit has been extended shall be liable to pay periodic charges for such credit in accordance with clause (c) of subsection (2) and subsections (9) and (10), but unless he defaults in his payments, no other cost of borrowing whatsoever.

New master agreement.

(12) A credit grantor may at any time require a borrower to sign a new master agreement as a condition of extending fresh credit, but a refusal by the borrower to sign a new master agreement shall not affect his liability in regard to credit already extended.

Where rate charged not stated.

(13) If a master agreement indicates that the borrower is to pay periodic charges for variable credit extended to him but either does not state any rate for such charges or expresses it otherwise than as a percentage per annum of the balance outstanding at the commencement of the period, the charges under that agreement shall be calculated at the legal rate of interest on the said balance.

Agreements before Ordinance.

(14) Any agreement for the extension of variable credit entered into before this Ordinance comes into force continues in force notwithstanding that it does not comply with subsection (2) or subsection (3) and subsections (5), (11), and (13) do not apply thereto; but subsections (6), (7), (8), (9), (10), and (12) apply thereto.

Money loans.

14. (1) Subject to section 3, this section applies to every loan of money made by a money lender except
- (a) a loan secured exclusively on real property;
 - (b) a loan of more than eight thousand five hundred dollars;
 - (c) a loan to a corporation;
 - (d) a loan made by an insurance company to a policy holder pursuant to a provision of the policy; and
 - (e) a loan in which the cost of borrowing does not exceed ten dollars.

Contents of agreement.

- (2) Every loan to which this section applies shall be evidenced by a document or memorandum in writing signed by the borrower at or before the time the loan is made which shall set out
- (a) the amount advanced or to be advanced to the borrower himself;

- (b) any insurance charges actually paid or to be paid by the money lender to an insurer on behalf of the borrower on his request;
 - (c) any registration fee payable on any security taken for the loan;
 - (d) any other amount, not being a part of the cost of borrowing, advanced or to be advanced to other persons for the borrower's account showing the name of each of those persons and the amount advanced or to be advanced to each;
 - (e) the cost of borrowing expressed as one sum in dollars and cents;
 - (f) the total amount to be repaid by the borrower, being the aggregate of the amounts mentioned in clauses (a), (b), (c), (d), and (e);
 - (g) the details of the manner in which the total amount is to be repaid showing the number of payments, and the amount and date of each;
 - (h) the true annual rate of the cost of borrowing calculated in accordance with the regulations expressed as a percentage; and
 - (i) the total additional charge, if any, other than court costs, to be paid in the event of default expressed as a rate percentage per annum.
- (3) The particulars required by clause (d) of subsection (2) need not be set out in the loan agreement if
- (a) they are contained in a separate document signed by the borrower not later than the time at which he signs the loan agreement;
 - (b) the borrower is given a copy of that document at the time he signs it; and
 - (c) the total of the amounts shown in that document is set out in the loan agreement.
- (4) Where any loan to which this section applies is secured by a mortgage or charge on goods, the goods shall be clearly described in the document or memorandum required under subsection (2), and in the copy that is given by the credit grantor or his agent under section 20.
- (5) In this section "real property" includes leasehold interests therein and things attached to or forming part of the land on which the loan is secured.
15. (1) Except as otherwise provided in the regulations, where a borrower rearranges with a credit grantor payment of any existing debt or debts owing to that credit grantor which arose out of a transaction or transactions to which section 5, 6 or 14, or any combination of them, applied, or to which those provisions or any of them would have applied if they, or any of them, had been in force at the time the transaction took place, by any arrangement whatever that has the effect of varying the amount the borrower has to pay or the period over which he has to pay it, the transaction shall be evidenced by a document or memorandum in writing signed by the borrower in accordance with section 14 as if the credit grantor were then advancing to the borrower the sum then required to repay the existing debt or debts without any allowance to the credit grantor under

Separate documents permitted.

Description of goods in document.

Definition.

Refinancing existing indebtedness.

subsection (3) of section 29 and the credit grantor shall furnish to the borrower before he signs the agreement a written computation of that sum; and where more than one existing debt is included in the rearrangement, a separate computation shall be made in respect of each of them.

Refinancing
combined with
new loan.

- (2) Except as otherwise provided in the regulations where a rearrangement of an existing debt or debts under subsection (1) is combined with an additional loan of money by the credit grantor to the borrower, the transaction shall be evidenced by a document or memorandum in writing signed by the borrower at or before the time the additional loan is made in accordance with section 14 as if the credit grantor were then advancing both the amount of the additional loan and the sum then required to prepay the existing indebtedness in accordance with subsection (1); but the loan agreement must show how the total is divided between these two items and the borrower must be given the computation required by subsection (1).

Refinancing
combined with
further
purchase.

- (3) Except as otherwise provided in the regulations, where a borrower wishes to combine the payment of an existing debt or debts with payments for a new purchase from the same credit grantor of goods or services or both to which section 5 is applicable, the transaction shall be evidenced by a writing signed by the borrower prior to or at the time of delivery of the goods and services which combines the information required to be given by section 5 and by subsection (1) hereof by stating
- (a) the information required by clauses (a) to (g) of subsection (2) of section 5 in respect of the sale of the goods and services;
 - (b) the sum required to prepay the existing indebtedness in accordance with subsection (1);
 - (c) any registration fee which is payable only in respect of the refinancing of the existing indebtedness;
 - (d) the total present debt, being the aggregate of the balance of the total cash price of the goods and services and the amounts mentioned in clauses (b) and (c);
 - (e) the total cost of borrowing expressed as one sum in dollars and cents;
 - (f) the balance owing, being the aggregate of the amounts mentioned in clauses (d) and (e);
 - (g) the details of the manner in which the balance owing is to be paid, as required by section 8;
 - (h) the total amount the borrower will be paying to acquire the goods and services and retire the existing indebtedness, being the aggregate of any down payment, trade-in or other allowance to the borrower on the purchase of the goods and services and the balance owing mentioned in clause (f);
 - (i) the true annual rate of the cost of borrowing calculated in accordance with section 11 and the regulations expressed as a percentage; and
 - (j) the total additional charge, if any, other than court costs, to be paid in the event of default expressed as a percentage per annum;

and the credit grantor shall also furnish the borrower with a written computation of the sum required to prepay the existing indebtedness as provided by subsection (1) thereof.

- (4) In any transaction to which subsection (3) hereof applies, all payments made by the borrower on account of the balance owing shall be applied in payment of
- Application of payments.

- (a) first, the registration fee mentioned in clause (c) of subsection (3);
- (b) secondly, the sum required to prepay the existing indebtedness;
- (c) thirdly, the cost of borrowing;
- (d) fourthly, the balance of the total cash price of the goods, and services;

and when the borrower's payments have satisfied the amounts mentioned in clauses (a) and (b), any security held by the credit grantor for the existing indebtedness is discharged; and, if the goods being purchase are the subject of a time sale, the whole cost of borrowing is secured on them, notwithstanding subsection (1) of section 57.

- (5) The combination as one obligation of rent on a retail hire-purchase to which section 6 applies with instalment payments on account of an existing indebtedness is prohibited.
- Re-financing not to be combined with hire-purchase.

- (6) In any transaction to which this section applies, if
- (a) any insurance previously charged to the borrower in a transaction from which the existing indebtedness arose is to be continued in force; and
 - (b) new insurance is charged to the borrower;
- Additional insurance charges.

the agreement shall show whether the new insurance is in addition to the existing insurance or is wholly or partly in substitution for it, and in the latter event shall also show the amount of the unearned premium on the insurance being replaced, and the insurance charges charged to the borrower shall not exceed the net amount payable after credit for such unearned premium.

16. Where the manner in which the total amount is to be repaid consists of or includes a succession of instalments of approximately equal amounts payable monthly, or at any other regular periods, it shall be a sufficient statement of such succession of instalments for the purpose of clause (g) of subsection (2) of section 14 and of clause (g) of subsection (3) of section 15 to state them in the form provided by section 8.
- Dates for periodic payments.

17. Where any loan to which section 14 applies is to be advanced by stages over a period of more than seven days, the loan agreement shall so state and shall
- Loans advanced over period.

- (a) name a date (hereinafter referred to as "the interest adjustment date") by which all advances are to be completed;
- (b) provide that to the interest adjustment date the only cost of borrowing payable by the borrower shall be interest at the rate specified calculated on the amount from time to time advanced, and state when such interest shall be paid;
- (c) exclude that interest from both the cost of borrowing and the total amount to be repaid by the borrower;

- (d) state clearly that that interest will be in addition to the cost of borrowing and total amount to be repaid shown in the agreement;
- (e) fix as the date of the first repayment to be made by the borrower a date subsequent to the interest adjustment date; and
- (f) state as the true annual rate of the cost of borrowing the rate calculated over the period commencing with the interest adjustment date.

Advancing loan.

18. Except as provided by section 17, the full amount of any loan to which section 14 applies shall be advanced not later than seven days after
- (a) the date fixed by the loan agreement, where the date is so fixed; or
 - (b) where the date is not fixed by the loan agreement, the date on which the agreement is signed by the borrower;
- and the true annual rate of the cost of borrowing shall be calculated over the period commencing with the date so fixed, or, if none is so fixed, with the date on which the agreement is signed by the borrower.

Rebate where loan not advanced.

19. If a credit grantor fails to advance the full amount of a loan before the interest adjustment date or within the time limited for that purpose by section 18, as the case may be, the borrower is entitled to a rebate of part of the cost of borrowing calculated by applying the true annual rate of the cost of borrowing to the amount not so advanced over the period of the credit grantor's default.

Delivery of copy of agreement.

20. As soon as possible after a loan agreement required by section 14 or 15 is received by the credit grantor or his agent and in any event not later than the time of the first advance made by the credit grantor thereunder, the credit grantor shall give a true copy of the loan agreement to the borrower, provided that, if there is more than one borrower, it shall be sufficient to give a copy to one of them.

Payments on borrower's account as cost of borrowing.

21. For the purposes of paragraphs (d) and (e) of subsection (2) of section 14, a payment made to another person for the borrower's account is part of the cost of borrowing if it is made to discharge a liability which the borrower would not have incurred if there had been no loan made to him or deemed to be made to him under section 15 as the case may be.

Compliance with requirements for agreements.

22. Except as may otherwise be provided by regulation, if a writing or agreement required by section 5, 6, 13, 14 or 15 stated in an intelligible manner the information required by the applicable section, or by any other provision of this Part, it is not necessary that it should set it out in any particular order, except that in a transaction to which subsection (3) of section 15 applies, the information mentioned in paragraph (a) thereof shall be stated first.

Proof of insurance.

23. (1) A credit grantor shall forward promptly the application for any insurance which is charged to a borrower and does not form part of the cost of borrowing and shall furnish proof of the insurance to the borrower as soon as it is effected.

- (2) A borrower is liable to pay to the credit grantor only the premium payable from the time the insurance becomes effective to the date of the expiry of the policy or any extension thereof or to the date on which the policy is cancelled and, where the policy of insurance is cancelled, the debtor shall receive the full amount of the unearned premium cancelled by the insurer. **Liability for insurance premium.**
24. (1) Except as otherwise provided in the *Interest Act (Canada)*, and subject to subsections (2) and (3), if a writing required by section 5 or 6
- (a) does not contain a statement of the true annual rate of the cost of borrowing or understates it by more than the margin permitted by the regulations; or
- (b) omits or states incorrectly any of the information required by paragraphs (a) to (k) of section 5 or paragraphs (a) to (k) of subsection (2) of section 6, as the case may be, or by section 10;
- the seller may recover from the buyer no more than the total cash price with simple interest thereon, or on so much thereof as from time to time remains owing, at the legal rate, and if the buyer has paid the seller more than that amount, he may recover the excess from the seller.
- (2) Where paragraph (a) of subsection (1) applies, the court may permit the seller to recover, or to keep, as the case may be, more than the total cash price and simple interest thereon at the legal rate if it is satisfied that the omission or mis-statement was due to inadvertence; but the seller may not, in any case, recover or keep a cost of borrowing which would exceed the rate stated in the writing to be true annual rate. **Inadvertent mistakes in cost of borrowing.**
- (3) Where paragraph (b) of subsection (1) applies, the court may permit the seller to recover, or keep, as the case may be, the full amount which the buyer has agreed to pay if it is satisfied that the omission or mis-statement was due to inadvertence and the buyer has not thereby been misled as to the amount he had to pay, but where the result of a mis-statement is to produce in the writing inconsistencies that make it uncertain how much the buyer has to pay, the seller may not, in any event, recover from the buyer more than the lowest amount which the writing can reasonably be construed to require. **Inadvertent mistakes in other statements.**
- (4) Where a seller claims that any omission or mis-statement was due to inadvertence, the court shall not adjudicate thereon until the Commissioner has been advised thereof, and if he considers it to be appropriate has made an investigation. **Investigation of inadvertent mistakes.**
- (5) Where subsection (4) applies, the Commissioner may attend by counsel at the hearing and adduce such evidence as he desires; and, if in the result the court is not satisfied that the omission or mis-statement was due to inadvertence, it may order the seller to pay the Commissioner's costs. **Appearance by Commissioner.**

- Understatement of cost of borrowing rate on variable credit. (1) Except as otherwise provided in the *Interest Act (Canada)*, if any master agreement required by section 13 understates the true annual rate of the cost of borrowing by more than the margin permitted, the borrower is not required to pay charges calculated at any greater rate than the legal rate of interest.
- Where no master agreement on variable credit. (2) Except as otherwise provided in the *Interest Act (Canada)*, or in section 13, a credit grantor who extends variable credit in transaction to which section 13 applies otherwise than in pursuance of either
 (a) a master agreement which complies with section 13; or
 (b) a written agreement made prior to the commencement of this Ordinance;
 may not recover from the borrower any cost of borrowing whatsoever.
- Cost of borrowing on variable credit restricted. (3) A credit grantor who has extended variable credit in a transaction to which section 13 applies shall not exact or attempt to exact from the borrower payment of any cost of borrowing in excess of the amount permitted by this Ordinance or by the *Interest Act (Canada)*.
- Recovery of excess interest paid. (4) If a credit grantor who has extended variable credit in a transaction to which section 13 applies receives from the borrower payment of any cost of borrowing in excess of the amount permitted by this Ordinance or by the *Interest Act (Canada)*, the borrower may recover from the credit grantor the amount of such excess.
- Loans not in writing or at wrong rate. 26. (1) Except as otherwise provided in the *Interest Act (Canada)*, where a loan to which section 14 applies
 (a) is not evidenced by a loan agreement containing the information required by paragraphs (a) to (h) of subsection (2) of section 14; or
 (b) is evidenced by a loan agreement which understates the true annual rate of the cost of borrowing by more than the permitted margin;
 the credit grantor may recover no more than the aggregate of the amount advanced to the borrower himself and any amount properly advanced to any other person for the borrower's benefit, with interest thereon at the legal rate.
- Refinancing not properly stated. (2) Except as otherwise provided in the *Interest Act (Canada)*, where a transaction to which section 15 applies
 (a) is not evidenced by an agreement containing the required information; or
 (b) is evidenced by an agreement which understates the true annual rate of the cost of borrowing by more than the permitted margin;
 the transaction is voidable at the option of the borrower; and if the borrower elects to avoid it, the credit grantor may recover no more than the aggregate of
 (a) the amount properly payable under the terms of the obligation being rearranged; and
 (b) the amount of any additional loan, if subsection (2) of section 15 is applicable, or the total cash price of the goods and services sold to the borrower, if subsection (3) thereof is applicable, with interest thereon at the legal rate.

- (3) If a credit grantor in a transaction to which section 14 or 15 applies receives from the borrower payment of any cost of borrowing in excess of the amount permitted by this Ordinance or by the *Interest Act (Canada)*, the borrower may recover from the credit grantor the amount of excess. Recovery of excess costs of borrowing.
27. (1) No advertisement of goods for retail sale on credit or for retail hire-purchase shall state the monthly or other periodic payments required unless it also states- Contents of advertisements.
- (a) the total cash price of the goods;
 - (b) the total to be paid by the credit buyer or hirer; and
 - (c) the true annual rate of the cost of borrowing expressed as a percentage and calculated in accordance with the regulations.
- (2) In subsection (a), "advertisement" includes Definition of "advertisement."
- (a) any price tag, ticket or notice attached to or displayed near the goods;
 - (b) any advertisement in a newspaper or magazine which circulates in the Territory; and
 - (c) any message broadcast by television or radio which can reasonably be expected to be received by members of the public in the Territory.
28. (1) Subject to subsection (2), no person carrying on business in the Territory shall advertise or cause others to advertise his goods in a manner prohibited by section 27. Offence in advertising.
- (2) Where a person also carries on business outside the Territory, subsection (1) does not apply to any advertisement of his goods which either Exception.
- (a) is contained in a newspaper or magazine circulating principally in a particular locality outside the Territory; or
 - (b) states expressly that the credit terms offered do not apply in the Territory.
- (3) Where any advertisement of the goods of a person carrying on business in the Territory is contained in a newspaper or magazine published outside the Territory, or is sent by mail from a point outside the Territory, or is broadcast from outside the Territory, the onus of proof shall lie on him to prove that he did not cause his goods to be so advertised. Onus of proof.

PART II

Prepayment Privileges

29. (1) This section applies to
- (a) every debt which arose out of a transaction to which section 5, 6 or 14 or subsection (1), (2) or (3) of section 15 applies; and
 - (b) to every debt owing before this Ordinance came into force and to which these provisions or any
- Application of section.

of them would have applied if they had been in force at the time the transaction took place if the credit grantor accepts full payment of the balance owing after this subsection comes into force.

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| Prepayment and rebate. | (2) The borrower may at any time prepay the whole of the balance then owing on any debt to which this section applies and in so doing is entitled to a rebate equal to the unearned portion of the cost of borrowing calculated in accordance with the regulations, less the allowance permitted to the credit grantor by subsection (3). |
| Credit grantor's allowance. | (3) The allowance to the credit grantor on prepayment referred to in subsection (2) shall be one-half of the unearned portion of the cost of borrowing, but in no case more than ten dollars. |
| Deducting rebate from payment. | (4) A borrower who is prepaying a debt under this section may deduct the rebate to which he is entitled from his payment and tender to the grantor the net amount required to effect the prepayment. |
| Statement of prepayment. | (5) A credit grantor shall furnish, on request, to any borrower who is entitled under this section to prepay a debt to him a statement showing the net amount required to effect such prepayment and how such amount is arrived at. |
| Prepayment of variable credit. | 30. A borrower to whom variable credit has been extended may, at the time when any periodic payment falls due, pay off the whole or any part of the balance owing. |
| Surrender of security. | 31. Where a borrower has prepaid or paid off the whole of a balance owing under section 29 or 30, the credit grantor shall surrender or discharge any security which he holds for such indebtedness without further charge to the borrower, except that the credit grantor need not register any document required to effect the surrender or discharge, but may deliver the same to the borrower who shall bear the registration fee thereon. |

PART III

Relief Against Acceleration and Forfeiture

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| Application of Part. | 32. (1) This Part applies to any debt owing by a borrower to a credit grantor that is payable by instalments, other than <ul style="list-style-type: none"> (a) a debt secured on real property; and (b) a debt which arose out of a sale of real property. |
| Definition. | (2) In this section "real property" includes leasehold interests in real property. |
| Default charges. | 33. (1) No agreement creating or relating to a debt to which this Part applies shall provide for any charge to be paid upon any default in payment of an instalment unless it is expressed as an annual rate on the amount in arrears. |

- (2) If the debt arises out of a transaction to which any provision of Part I of this Ordinance applies, the annual rate of default charges shall not exceed the annual rate of the cost of borrowing. **Restrictions on default charges.**
- (3) If the agreement states the default charge otherwise than as an annual rate on the amount in arrears, or, in a case to which subsection (2) applies, states an annual rate greater than is permitted by that subsection, the credit grantor may not recover any default charge in excess of an amount equal to interest at the legal rate on instalments in arrears. **Penalty.**
34. (1) Subject to the restrictions hereinafter set forth, any provision in an agreement providing that in the event of default in payment of an instalment, the full balance will or may become immediately due and owing is valid and enforceable. **Acceleration on default.**
- (2) The restrictions to which reference is made in subsection (1) are **Restrictions on acceleration.**
- (a) if the debt arises out of a sale of goods or of goods and services, or a hire-purchase of goods and the seller has not seized the goods or commenced an action to recover the balance of the debt, the buyer may pay the instalments in arrears with the default charges thereon as provided in section 33 and, in that event, payment of the balance shall not be accelerated by reason of any default so remedied;
 - (b) if the debt arises out of a sale of goods or of goods and services or a hire-purchase of goods, and the seller is entitled to seize the goods and has so seized them, he shall proceed in accordance with section 47 or 48 and, if the buyer redeems the goods in accordance with those sections, payment of the balance shall not be accelerated by reason of any default so remedied;
 - (c) if the debt is secured by a chattel mortgage, the mortgagor is entitled to relief from acceleration as provided in paragraph (h) of section 8 of the *Judicature Ordinance*;
 - (d) in any other case, the borrower may, at any time before an action is commenced to recover the balance of the debt, pay the instalments then in arrears with the default charges thereon as provided by section 33, and in that event payment of the balance shall not be accelerated by reason of any default so remedied;
 - (e) in any case in which an action has been commenced to recover the balance of the debt, the court may grant relief against acceleration on such terms as it sees fit; and
 - (f) in any case in which a credit grantor is claiming accelerated payment, and the borrower does not make the payments required to obtain relief under clause (a), (b), (c) or (d), or is not granted relief under clause (e), as the case may be, the credit grantor may not recover more than the aggregate of
 - (i) the amount which the borrower would have had to pay in order to prepay the whole balance of the debt at the time of the default on which the claim for acceleration is based;

- (ii) interest thereon from the time of default at the annual rate of the default charges on payments in arrears provided, at the legal rate, and
 - (iii) any expenses actually incurred by the credit grantor as a result of the default and his taxable costs of the action, if any.
- Default after extension. (3) In any case in which a borrower has been granted an extension of time, the time of default referred to in subparagraph (i) of paragraph (f) of subsection (2) is the time when the borrower fails to comply with the terms of such extension.
- Meaning of "payments in default". (4) Except where expressly so stated, references in this Ordinance to payments in default do not include any payments that have become due by virtue of any provision for the acceleration of payments.
- Acceleration provisions continue in effect. (5) A provision for acceleration of payments on default operates from time to time as and when default occurs; and the circumstance that a borrower has been relieved from acceleration in accordance with this section shall not be taken to have exhausted the operation of the provision in respect of subsequent defaults.
- Other penalties void. 35. Any provision in an agreement creating or relating to a debt payable by instalments to which this Part applies that imposes on the borrower, as a consequence of default in payment of an instalment, any pecuniary penalty which is not permitted by sections 33 and 34 is void.
- Damages for breach of obligation. 36. (1) Where an agreement creating or relating to a debt imposes on the borrower any obligation in addition to the payment of the debt and the cost of borrowing, if any, and the borrower commits a breach of the obligation, the credit grantor may recover from the borrower as damages for the breach the amount of the loss he has suffered and the actual expenses he has incurred as a result of the breach, but not more.
- Penalty for breach. (2) Every provision contained in an agreement creating or relating to a debt that imposes on the borrower a pecuniary penalty, howsoever described for committing a breach of an obligation in addition to the payment of the debt, imposed on the borrower by the agreement, is void in so far as it would entitle the credit grantor to recover more than the amount permitted by subsection (1), but is effective to prevent the credit grantor from recovering more than the amount of the penalty so specified.
- Relief against acceleration, seizure and forfeiture. 37. Where an agreement creating or relating to a debt imposes on the borrower an obligation in addition to the payment of the debt, and provides that in the event of a breach thereof
 - (a) payment of the debt shall be accelerated; or
 - (b) the credit grantor may seize or take possession of any goods; or
 - (c) that the interest of the borrower in any goods is or may be forfeited;
 the court may relieve the borrower from the effect of the provision on such terms as it thinks just.

38. (1) Every provision in an agreement creating or relating to a debt that gives or has the effect of giving the credit grantor the right to decide whether any given fact or circumstance exists is void. Absolute discretion of creditor.
- (2) Notwithstanding subsection (1), an agreement may contain a provision that, if the credit grantor has reasonable cause to believe that the security for the debt is in jeopardy,
- (a) payment of the debt shall be accelerated;
 - (b) the credit grantor may seize or take possession of any goods; or
 - (c) that the interest of the borrower in any goods is or may be forfeited;
- or any or all of those provisions; and in that case it is a question of fact for the court whether the credit grantor has reasonable cause for such belief or not, but, if he has such cause at the relevant time, it is immaterial whether the security is actually in jeopardy or not.
- (3) The court may relieve the borrower from the effect of a provision mentioned in subsection (2) on such terms as it thinks just. Relief against powers.
39. The court may grant relief under sections 37 and 38 at any time, and may do so either in a proceeding commenced by the credit grantor to enforce his security or on an application by the borrower; but if the credit grantor gives the borrower written notice which
- (a) specifies the breach complained of, or the facts relied on as giving reasonable cause for the credit grantor's belief, as the case may be;
 - (b) informs the borrower of his right to apply for relief; and
 - (c) requires the borrower to apply for such relief within twenty days;
- the borrower's right to apply for relief expires at the end of those twenty days. Granting relief.
40. Where a credit grantor seizes any goods and the borrower remedies the default or otherwise obtains relief under this Part, the credit grantor shall return the goods to the borrower on payment by the borrower, in addition to any other payment required by this Part, of the costs of seizure in an amount not exceeding that permitted by the *Distress Ordinance*. Return of seized goods where default remedied.

PART IV

Time Sales

41. (1) Subject to sections 43 and 44, every time sale shall be evidenced by a time sale agreement in writing signed by the buyer or his agent prior to, or at the time of, delivery of the goods containing a description of the goods by which they may be readily and easily known and distinguished, and also containing, in type not less than ten point in size
- (a) a statement that the property in the goods is not to pass to the buyer on delivery;
 - (b) the conditions upon which the property in the goods is to pass to the buyer; and
- Content of time sale agreement.

- (c) the events upon which the seller may, before the property therein has passed to the buyer, repossess the goods.
- Delivery of copy to buyer. (2) The seller shall give a copy of the agreement to the buyer, or to the agent who signed it, not later than the time of delivery of the goods, but if there is more than one buyer, it is sufficient to give a copy to one of them.
- Compliance with other requirements. 42. Every time sale agreement to which section 5 or 6 or subsection (3) of section 15 is applicable shall also contain the information required thereby.
- Time sale under master agreement. 43. Subject to section 41, if a seller extends variable credit under a master agreement which provides that all goods sold thereunder are sold on time sales, it shall not be necessary for the buyer to sign a time sale agreement for any purchase made under that master agreement if
- (a) the master agreement contains, in type not less than ten point in size, the statements and information required by clauses (a), (b) and (c) of subsection (1) of section 41; and
 - (b) there is delivered to the buyer, or his agent, or to one of the buyers, if there is more than one of them, prior to, or at the time of, delivery of the goods a writing which
 - (i) contains a description of the goods by which they may be readily and easily known and distinguished,
 - (ii) states the cash price of the goods, and
 - (iii) indicates that the goods were sold on the terms of the master agreement.
- Serial numbers or distinguishing marks. 44. Where an article bought on a time sale is one of a series of similar articles that are individually distinguished by a serial number or similar distinguishing mark and at the time of purchase it is not known which particular article will be the one delivered to the buyer,
- (a) if the article is sold otherwise than on variable credit, the seller may insert the serial number or distinguishing mark in the agreement after it is signed by or on behalf of the buyer, and if this is done after the copy of the agreement required by section 41 has been given to the buyer he shall give a second completed copy of the agreement to the buyer, but the serial number or distinguishing mark shall be inserted in the agreement and the second copy given to the buyer not later than twenty days after delivery of the article; and
 - (b) if the article is sold on variable credit, the serial number or distinguishing mark may be omitted from the writing required by section 43 to be given to the buyer, but a copy of the writing containing the number or mark shall be given to the buyer not later than twenty days after delivery of the article.
- Non-compliance with sections 41, 43 or 44. 45. (1) Subject to subsections (2), (3) and (4), a time sale that does not comply with section 41 or 43 or 44 takes effect as an immediate sale and the property in the goods passes to the buyer on delivery and the seller

has no lien on the goods, but this does not affect the buyer's obligation to pay for the goods in accordance with the terms of the agreement.

- (2) Where a time sale includes more than one separate article, and the only non-compliance with section 41, 43 or 44, as the case may be, is a failure to give a proper description of one or more of the articles, the reservation of the seller's lien is effective in regard to the articles that are properly described and subsection (1) applies only to the articles that are not properly described.
- Partial effect of seller's lien.

- (3) The buyer may at any time consent in writing to the correction of an error or omission in the description of any goods in a time sale agreement; and on receipt of such consent the seller may correct the original agreement accordingly; and for the purposes of this section the agreement shall be deemed to have been originally written as so corrected, except that no such correction shall prejudice any rights in or to the goods which may have been acquired before the date of the correction by any other person claiming through the buyer who does not consent in writing to the correction.
- Correction of description by consent.

- (4) The court, on being satisfied that an error or omission in the description of any goods in a time sale agreement was due to inadvertence and that the buyer accepted the goods and was not misled by the error or omission, may order the description in the original agreement to be corrected; and for the purposes of this section the agreement shall be deemed to have been originally written as so corrected; but every such order shall contain whatever provisions the circumstances of the case may require to protect any person who may have acquired in good faith through the buyer a right in or to the goods adverse to the seller's title which would be prejudiced by the correction.
- Correction of description by court.

- (5) Where
- (a) a variation in a time sale agreement, other than in the description of the goods, is made by agreement in writing between all persons affected thereby;
 - (b) goods sold on a time sale which have been repossessed by the seller are returned to the buyer pursuant to any provision of this Ordinance;
 - (c) the court extends the time for payment of the balance owing on a time sale pursuant to this Ordinance; or
 - (d) a buyer on a time sale who has defaulted obtains any other relief under this Ordinance;
- the seller's title to the goods remains in full force and effect as reserved by the time sale agreement and his remedies in respect to future defaults by the buyer are not affected thereby.

46. (1) Where a seller on a retail sale of goods takes back a chattel mortgage on those goods to secure payment of the whole or part of the price, the chattel mortgage shall state clearly and explicitly that it is given for this purpose.
- Chattel mortgage for purchase price

- Prohibition. (2) No seller shall take a chattel mortgage that does not comply with subsection (1).
- Waiting period after seizure. 47. (1) Where a seller on a time sale has repossessed the goods by reason of the buyer's default in payment, he shall retain them for twenty days after the giving of the notice required by subsection (2) during which time the buyer may redeem them on payment of
- (a) any payments then in default;
 - (b) any default charges that have become payable thereon; and
 - (c) the actual expenses of taking and keeping possessions not exceeding the amount allowed by the *Distress Ordinance*.
- Notice of seizure. (2) Within forty-eight hours after repossessing any goods, the seller shall give written notice to the buyer stating
- (a) that the goods have been repossessed;
 - (b) the date on which they were repossessed;
 - (c) the amount required to redeem them, showing how this amount is made up;
 - (d) the date on or before which the goods may be redeemed; and
 - (e) the place where the goods are, or are to be kept.
- Resale with consent of buyer. (3) Notwithstanding subsection (1), the seller may resell the goods during the twenty days with the written consent of the buyer given not less than twenty-four hours after the goods were repossessed.
48. (1) Where a seller on a time sale has repossessed the goods
- (a) by reason of a breach by the buyer of the time sale agreement other than default in payment; or
 - (b) pursuant to a provision in the agreement entitling him to repossess the goods if he has reasonable cause to believe that his security thereon is in jeopardy;
- the buyer may, subject to the provisions of this section,
- (a) redeem the goods by remedying the breach or taking the requisite action to ensure the safety of the seller's security thereon; or
 - (b) apply to the court for relief under sections 37 and 38.
- Notice of seizure. (2) Within forty-eight hours after repossessing the goods, the seller shall give to the buyer a written notice that
- (a) contains the statements and information required under clauses (a), (b) and (c) of section 39; and
 - (b) specifies the action that the seller requires the buyer to take to remedy the breach, if it is capable of remedy, or to ensure the safety of the seller's security on the goods, as the case may be.
- Right to redeem. (3) Within twenty days after the giving of the notice required by subsection (2), the buyer may

- (a) redeem the goods by taking the action required by the seller in his notice and paying the seller's actual expenses of taking and keeping possession, not exceeding the amount allowed by the *Distress Ordinance*; or
 - (b) apply to the court for relief.
- (4) If the buyer applies to the court for relief pursuant to subsection (3), the court may, if it sees fit, relieve the buyer against the consequences of the repossession by ordering the seller to return the goods to the buyer either unconditionally or subject to the fulfillment by the buyer of such conditions as the court may see fit to impose. Court may relieve.
- (5) Where the court has ordered the seller to return the goods to the buyer unconditionally, and the court is of the opinion that the buyer's breach of the agreement did not prejudice the seller, or that the seller did not have reasonable cause to believe that his security on the goods was in jeopardy, as the case may be, the court may order the seller to pay the buyer's costs of the application. Costs.
49. In reckoning the periods of forty-eight hours prescribed by sections 47 and 48, Saturdays, Sundays and holidays shall be excluded. Reckoning time for notice.
50. (1) Where a seller on a time sale would be, but for this section, entitled to repossess any goods, and the balance owing by the buyer on those goods at that time is less than twenty-five percent of the cash price of the goods at the time of the sale thereof, the seller may not repossess the goods without either the leave of the court or the written consent of the buyer given at the time of repossession. Leave required for seizure.
- (2) The seller shall give notice to the buyer of his application for leave required under subsection (1), unless
- (a) the buyer cannot be found or is evading service; or
 - (b) there is reasonable cause to believe that the buyer might hide the goods or otherwise attempt to evade repossession thereof if he had notice of the application; or
 - (c) the court for any other reason sees fit to dispense with notice;
- in which event the court may give leave to repossess on the *ex parte* application of the seller.
- (3) Where leave to repossess is given *ex parte*, the order giving the leave may be set aside upon the application of the buyer initiated not later than
- (a) twenty days after the buyer has notice of the making of the order; or
 - (b) ninety days after the goods are repossessed;
- whichever is the earlier, and the seller shall at, or as soon as possible after, the time of repossession give to the buyer a copy of the order and a notice in a form approved by the judge who made the order of the buyer's rights under this subsection. Setting aside ex parte order.

- Consideration of court. (4) In deciding whether to grant leave to repossess, or to set aside an order made *ex parte*, the court shall consider all relevant circumstances, including
- (a) the present value of the goods;
 - (b) the amount already paid by the buyer;
 - (c) the balance owing by the buyer;
 - (d) the reasons for the buyer's default; and
 - (e) the present and likely future financial circumstances of the buyer and of the seller;
- and may permit the buyer to keep the goods, of if they have been repossessed pursuant to an order made *ex parte*, to redeem them, on such terms as it sees fit and may extend the time for payment by the buyer of the balance owing, but if it grants an extension, the court shall require the buyer to pay such additional amount as may be necessary to compensate the seller for the extension.
- Sections 47 and 48 not to apply. (5) Where any goods are repossessed pursuant to this section, sections 47 and 48 do not apply to such repossession.
- Delivery of notice etc. 51. (1) A notice required by section 47 or 48 and the copy of the order and notice required by section 50 may be given to the buyer
- (a) by delivering it personally to the buyer or to his spouse;
 - (b) if the goods are in a dwelling at the time of repossession, by delivering it to any adult person who is present at the time of repossession and appears to reside in the dwelling; or
 - (c) by mailing it by registered mail addressed to the buyer at this last known address, in which case it shall be deemed to be given on seven days after the date of mailing.
- Where notice late. (2) If a seller fails to give the notice required by section 47 or 48 within the time required, the repossession of the goods is not invalidated, but the time allowed to the buyer to redeem the goods or to apply to the court is extended until the expiration of twenty days from the date on which the requisite notice is given.
- Extension of time for redemption. (3) The court may extend the time allowed by sections 47 and 48 to a buyer to redeem the goods or apply for relief, and the time allowed by section 50 to a buyer to apply to set aside an *ex parte* order, but the court shall not grant the extension unless it is satisfied that the seller will not be prejudiced thereby.
- Protection removed. 52. (1) If a buyer has persistently defaulted on his obligations under the time sale agreement or master agreement in question, or has deliberately evaded repossession of the goods, the court, on the application of the seller, may deprive the buyer in whole or part of the protection of sections 34, 47, 48 and 50.
- Order made when buyer absent. (2) If the buyer does not appear on the hearing of an application under subsection (1), an order made on the application is not effective until a copy of the order has been served on the buyer in a manner approved by the court.

- (3) Nothing in subsection (2) diminishes the court's power to order substitutional service. Substitutional services.
53. (1) Subject to subsection (2), every provision in a time sale agreement or in a master agreement that prohibits or restricts or has the effect of prohibiting or restricting the buyer from
- (a) removing the goods to any place within the Territory; or
 - (b) charging his interest in the goods, is void.
- (2) A time sale agreement or a master agreement may provide that the buyer may not
- (a) remove the goods from any particular place or area; or
 - (b) charge his interest in the goods; unless he gives to the seller by registered mail addressed to the seller at the address specified in the agreement at least ten days before so doing, written notice of his intention to do so, specifying the place to which he intends to remove the goods, or the person to whom he intends to charge them, as the case may be.
- (3) On receipt of any notice given pursuant to subsection (2), the seller, if he believes he will be prejudiced by the intended action therein specified, may apply to the court, and the court may make whatever order may seem just to protect the interests of the seller and of the buyer. Restriction on moving and charging goods.
54. (1) Subject to subsection (2), if a seller under a time sale repossesses the goods comprised in the time sale, or any portion thereof, his right to recover any balance, whether of the price or of the cost of borrowing or both, owing on the goods so comprised is thereafter limited to his lien on the goods and his right to repossession and sale thereof, and no action is thereafter maintainable by the seller to recover the balance or any part thereof. No right to sue after seizure.
- (2) If the seller repossesses the goods and the buyer subsequently redeems them or they are returned to him pursuant to an order of the court or as the result of the setting aside of an *ex parte* order under section 50, the seller is, for the purposes of subsection (1), restored to his former position and in the event of any subsequent default by the buyer may proceed as if the goods had not been previously repossessed. Restoration of seller's rights
- (3) Subject to subsection (4), if a seller on a time sale obtains judgment in any action for the whole or any part of the balance, whether of the price or of the cost of borrowing or both, owing on any goods comprised in the time sale, his lien on the goods comprised in that sale is extinguished on the date of the judgment and the property in the goods thereupon passes to the buyer. Judgment extinguishes lien on goods.
- (4) If an action brought by the seller was for the full amount then owing by virtue of an acceleration provision, and the court relieves the buyer or hirer Exemption from subsection (3).

from the acceleration, it may, as one of the conditions of granting the relief, exempt the seller either wholly or partially from the operation of subsection (3).

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| Execution of collateral under judgment. | (5) Where a seller has obtained a judgment for the whole of the balance, and the goods comprised in the sale, or any of them, are seized under an execution issued pursuant to that judgment, the seller's right to recover under the judgment, in so far as it is based on that balance, is limited to the amount realised from the sale of goods so seized, and on the judgment, to the extent that it is based on that balance and taxed costs, shall be deemed to be fully paid and satisfied; but where the amount realised from the sale of the goods exceeds the amount of the judgment and the costs of execution, the excess shall be paid to the buyer, or to subsequent execution creditors, as the case may be. |
| Judgment for part of balance. | (6) Where a seller has obtained judgment for only a part of the balance, and the goods comprised in the sale, or any of them, are seized under an execution issued pursuant to that judgment, the seizure operates not only to satisfy the judgment as provided by subsection (5), but also to extinguish the seller's right to maintain any action for the remainder of the balance; but in that case, if the amount realised from the sale of the goods exceeds the amount of the judgment and the costs of execution, the excess shall be paid into court, and the court may order it to be paid out in such manner as may be just. |
| Exemptions from subsections (1), (5) and (6). | (7) Where only one of the goods comprised in a time sale agreement are repossessed by the seller or are seized under the execution, and the reason why the others are not repossessed or seized is that the seller of the sheriff or bailiff, as the case may be, is unable to find them, the court may exempt the seller either wholly or partially from the operation of subsection (1) or of subsections (5) and (6), as the case may be. |
| Where collateral damaged. | (8) Where any of the goods have been destroyed or damaged by the deliberate act or wilful neglect of the buyer, the seller may, notwithstanding subsections (1), (5) and (6) recover, from the buyer, the lesser of <ul style="list-style-type: none"> (a) the balance owing on the agreement or judgment, as the case may be; or (b) the value of the goods destroyed, or of the damage done. |
| Removal or replacement of collateral. | 55. Where a buyer has removed from any article sold on a time sale an accessory or component that was included in the sale, and has not replaced it by another of a like kind and value, or has replaced it by one that is itself subject to a lien or charge held by another person, and the article has been repossessed by the seller or seized under an execution issued at the suit of the seller, the seller may, notwithstanding section 54, maintain an action to recover the least of <ul style="list-style-type: none"> (a) the value of the accessory or component removed, allowing for depreciation; (b) the amount owing on the lien or charge on the replacement held by another person; or |

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- (c) the amount by which the sum realised by the sale of the goods falls short of the balance owing thereon, or of the amount of the judgment and costs of execution, as the case may be.
56. (1) Where a seller has lawfully repossessed goods sold on a time sale, and the buyer has not redeemed them within the time allowed for that purpose, the seller may resell them. Resale of seized collateral.
- (2) A seller who resells goods must act in good faith, but so long as he does so, he may sell them at whatever price and on whatever terms he sees fit.
- (3) If the amount realised on the resale of the goods exceeds the balance owing on the goods and the expenses of taking and keeping possession and of resale, the excess shall be paid by the seller to the buyer. Payment of excess to buyer.
- (4) If the seller has the goods repaired before reselling them, the cost thereof is part of the expenses of sale. Cost of repair.
- (5) If the seller resells the goods by retail in the ordinary course of his business, he may charge, as an allowance for the overhead expenses of resale, twenty per cent of the proceeds of sale. Charge of overhead.
- (6) If the seller is unable to resell the goods at a price sufficient to satisfy the balance owing on them and the expenses of taking and keeping possession and of resale, the seller may keep the goods and use them as he sees fit. Retention in lieu of resale.
57. (1) No part of the price of any goods comprised in a time sale which is not made on variable credit, or of the cost of borrowing thereof, may be secured on any goods not comprised in that time sale; and any provision or arrangement which purports to do so is void. Additional collateral on time sale.
- (2) Every provision in a master agreement relating to variable credit under which the seller may
- (a) acquire title to, possession of, or any rights in, any goods of the buyer, other than goods bought or hired by him under that master agreement; or
- (b) retain any title to, a right to repossess, or any other rights in, any article bought or hired by the buyer under that master agreement after such article has been paid for in full;
- is void. Rights in excess collateral under variable credit.
- (3) Except with the prior consent of the Commissioner or his authorized officer, no time sale agreement shall provide that the balance owing, or any part thereof, is payable on demand, and any time sale agreement that contravenes this subsection takes effect as an immediate sale and the property in the goods passes to the buyer on delivery and the seller has no lien on the goods; but this does not affect the buyer's obligation to pay for the goods in accordance with the terms of the agreement. Demand payments.

PART V

Chattel Mortgages

- Leave to repossess. 58. (1) Where a mortgagee of goods would be, but for this section, entitled to seize the mortgaged goods and the balance owing by the mortgagor on the mortgage is less than twenty-five percent of the total monetary liability of the mortgagor originally secured thereby, the mortgagee may not repossess the goods without the leave of the court.
- Notice of application for leave. (2) A mortgagee of goods shall give notice to the mortgagor of his application for leave under subsection (1) unless
- (a) the mortgagor cannot be found, or is evading service; or
 - (b) there is reasonable cause to believe that the mortgagor might hide the goods or otherwise attempt to evade seizure thereof if he had notice of the application; or
 - (c) the court for any other reason sees fit to dispense with the notice;
- in which event the court may give leave to seize on the *ex parte* application of the mortgagee.
- Setting aside order for leave to seize. (3) Where leave to seize is given *ex parte* under subsection (2), the order giving the leave may be set aside upon the application of the mortgagor initiated not later than
- (a) twenty days after the mortgagor has notice of the making of the order; or
 - (b) ninety days after the goods are seized;
- whichever is the earlier, and the mortgagee shall at, or as soon as possible after, the time of seizure give to the mortgagor a copy of the order and a notice in a form approved by the judge who made the order of the mortgagor's rights under this subsection.
- (4) In deciding whether to grant leave to seize, or to set aside an order made *ex parte*, the court shall consider all relevant circumstances, including
- (a) the present value of the goods;
 - (b) the amount already paid by the mortgagor;
 - (c) the balance owing by the mortgagor;
 - (d) the reasons for the mortgagor's default; and
 - (e) the present and likely future financial circumstances of the mortgagor and of the mortgagee.
- Conditions of leave to seize. (5) If the court grants leave to seize, it may order the mortgagee to offer the goods for sale in such manner and on such terms as it sees fit.
- Extension of time to pay. (6) If the court refuses leave to seize, or sets aside an order giving leave made *ex parte*, the court may extend the time for payment by the mortgagor of the balance owing, but in granting the extension, the court shall require the mortgagor to pay such additional amount as may be necessary to compensate the mortgagee for the extension.

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| (7) | The copy of the order and notice required by subsection (3) may be given to the mortgagor in the same manner as is provided by section 51 for giving a notice to a buyer. | Delivery of notice, etc. |
| (8) | The court may extend the time allowed by subsection (3) to a mortgagor to apply to set aside an <i>ex parte</i> order, but an extension shall not be granted unless the court is satisfied that the mortgagee will not be prejudiced thereby. | Extension of time to set aside order. |
| (9) | The rights of a mortgagor under this section are in addition to any he has under sections 37, 38 and 39. | Additional rights of mortgagor. |
| (10) | If a chattel mortgage is subject to the provisions of section 50, the provisions of that section prevail over any conflicting provisions of this section. | Conflict with section 49. |
| (11) | Where | |
| | (a) a variation in a chattel mortgage, other than in the description of the goods, is made by agreement in writing between all persons affected thereby and is registered if and as required by the <i>Bills of Sale Ordinance</i> ; | Mortgagee not prejudiced by variations. |
| | (b) goods subject to a chattel mortgage which have been seized by the mortgagee are returned to the mortgagor pursuant to any provision of this Ordinance; | |
| | (c) the court extends the time for payment of the balance owing on a chattel mortgage pursuant to this Ordinance; or | |
| | (d) a mortgagor of chattels who has defaulted obtains any other relief under this Ordinance; | |
| | the mortgagee's security on the goods remains in full force and effect as created by the chattel mortgage and his remedies in respect of future defaults by the mortgagor are not affected thereby. | |

PART VI

Statutory Warranties on Retail Sales

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| 59. | (1) Notwithstanding any agreement to the contrary, the following conditions or warranties on the part of the seller are implied in every retail sale of goods and in every retail hire-purchase of goods: | Warranties on sale. |
| | (a) In the case of an immediate sale, a condition that he has the right to sell the goods, or, in the case of a time sale, a condition that he has the right to agree to sell or to let on hire the goods, and will have the right to sell them at the time when the property is to pass to the buyer. | |
| | (b) In the case of an immediate sale, a warranty that the buyer shall have and enjoy quiet possession of the goods, or, in the case of a time sale, a warranty that the buyer, so long as he fulfils his obligations under the time sale agreement, shall have and enjoy quiet possession of the goods. | |

- (c) A warranty that the goods are free from any charge or encumbrance in favour of any third party except only for any that the buyer has specifically agreed in writing to accept.
- (d) A condition that the goods are new and unused unless otherwise described, but in the case of a motor vehicle a description showing that it is more than one year old is sufficient to describe it as used.
- (e) A condition that the goods are of merchantable quality, except for such defects as are described.
- (f) A condition that the goods correspond with the description under which they are sold.
- (g) If the goods are sold by sample, a condition that the bulk shall correspond with the sample and that the goods are free from any defect that renders them unmerchantable, and that would not be apparent on reasonable examination of the sample, and a condition that the buyer shall have a reasonable opportunity of comparing the bulk with the sample.
- (h) Where the buyer expressly or by implication makes known to the seller the particular purpose for which the goods are required, so as to show that the buyer relies on the seller's skill or judgment, and the goods are of a description which it is in the course of the seller's business to supply, whether he is the manufacturer or not, a condition that the goods are reasonably fit for the purpose, but in the case of a contract for the sale of a specified article under its patent or other trade name, there is no implied condition as to its fitness for any particular purpose.

Statement of conditions.

- (2) For the purposes of clause (e) of subsection (1), it is not necessary to specify every defect separately, if the general condition or quality of the goods is stated with reasonable accuracy.

Statements relating to goods on time sales.

- (3) Any statement
 - (a) that the goods are not new and unused;
 - (b) of the age of a motor vehicle;
 - (c) of defects in the goods; or
 - (d) of the general condition or quality of the goods;
 shall be a part of the description of the goods for the purposes of sections 5, 6, 41 and 43, and of subsection (3) of section 15, and where one or more of them applies, none of those statements has any effect unless it is included in the required description of the goods in the agreement or writing but the statement shall be deemed to be included in the agreement or writing if it is contained in a document that
 - (a) is clearly identified as an appendix or schedule to the agreement or writing;
 - (b) is signed by the buyer and the seller;
 - (c) is attached to and forms part of the agreement;
 - (d) is delivered to the buyer with a copy of the agreement before delivery of the goods.

Statements relating to goods in cash sales.

- (4) Where section 5, 6, 41 or 43, or subsection (3) of section 15 does not apply, a statement of a kind referred

- to in subsection (3) has no effect unless it is made in writing and
- (a) is contained in a notice that is readily visible to the buyer at or before the time of the sale and is so displayed as to make it clear that it refers to the goods; or
 - (b) is contained in a document that is delivered to the buyer before he accepts the goods.
- (5) If the goods are described as used in the manner required by this section, there shall be taken into account in deciding whether they are of merchantable quality
- (a) the fact that they are used; and
 - (b) the age of the goods as specified in their description, or if no age is specified, the age of the goods as understood by the buyer at the time of sale.
- (6) Unless otherwise expressly agreed in writing signed by the buyer, there shall be implied in every retail sale of services a condition on the part of the seller that the services sold shall be performed in a skillful and workmanlike manner.
- (7) Nothing in this section excludes or affects any other condition or warranty relating to the goods or services, whether expressed or implied, as between the buyer and the seller or any person claiming through the seller who would, apart from this Ordinance, be held to be bound thereby.
- Merchantable quality.
- Condition as to services.
- Effect on other conditions.

PART VII

Direct Sellers

60. Subject to section 61, this Part applies to all retail sales or retail hire-purchase of goods or services or both entered into by the buyer elsewhere than in the vendor's usual place of business and which result from any offer, solicitation, proposal or approach made by or on behalf of the vendor
- (a) without any prior request by the buyer; or
 - (b) in response to a request made by the buyer if the request was itself solicited by or on behalf of the vendor.
61. (1) This Part does not apply to
- (a) sales at a price of less than ten dollars;
 - (b) sales or hire-purchase of vehicles or trailers within the meaning of the *Motor Vehicles Ordinance*;
 - (c) sales of water, propane gas or petroleum products;
 - (d) sales of lumber or coal where the vendor has a place of business in which the sale takes place;
 - (e) sales of feed grain, feed supplement, fertilizer, or weed spray where the vendor has a place of business where the sale takes place;
- Application of Part.
- Where Part not to apply.

- (f) sales of farm produce in the Territory by a farmer from his own farm;
- (g) sales of services relating to
 - (i) the raising and care of livestock,
 - (ii) the planting, raising or harvesting of crops, or
 - (iii) any service of a domestic nature, including gardening;
- (h) any sale in which the price is expressly solicited as a contribution to a charitable, philanthropic or similar cause and not as being a fair price for the goods or services offered;
- (i) sales of goods or services by a merchant having a recognized retail store in the Territory and selling goods or services of a sort or class ordinarily sold at that store, or by a *bona fide* servant or employee of the merchant.

Definitions for paragraph (1) of subsection (1).

- (2) For the purposes of paragraph (i) of subsection (1)
 - (a) "recognized retail store" does not include a dwelling, mail order office, display room, office, repair or service shop, warehouse, studio or any other place of a like nature notwithstanding that the owner or occupant thereof is or may be assessed for business tax purposes in respect of such place; and
 - (b) "merchant" does not include a person who has a recognized retail store if more than fifty percent of the goods or services sold by him in the Territory are within section 60.

Cancellation within seven days.

- 62. All retail sales or retail hire-purchases to which this Part applies which are not in writing may be cancelled by notice in writing within seven days after the buyer has entered into the contract by sending a notice by registered mail to the vendor or personal delivery thereof to the vendor at his place of business and the notice of cancellation is good and effective, if, however expressed, it indicates the intention of the buyer to withdraw from the transaction to which it relates.

Statement required in agreement.

- 63. (1) Every agreement made in writing to which this Part applies or, if an agreement to which this Part applies is not in writing, every receipt for any payment on account of the purchase price other than an agreement to which this Part applies shall have printed or typed at the top of the first page in type not less than ten point in size the following words:

"You can cancel this agreement by notice in writing within seven days after you signed it. If you do not cancel this agreement within the seven days you may not be able to cancel it afterwards. You can send your notice by registered mail to (name and address of vendor shall be inserted here) or you may deliver it there yourself. You must mail it or deliver it before the end of the seven days. If you cancel it, any moneys you paid, and any goods you traded in, will be returned to you."

Chap. 3

- (2) The words required by subsection (1) to be inserted in an agreement shall be a term of every agreement in which they are contained, but the words do not exclude any right of cancellation, repudiation or rescission which a buyer has apart from this Part. Terms of agreement in addition to other rights.
- (3) Subject to subsection (5), if any agreement made in writing to which this Part applies or any receipt for any payment on account of the purchase price under an agreement to which this Part applies does not contain the words required by this section, the buyer may cancel the agreement by written notice to the vendor at any time within thirty days after the first goods are delivered or services performed thereunder. Cancellation where statement omitted.
- (4) Where an agreement made in writing to which this Part applies does not contain the words required under this section, the vendor may at any time thereafter deliver to the buyer personally, or to each of the buyers personally if there are more than one, a notice which clearly and explicitly
- (a) refers to the agreement concerned;
 - (b) informs the buyer that he may within seven days thereafter cancel the agreement by notice in writing to the vendor delivered or sent by registered mail to the address stated in the notice; and
 - (c) informs the buyer that upon cancellation any money he paid or goods he traded in will be refunded.
- (5) If a vendor delivers in accordance with subsection (4), a notice containing the information required thereby, the notice thereupon becomes a term of the agreement and subsection (3) ceases to apply. Notice as part of agreement.
- (6) If a buyer refuses to accept delivery of a notice under subsection (4), the refusal is in itself an effective cancellation of the agreement. Refusal of notice.
- (7) A duplicate copy of every agreement made in writing to which this Part applies shall be delivered to the buyer at the time of the signing thereof. Delivery of agreement.
64. (1) Notwithstanding the provisions of sections 62 and 63, a retail sale or retail hire-purchase to which this Part applies may be cancelled where
- (a) the vendor or direct seller was not licensed pursuant to the *Business Licences Ordinance* or the *Municipal Ordinance* as the case may require, at the time that the buyer entered into the contract; or
 - (b) the goods or services to be supplied under the contract are not supplied to the buyer within one hundred and twenty days after the date on which the buyer entered into the contract;
- by written notice served on the vendor by the buyer within six months after the day on which the purchase was made or the contract was signed. Cancellation for other reasons.

Relief against cancellation.

- (2) Where it is shown to the court that it is inequitable that clause (b) of subsection (1) should apply, the court may make such order as it deems just and expedient.

Effect of cancellation.

65. Upon the cancellation of any agreement, whether oral or in writing, under this Part
- (a) subject to subsection (2) of section 66, any and every liability or obligation of the buyer under the agreement is extinguished;
 - (b) the vendor shall repay to the buyer any and every sum that has already been paid by the buyer or by any one on his behalf for or on the account of the purchase price, rent, or cost of borrowing or otherwise pursuant to the agreement, whether payment has been made to the vendor or any other person; and
 - (c) the vendor shall return to the buyer any goods taken as a trade-in in as good condition as they were in when taken, or if he is unable to do that, shall pay the buyer the greater of
 - (i) the market value of the goods when taken, or
 - (ii) the price or value set on the goods in the agreement.

Rights of cancellation.

66. (1) The right of a buyer to cancel under this Part is not affected by
- (a) the delivery of the goods to him;
 - (b) the use of the goods by him;
 - (c) the partial consumption of the goods by him;
 - (d) the accidental destruction of or damage to the goods; or
 - (e) the partial performance by the vendor of any services;
- but the right of a buyer or hirer to cancel under this Part is extinguished by
- (a) deliberate destruction of or damage to the goods by the buyer or any member of his household; or
 - (b) the actual consumption by the buyer of all goods comprised in the agreement and the complete performance by the vendor of all services comprised therein.

Where goods not intact.

- (2) Where goods have been used, or partially consumed or accidentally destroyed or damaged by a buyer, or some services have been performed by the vendor
- (a) the vendor may recover from the buyer reasonable compensation therefor;
 - (b) the vendor's right to recover compensation does not arise until the vendor has repaid, set off in favour of the buyer or returned to the buyer all moneys and goods to which he is entitled; and
 - (c) the vendor may not maintain any action for compensation until the right thereto has arisen;
- and a vendor shall not, under this subsection, recover payment from the buyer more quickly than he would have been entitled to under the agreement, and any judgment in favour of the vendor under this subsection may, therefore, be made payable by instalments.

- (3) The buyer has a lien on all goods delivered to him for all sums payable to him by the vendor, but shall return those goods to the vendor as soon as that lien has been satisfied. Buyer's lien on cancellation

PART VIII

Assignees and Guarantors

67. (1) The rights conferred by this Ordinance on a borrower pass to and may be exercised by any person claiming through or under him without any express assignment thereof; but no such person has any right to receive from a credit grantor any notice required by this Ordinance unless the credit grantor has been made aware of the transfer to him of the borrower's rights before the time when that notice has to be given. Assignment of rights of borrower.
- (2) Notwithstanding subsection (1), a buyer, when selling or transferring to another person any goods that he has acquired on a credit sale or hire-purchase, may reserve, either expressly or by necessary implication, any rights he has against the seller under section 59. Reservation of rights.
- (3) Where the context so admits, in this Ordinance, "borrower" and "buyer" include any person to whom their rights pass under this section. Assignees included in "Borrower" and "Buyer".
- (4) Every provision of this Ordinance that restricts or reduces the amount payable by a borrower or gives him a right to set-off, likewise restricts or reduces the amount payable by and gives a similar right of set-off to any endorser, surety or guarantor for him; but this does not affect any liability to an assignee of a credit grantor on the part of
- (a) the credit grantor himself;
 - (b) where the credit grantor is a seller, any manufacturer, wholesaler or distributor of the goods; or
 - (c) any person who has guaranteed the performance by the credit grantor of his obligations generally.
- (5) Where goods that were acquired on a time sale or are subject to a chattel mortgage are repossessed or seized, and an assignee of the buyer or mortgagor applies to the court for relief, the court, as a condition of granting relief, may require the assignee to undertake to be personally liable for payment of the balance owing to the vendor or mortgagee. Assignee's obligations fixed by court.
68. (1) Except as otherwise provided in this Ordinance, the assignee of any rights of a credit grantor in any transaction to which this Ordinance applies has no greater rights than and is subject to the same obligations, liabilities and duties as the assignor, and the provisions of this Ordinance apply equally to such assignee. Assignee of credit grantor.
- (2) Notwithstanding subsection (1), no borrower may recover from, or be entitled to set-off against, an assignee of the credit grantor an amount greater than the balance Rights of borrowers against assignee

owing on the contract at the time of the assignment, and, if there have been two or more assignments, no borrower can recover from an assignee who no longer holds the benefit of the contract, an amount that exceeds the payments made by the borrower to that assignee.

Restrictions apply to assignees.

- (3) Except as otherwise provided in this Ordinance, all restrictions imposed by this Ordinance on
- (a) the right of a credit grantor to claim immediate payment of the debt; and
 - (b) the right of a seller or mortgagee to repossess or seize goods;

apply equally to any assignee of the credit grantor, seller or mortgagee and, in the restrictions, "credit grantor", "seller" and "mortgagee" include an assignee of a credit grantor, seller and mortgagee respectively.

Effect of cancellation.

- (4) The cancellation of an agreement by any buyer under Part VII is effective against any assignee of the seller.

Recovery under promissory note.

- (5) If, where subsection (1) of section 24 or subsection (1) or (2) of section 26 applies, the payments to be made by the borrower are secured by a promissory note that is negotiated to an assignee of the credit grantor, and the assignee sues in the Territory on that note, the borrower or other person sued on the note may recover back from the assignee as a simple contract debt the difference, if any, between
- (a) the amount recovered by the assignee on the note; and
 - (b) the amount that the assignee could have recovered if the payments had not been secured by the note.

Set-off for breach of condition.

- (6) Subject to section 69, a breach of any of the conditions or warranties implied by section 59 may be set-off by the buyer against any claim to the goods or to payment of the price and cost of borrowing or rent or any part thereof or of any promissory note given therefor made by any assignees of the seller, or by any holder of the promissory note, whether or not the note discloses the purpose for which it was given, or by any person claiming the goods by a title paramount to that of the seller with whose consent, express or implied, the seller has sold or let on hire the goods; but the amount that may be set-off against an assignee or holder of a note under this subsection shall not exceed the amount limited by subsection (2), and the amount that may be set-off against any person claiming the goods by paramount title shall not exceed the lesser of
- (a) the cash price of the goods; or
 - (b) the balance owing as described under section 5 or 6 as the case may be.

Documents to follow assignment.

- (7) Where a credit grantor assigns a promissory note taken in any transaction to which section 5, 6, 14, 15 or 41 applies, he shall deliver to the assignee with the promissory note a copy of the document required by that section and the assignee who re-assigns the note shall deliver to his assignee a copy of the document.

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| <p>69. (1) Where a chattel mortgage to which subsection (1) of section 46 applies does not indicate that it was given to secure payment of the price of the goods or goods and services, any assignee for value of that mortgage who took an assignment without notice that the mortgage was given for that purpose is not affected by any liabilities or restrictions imposed on the seller by Part IV or by section 59.</p> | <p>Assignee of chattel mortgage.</p> |
| <p>(2) The onus lies on the assignee to prove that he took the assignment for value and without notice of the purpose for which the chattel mortgage was given.</p> | <p>Onus of assignee.</p> |
| <p>70. (1) Where a buyer on a retail sale of goods finances his purchase by a chattel mortgage on the goods given to some person other than the seller, the transaction is nevertheless a time sale for the purposes of sections 47 to 57 and a retail sale for the purposes of section 59, and the mortgagee is deemed to be an assignee of the seller, if the financing was arranged by the seller, but not otherwise.</p> | <p>Where seller not mortgagee.</p> |
| <p>(2) Any mortgagee who takes a mortgage to which subsection (1) applies shall, on any assignment of the mortgage, disclose that circumstance in writing to the assignee, and any assignee of the mortgagee who is aware of the fact shall likewise disclose it to any person to whom he assigns the mortgage.</p> | <p>Disclosure to assignee.</p> |
| <p>(3) No person shall assign a mortgage without making a disclosure required by subsection (2).</p> | <p>Disclosure required.</p> |
| <p>(4) Any assignee for value of a mortgage to which subsection (1) applies who took an assignment without notice of that circumstance is not affected by any liabilities or restrictions imposed on the seller by Part IV or by section 59.</p> | <p>Relief of assignee.</p> |
| <p>(5) The onus lies on the assignee to prove that he took the assignment for value and without notice that subsection (1) applied to it.</p> | <p>Onus of assignee.</p> |
| <p>(6) Subsection (1) does not apply to a chattel mortgage on any cottage, barn, shed or other building if the money is advanced by the mortgagee to the seller on written instructions from the buyer, given not less than seven days after the signing of the mortgage, that states</p> <p>(a) that the building is completed to his satisfaction to the extent specified in the instructions and that the mortgagee may advance a stated sum to the seller; or</p> <p>(b) that the building is fully or substantially completed to his satisfaction and that the mortgagee may advance the balance of the loan to the seller.</p> | <p>Exception.</p> |
| <p>71. No person, whether on his own behalf or on behalf of another directly, or through others, shall</p> <p>(a) collect from a debtor a greater amount than the sum of the amount actually owing by the debtor to the credit grantor and the amount of fees allowed by any statute or regulations made thereunder;</p> | <p>Collection practices.</p> |

- (b) notwithstanding any agreement to the contrary between the credit grantor and a debtor, collect or attempt to collect from the debtor any fee or commission payable by the credit grantor to a collection agent under any agreement or understanding between the credit grantor and the collection agent;
- (c) send any telegram or make any telephone call to a debtor for the purpose of demanding payment or negotiating payment of a debt if the charges for the telegram or telephone call are payable by the addressee of the telegram or the person to whom the telephone call is made;
- (d) verbally or in writing, collect or attempt to collect money or effect or attempt to effect seizure of goods by stating an intention or threat to proceed with any action for which he does not have lawful authority;
- (e) use, without lawful authority, any summons, notice, demand or other document expressed in language of the general style of any form used in any court in the Territory, or printed or written in such a manner so as to have the general appearance or format of any form used in any court in the Territory;
- (f) make telephone calls or personal calls of such nature or with such frequency as to constitute harassment of the debtor, his spouse or his family;
- (g) refer or assign an account for collection or seizure of goods to a collection agent without first cancelling in writing any previous referral or assignment to any other collection agent; but one collection agent may act for or on behalf of another collection agent or a barrister or solicitor;
- (h) except with the leave of the court, remove any goods claimed under seizure or distress in the absence of the debtor, his spouse, his agent or an adult resident in the debtor's home;
- (i) seize or levy distress against any goods other than those specifically charged or mortgaged, or to which lawful claim may be made under any statute or judgment;
- (j) make a telephone or personal call or attempt to make a telephone or personal call to or on a debtor to demand payment, or negotiate for payment, or seize or levy distress against goods
 - (i) on a Sunday,
 - (ii) on a holiday, or
 - (iii) on any other day except between the hours of seven o'clock in the morning and nine o'clock in the evening;
- (k) make further demand for payment of an account or seize goods or levy distress if the debtor gives notice by registered mail to the credit grantor, his assignee or collection agent, of a claim for set-off or counterclaim under this Ordinance or any other statute or regulations, or under any right of contract until
 - (i) the credit grantor, his assignee or collection agent has submitted the matter to a court of competent jurisdiction for adjudication, or
 - (ii) the debtor and the credit grantor, his assignees or collection agent, have agreed in writing to the amount still owing by the debtor in respect of the

- account after deducting an amount agreed upon for the claim for set-off or counterclaim;
- (l) give, by implication, inference or statement, directly or indirectly, any false information to any person or agency that may be detrimental to a debtor or his spouse; or
 - (m) make any demand for payment, by telephone, by personal call, or by writing for payment of an account without indicating the name of the credit grantor with whom the account was incurred, the balance owing on the account, and the identity and authority of the person making the demand.
72. (1) For the purposes of clause (h) of section 71, a person may apply to the court for leave to remove goods claimed under seizure or distress in the absence of the debtor, his spouse, his agent or an adult resident in the debtor's home; and subsections (2), (3) and (4) of section 50 apply to the application. Leave to seize.
- (2) Where any goods are repossessed pursuant to leave of the court granted under subsection (1), sections 47, and 48 do not apply to the repossession. Application of sections 47 and 48 to seizure.
73. (1) Where a collection agent, or a creditor, or any other person, charges a debtor with any amount that is not rightfully collectible from the debtor by reason of any provision of section 71, the debtor may Penalty for wrongful collection.
- (a) if the amount has been paid by the debtor, recover from the creditor an amount equal to three times the amount of the charge as a debt due to the debtor; or
 - (b) if the amount has not been paid or partly paid, set-off an amount equal to three times the amount of the charges against the amount rightfully owing to the creditor and, if the amount of the set-off is greater than the amount rightfully owing, recover the excess from the creditor as a debt due to the debtor.
- (2) Where a collection agent or a creditor, or any other person, seizes or levies a distress against goods contrary to section 71, the debtor, or any person claiming an interest in the goods through the debtor, may take possession of the goods and recover the cost of taking possession from the collection agent, the creditor, or the other person, as the case may be.
74. No collection agent shall conduct the business of collection agent under a name that differs from that under which he is licensed. Name of collection agent.
75. No collection agent shall obtain any benefit, either directly or indirectly, from the conduct of his business as a collection agent other than the agreed schedule of fees payable by the credit grantor using his services and amount not in excess of any fees prescribed under this or any other Ordinance or regulations made thereunder, or any Act of Parliament or regulations made thereunder. Limitations on benefits from business.

- Use of forms.** 76. No collection agent shall use any form that is an avoidance or a breach of this Ordinance.
- Employees.** 77. Except with the consent of the Commissioner or his authorized officer, no person shall act as collection agent or shall employ or use any person
- (a) who has been convicted of an offence under the *Criminal Code (Canada)*;
 - (b) has been convicted of an offence under this Ordinance, or under any statute in force in any part of Canada that is similar in nature to this Ordinance;
 - (c) who within the previous ten years has been bankrupt or has been an officer or director of a corporation or a member of a partnership that became bankrupt during the period of his involvement unless, in each case, the creditors in the bankruptcy have been paid in full; or
 - (d) who is not registered with the Territorial Secretary in accordance with the regulations.
- Proper records.** 78. Every collection agent shall keep proper records and books of account showing moneys received and moneys paid out, including a receipt book, a cash book, a ledger of client's accounts, a ledger of debtor's accounts, and a journal, or equivalent accounting records satisfactory to the Territorial Secretary.
- Trust account.** 79. (1) Every collection agent shall maintain in the Territory a trust account in a bank, trust company or credit union or a branch thereof, and shall deposit all moneys received on behalf of a client in the trust account.
- Withdrawals from trust account.** (2) A collection agent shall not withdraw any moneys from the trust account except
- (a) money paid to or on behalf of a client from funds that have been deposited in the trust account for the credit of the client;
 - (b) money required for payment to the collection agent of his charges pursuant to an agreement to collect debts or disbursements made on behalf of a client from money in the trust account held for the credit of the client; and
 - (c) money paid into, or credited to, the trust account by mistake.
- Appointment of auditors.** 80. (1) Every collection agent shall appoint an auditor satisfactory to the Territorial Secretary to audit his books and accounts.
- Submission of audited statements.** (2) Every collection agent shall cause to be prepared and shall submit to the Territorial Secretary within three months of the close of his fiscal year, a statement, certified by the auditor of the collection agent, showing
- (a) the assets and liabilities of the collection agent; and
 - (b) the gross amount of moneys collected during the preceding fiscal year of the collection agent.

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| 81. (1) Without notice or demand therefor, every collection agent shall account for all moneys collected by him within thirty days after the end of the calendar month in which the moneys are collected, and if the total of all amounts payable to any person after deduction of any agreed charges is ten dollars or more, he shall at the same time pay the amount of the person entitled to receive it. | Accounting for collections. |
| (2) On demand by a client, or by the Territorial Secretary, a collection agent shall disclose the actions taken and the results obtained in respect of any account referred to him for collection, but neither a client nor the Territorial Secretary shall demand disclosure in respect of any account more frequently than once in any month. | Disclosure of actions. |
| (3) Within thirty days after demand by a client therefor, a collection agent shall surrender any documents or records supplied to him by the client in respect of any account referred to him by the client, and shall cease immediately to pursue his efforts to obtain payment from the debtor. | Surrender of documents. |
| 82. (1) Where a collection agent has collected moneys on behalf of a creditor, and is unable to locate the person entitled to receive the moneys within six months after the moneys have been collected; he shall pay the moneys, less his agreed charges, to the Territorial Treasurer with a statement thereof showing the full name and address last known to him of the person entitled to the moneys. | Failure to locate creditor. |
| (2) Where the Territorial Treasurer receives moneys under subsection (1), he shall deposit the money and, if no claim for the money arises within seven years of the date of deposit of the money with the Territorial Treasurer, the money shall be paid into the Consolidated Revenue Fund and is thereupon forfeited to the Territory. | Disposal of moneys. |
| 83. Where under this Ordinance any information is required to be given to the Territorial Secretary by a collection agent, the collection agent shall, upon request of the Territorial Secretary give the information verified by affidavit. | Verification of information. |

PART IX

General Provisions

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| 84. No action lies or shall be instituted against any officer or employee of the government to recover any loss or damages alleged to have been suffered as a consequence of any act or omission in connection with the administration or carrying out of this Ordinance or the regulations. | Actions against employees in bureau. |
| 85. Any person who contravenes or fails or neglects to comply with any provisions of this Ordinance or the regulations commits an offence and is liable, on summary conviction, to a fine of not more than one thousand dollars for a first offence and to a fine of not more than two thousand dollars or to imprisonment for a term of not more than three months for any subsequent offence, or, if a corporation, is liable to a fine of not more than two thousand dollars for a first offence and to a fine of not more than five thousand dollars for any subsequent offence. | Penalties. |

- Limitation period for complaint.** 86. A complaint or information charging any person with an offence under this Ordinance must be laid within two years from the time the offence was committed.
- Agreement waiving benefits.** 87. Every agreement or bargain, oral or written, express or implied, that any of the provisions of this Ordinance or the regulations does not apply or that a benefit or remedy under this Ordinance or the regulations is not available or that in any way limits or abrogates, or in effect limits, modifies or abrogates a benefit or remedy under this Ordinance or the regulations is void and moneys paid under or by reason of the agreement are recoverable in the court.
- Regulations.** 88. For the purpose of carrying out the provisions of this Ordinance according to their intent, the Commissioner may make regulations ancillary thereto and not inconsistent therewith; and every regulation made pursuant to, and in accordance with the authority granted by, this section has the force of law; and, without restricting the generality of the foregoing, the Commissioner may make regulations
- (a) prescribing the fees payable under this Ordinance;
 - (b) exempting any class of buyer, seller, vendor, direct seller, collection agent, credit grantor or borrower or any category of transaction from the application of this Ordinance or any provision thereof;
 - (c) prescribing standard forms of contract;
 - (d) prescribing the manner in which the cost of borrowing stated as a percentage shall be calculated, expressed and applied and margins of error permissible;
 - (e) prescribing the manner in which the unearned portion of the cost of borrowing should be calculated;
 - (f) respecting any matter necessary and advisable to carry out effectively the intent and purpose of this Ordinance.
- Application to prior transactions.** 89. (1) Except as otherwise expressly provided, this Ordinance does not apply to any sale, mortgage, loan, contract or agreement made before it comes into force.
- Use of old forms.** (2) For a period of eighteen months after this Ordinance comes into force
- (a) any person may continue to use any form of agreement or order form that was used by him before it came into force and that is contained in a printed catalogue; and
 - (b) no provision of this Ordinance applies to any advertisement contained in a printed catalogue.
- Coming into force.** 90. This Ordinance comes into force on a day to be fixed by the Commissioner.

CHAPTER 4
ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

AN ORDINANCE TO CONSTITUTE A
COURT OF APPEAL FOR THE YUKON TERRITORY

(Assented to February 26, 1971)

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 *Court of Appeal Ordinance*. Short Title.
2. In this Ordinance, Definitions.
 - (a) "Clerk of the Court" means the clerk of the Court appointed pursuant to the Territorial Court Ordinance; "Clerk of the Court."
 - (b) "Court" means the Territorial Court of the Yukon Territory. "Court."
3. There shall be a Court of Appeal in the Territory called the Court of Appeal which shall be a superior court of record and shall have the same powers, jurisdiction and authority in relation to matters arising in the Territory possessed immediately prior to the 1st of January, 1971 by the Court of Appeal for British Columbia in relation to matters arising in British Columbia in the exercise of its ordinary jurisdiction and without restricting the generality of the foregoing, the Court of Appeal has jurisdiction and power to hear and determine: Court of Appeal established.
 - (a) all appeals or motions in the nature of appeals respecting judgments, orders or decisions of the Territorial Court or a judge thereof; and
 - (b) all other petitions, motions, matters or things whatever that might lawfully be brought in England before a Divisional Court of the High Court of Justice or before the Court of Appeal on the 1st of January, 1971.
4. (1) An appeal lies to the Court of Appeal, Where appeal lies.
 - (a) from every judgment, order or decree made by the Court or a judge thereof and whether final or interlocutory;
 - (b) from every decision of the Court or a judge thereof in any of the following matters or in any proceeding in connection with them or any of them, namely:
 - (i) Certiorari,
 - (ii) Quo Warranto,
 - (iii) Mandamus,
 - (iv) Prohibition,
 - (v) Habeas Corpus; and
 - (c) under the provisions of any Ordinance or any Act of the Parliament of Canada.

- Appeal where authorized by Ordinance. (2) Notwithstanding section 3 or subsection (1) of this section an appeal lies to the Court of Appeal from a judgment, order or decree made by the Court on appeal from any other court, only if authorized by an Act of the Parliament of Canada or an Ordinance and subject to the provisions thereof.
- Composition of Court of Appeal. 5. The judges of the Court of Appeal shall consist of a chief justice and such number of justices of appeal not exceeding twelve as the Governor-in-Council may appoint.
- Oath of judges. 6. Every judge of the Court of Appeal shall before assuming the duties of his office take and subscribe before a judge of the Court, the Commissioner or a person appointed by the Commissioner for that purpose, the following oath:
 "I do solemnly and sincerely promise and swear that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trusts reposed in me as one of the judges of the Court of Appeal. So help me God."
- Chief Justice. 7. Where the Chief Justice of the Court of Appeal is unable to act or the office is vacant, the senior puisne judge among the judges appointed has and may exercise and perform the powers and functions of the Chief Justice.
- Chief Justice to preside. 8. The Chief Justice of the Court of Appeal has rank and precedence over all other judges of the Territory and shall preside at any sittings of the Court of Appeal at which he is present and the senior puisne judge who is present shall preside at any sittings of the Court of Appeal at which the Chief Justice of the Court of Appeal is not present.
- Sittings. 9. The Court of Appeal may sit in the Territory or in the Province of British Columbia.
- Quorum. 10. Three judges of the Court of Appeal constitute a quorum and may lawfully hold court.
11. (1) There shall be a Registrar of the Court of Appeal who shall perform such functions and exercise such powers as may be determined from time to time by the Chief Justice of the Court of Appeal.
- Appointment of Registrar and such other officers. Deputy Registrar. (2) The Commissioner shall appoint the Registrar of the Court of Appeal and such other officers, clerks and employees as are necessary to the operation of the Court of Appeal.
- (3) The Clerk of the Court is *ex officio* a Deputy Registrar of the Court of Appeal and may exercise and perform such powers and functions as may be determined from time to time by the Chief Justice of the Court of Appeal.
- (4) No person shall by virtue only of an appointment under this Ordinance be deemed to be a member of the public service of the Territory.

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| 12. Notice of an appeal to the Court of Appeal shall be given within thirty days from the day the judgment, order or decree appealed from is pronounced or within such additional time as the judge who made the same or a judge of the Court of Appeal may allow. | Notice of Appeal. |
| 13. The judges of the Court of Appeal may make rules for regulating the practice and procedure upon appeals to the Court of Appeal. | Rules. |
| 14. Proceedings in appeals under this Ordinance, when not otherwise provided for by this Ordinance or the rules made under section 13, shall be as nearly as possible in conformity with the rules of the Court of Appeal for British Columbia. | Rules of British Columbia Court of Appeal applicable. |
| 15. Execution of the judgment appealed from shall not be stayed except under order of the judge of the Court or the Court of Appeal, or a judge thereof, and upon such terms as may be just. | Stay of. |
| 16. Where any matter is before the Court of Appeal as constituted before the coming into force of this Ordinance, such matter shall be dealt with, continued or determined by the Court of Appeal in accordance with this Ordinance. | |
| 17. This Ordinance shall come into force on a day to be fixed by the Commissioner. | Coming into force. |

April 1, 1971, is fixed as the coming-into-force date by Commissioner's Order 1971/126.

CHAPTER 5

ORDINANCES OF THE YUKON TERRITORY

1971 (First Session)

AN ORDINANCE RESPECTING ELEVATORS
AND OTHER FIXED CONVEYOR SYSTEMS

(Assented to February 26, 1971)

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

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| 1. This Ordinance may be cited as the <i>Elevator and Fixed Conveyances Ordinance</i> . | Short Title. |
| 2. In this Ordinance, | Definitions. |
| (a) "fixed conveyance" means a fixed system or device for conveyance to which this Ordinance applies; | "Fixed conveyance." |
| (b) "inspector" means an inspector appointed under section 4; | "Inspector." |
| (c) "owner" includes a lessee of a fixed conveyance. | "Owner." |
| 3. (1) This Ordinance applies to passenger elevators, freight elevators, dumbwaiters, escalators, inclined passenger lifts, belt lifts, aerial tramways, chairlifts, ski tows, rope tows, mechanized parking garages, speedwalks and speedramps. | Application of Ordinance. |
| (2) The Commissioner may designate any fixed conveyor system, whether vertical, inclined or horizontal, to be a fixed conveyance to which this Ordinance applies or does not apply. | |
| 4. The Commissioner may appoint inspectors for the purposes of this Ordinance. | Inspector. |
| 5. (1) An inspector may, in the execution of his duties under this Ordinance and for enforcing this Ordinance and the regulations, | Powers of inspector. |
| (a) gain access to and inspect at all reasonable times by day or night any fixed conveyance, | |
| (b) enter, pass over or through any land, building or premises for the purpose of this Ordinance, | |
| (c) demand the production of any register, certificate, plan or document pertaining to any fixed conveyance and may examine and copy the same, | |
| (d) make such examination and inquiry as may be necessary to ascertain whether the requirements of this Ordinance and the regulations are being complied with, | |

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- (e) for the purpose of any investigation, inquiry or examination made by him under the authority of this Ordinance, administer an oath and summon any person to give evidence and produce plans, specifications, files and records, and
 - (f) exercise such other powers as are necessary for carrying out the provisions of this Ordinance and the regulations.
- (2) All plans, specifications, files and records produced and inspected pursuant to clause (c) or (e) of subsection (1) shall be treated by the inspector as confidential, except for the purpose of this Ordinance.
 - (3) The owner of a fixed conveyance and his agents and servants shall furnish any necessary assistance required by an inspector for the exercise of his duties under this Ordinance and the regulations.
 - (4) Where a fixed conveyance is installed in a private residence and an inspector has inspected the completed installation and found it to be in accordance with this Ordinance and the regulations, he shall give his approval thereof in writing and thereafter this Ordinance does not apply to that fixed conveyance, except where
 - (a) the owner or occupier of the residence requests an inspection;
 - (b) any alteration is proposed to be made to the conveyance, or
 - (c) the Commissioner orders an inquiry under section 14.

Certificate of appointment of inspector.

- 6. An inspector shall be furnished with a certificate of his appointment and shall, if required, produce his certificate on applying for admission to any premises.

Persons accompanying inspector.

- 7. When he deems it necessary, an inspector may take with him into any premises, an engineer or other specialist.

Waiver of responsibility.

- 8. An inspector or a person lawfully accompanying an inspector is not required to sign or give any release or waiver of responsibility before entering any place pursuant to this Ordinance and any such release is void.

Liability of inspector.

- 9. While acting pursuant to this Ordinance or the regulations, an inspector or a person lawfully accompanying an inspector is not liable for any injury, loss or damage occasioned thereby.

Approval of fixed conveyances.

- 10. (1) The Commissioner may, subject to the regulations, approve or refuse to approve different types of fixed conveyances and any component parts thereof.
- (2) Where any type of fixed conveyance or component part submitted for approval requires special examination the person making the submission may be required to supply all the necessary materials, parts, plans and specifications and to pay such fees as may be fixed by regulations.

- (3) No person shall
 - (a) install a fixed conveyance, or
 - (b) install in or attach to a fixed conveyance any component part,
 of a type that the Commissioner has refused to approve.

- 11. (1) Where an inspector notes any condition that contravenes a regulation or is otherwise inconsistent with good operating practices relating to a fixed conveyance, he may bring the condition to the attention of the owner or his agent, who shall take such remedial action as may be required by the inspector within the specified time. Direction for remedial action.
- (2) Where an inspector notes an unsafe condition that in his opinion presents an immediate hazard to persons using a fixed conveyance, the inspector may direct that the conveyance be taken out of service until such time as the hazard is removed and the owner or his agent shall comply with the direction of the inspector.

- 12. A person affected by a decision of an inspector may appeal to the Commissioner. Appeal.

- 13. An owner of a fixed conveyance or his agent shall
 - (a) notify an inspector as soon as possible after the happening of any accident involving the fixed conveyance that results in death or serious injury or damage to equipment, and
 - (b) if requested by an inspector, submit as early as possible, a full report in writing of any accident involving the fixed conveyance that results in death or injury or damage to equipment.Notice of accident.

- 14. (1) Any accident involving a fixed conveyance that results in death, injury or damage to equipment may be investigated by an inspector. Investigation of accident.
- (2) The Commissioner may cause an inquiry to be held into any accident involving a fixed conveyance that results in death or injury or damage to equipment.

- 15. (1) Until permission is received from an inspector, no unauthorized person shall
 - (a) interfere with the scene of an accident involving a fixed conveyance save to prevent further damage or to remove injured or deceased persons or hazards, or
 - (b) remove or tamper with any safety device, guard or other protective equipment.Protection of evidence.
- (2) For the purposes of investigation and inquiry and to prevent it being lost or misplaced, an inspector may remove from the scene of an accident any article part or thing that in his opinion may have caused or contributed in any way to the accident.

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- (3) The powers given to an inspector by this section shall not be construed as derogating from or interfering with the powers and duties of peace officers and coroners.
- Approval of proposed alterations. 16. (1) Before erecting or altering a fixed conveyance, the owner or his agent shall submit such relevant plans, blueprints, drawings and specifications as may be required by an inspector and no person shall
- (a) construct or alter the conveyance, or
 - (b) commence the construction or alteration, until such time as the plans, blueprints, drawings and specifications have been certified as approved pursuant to subsection (2).
- (2) If the plans, blueprints, drawings and specifications provide for the fulfillment of the requirements of this Ordinance and the regulations, an inspector authorized shall certify the plans, blueprints, drawings and specifications as approved.
- Posting of certificate or licence. 17. A certificate or licence issued pursuant to this Ordinance or the regulations shall be posted by the owner or his agent as directed by an inspector.
- Posting of notices. 18. The Commissioner may approve the issuing of notices or bulletins dealing with the use of fixed conveyances and the owner or his agent shall post such notices or bulletins as directed by an inspector.
- Removal or defacing of bulletins prohibited. 19. No unauthorized person shall remove, alter or deface any certificate, licence or notice or bulletin posted pursuant to this Ordinance or the regulations.
- Regulations. 20. The Commissioner may make regulations.
- (a) with respect to the construction, maintenance and use of any type or class of fixed conveyance,
 - (b) prescribing the nature and frequency of inspections to be made of fixed conveyances or any type or class thereof,
 - (c) prescribing the requirements for or the conditions under which approval may be given pursuant to sections 10 and 16,
 - (d) prohibiting or restricting the use of any type or class of fixed conveyance, either generally or for particular purposes,
 - (e) respecting the issue of certificates and licences, including the conditions under which they may be granted, suspended, revoked or transferred,
 - (f) prescribing the fees payable in respect of any approval of plans, blueprints, drawings and specifications, or otherwise, in respect of inspections and in respect of the issue of certificates and licences, and the persons by whom the fees are to be paid, and
 - (g) respecting such other matters as may be necessary for carrying out the intent of this Ordinance, including the adoption of all or part of any safety code, order, regulations or standard.

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| <p>21. (1) No prosecution shall be commenced for an offence against this Ordinance, unless it is commenced by</p> <p>(a) an inspector;</p> <p>(b) a member of the Royal Canadian Mounted Police; or</p> <p>(c) any other person authorized in writing by the Commissioner to do so.</p> <p>(2) No prosecution for an offence against this Ordinance shall be commenced after the expiration of one year from the date of the commission of the offence.</p> | <p>Commencement of prosecution.</p> <p>Limitation.</p> |
| <p>22. (1) Every person who</p> <p>(a) violates a provision of this Ordinance or of any regulation or rule made thereunder; or</p> <p>(b) fails to obey an order or direction given thereunder by the Commissioner or an inspector;</p> <p>is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.</p> <p>(2) A person who fails to obey a written order or direction given by the Commissioner or an inspector is, in addition to the fine prescribed in subsection (1), liable on summary conviction to a fine not exceeding one hundred dollars for each day on which he fails to obey that order or direction.</p> <p>(3) Where an offence is one that might have endangered the safety of persons or caused serious personal injury or a dangerous accident and was wilfully committed by the act, default or negligence of the person guilty thereof, that person is, upon summary conviction, liable either in substitution for or in addition to any pecuniary penalty that may be imposed, to imprisonment for a term not exceeding three months.</p> | <p>Offence and penalty.</p> <p>Where offence continues.</p> <p>Additional penalty where offence dangerous.</p> |
| <p>23. This Ordinance comes into force on a day to be fixed by the Commissioner.</p> | <p>Coming into force.</p> |

CHAPTER 6
ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

AN ORDINANCE RESPECTING THE EXPROPRIATION OF
LANDS AND THE DETERMINATION OF COMPENSATION
FOR THE EXPROPRIATION OR INJURIOUS AFFECTION OF LANDS
(Assented to April 1, 1971)

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

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| 1. This Ordinance may be cited as the <i>Expropriation Ordinance</i> . | Short Title. |
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Interpretation

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| 2. In this Ordinance, | Definitions. |
| (a) "expropriation" means the taking of land without the consent of the owner by an expropriating authority in the exercise of its statutory powers; | "Expropriation." |
| (b) "expropriating authority" means any person empowered to acquire land by expropriation; | "Expropriating authority." |
| (c) "land" includes any estate, term, easement, right or interest in, to, over or affecting land; | "Land." |
| (d) "owner" includes a mortgagee, lessee, tenant, occupant, execution creditor, a person entitled to a limited estate or interest in land, the Public Administrator or the trustees of the estate of an insane person or of a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested; | "Owner." |
| (e) "registered owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper registry, Land Titles or Sheriff's Office, and includes a person shown as a tenant of land on the last revised assessment roll; and | "Registered owner." |
| (f) "serve" means to serve personally or by registered letter addressed to the person to be served at his last known address, or, if that person is unknown, or if his address is unknown, by publication once a week for four weeks in a newspaper having general circulation in the locality in which the land concerned is situated. | "Serve." |
| 3. (1) Subject to this Ordinance, the Commissioner may, without the consent of the owner, enter upon and expropriate any land that he deems necessary for the public purposes of the Territory or at the request of any municipality for the public purposes of any municipality. | Commissioner may expropriate. |
| (2) Compensation for disturbance, injurious affection of land or expropriation of land shall be assessed and paid in the manner provided in this Ordinance. | Compensation. |

- Application of Ordinance. 4. (1) Where land is expropriated or is injuriously affected by an expropriating authority in the exercise of its statutory powers, this Ordinance applies.
- Conflict. (2) Where there is conflict between a provision of this Ordinance and a provision of any other Ordinance, this Ordinance prevails.
- Commissioner bound by Ordinance Vesting of title. 5. This Ordinance binds the Commissioner.
6. (1) Where an expropriating authority has exercised its statutory powers to expropriate land, it shall register without undue delay in the Land Titles Office a plan of the land signed by the expropriating authority and by a Dominion Land Surveyor, and thereupon, but not otherwise, the land vests in the expropriating authority.
- Where land required temporarily, etc. (2) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan registered under this section shall indicate by appropriate words thereon that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and, by the registration in such case, the land for such limited time or such limited estate, right or interest therein vests in the expropriating authority.
- Correction of errors. (3) In the case of an omission, misstatement, or erroneous description in a plan registered under this section, the expropriating authority may register in the Land Titles Office a plan replacing or amending the original plan and signed by the expropriating authority and by a Dominion Land Surveyor, and a plan registered under this subsection shall be marked to show the nature of the replacement or amendment and is of the same force and effect as, and is in substitution for, the original plan to the extent that such plan is replaced or amended thereby.
- Presumption as to signing. (4) Where a plan purports to have been signed by an expropriating authority under this section, it shall be presumed to have been signed by the expropriating authority without proof of the signature or official character of the person appearing to have signed it, unless otherwise directed by a court or the tribunal determining compensation under this Ordinance.
- Electrical lines. (5) Where a limited estate, right or interest in land is being taken for an electrical transmission or distribution line carried on single poles, the expropriating authority may, before registering a plan under subsection (1), register in the Land Titles Office, a preliminary plan, to be known as and marked "Preliminary Plan" and being a plan with or without local description, signed by the expropriating authority and illustrating the location of the proposed line and indicating by appropriate words thereon the nature of the estate, right or interest being taken, and such preliminary plan when registered has the same force and effect as a plan registered under subsection (1), but a plan in accordance with subsection (1) shall be registered within two years after the registration of the preliminary plan in substitution for the preliminary plan.
- Notice of expropriation. 7. (1) Where a plan has been registered under section 6, and no agreement as to compensation has been made with

- the owner, the expropriating authority may serve the owner, and shall serve the registered owner, within sixty days after the date of registration of the plan, with a notice of expropriation of his land in the prescribed form, but failure to serve the notice does not invalidate the expropriation.
- (2) Where a plan has been registered under section 6 and a notice of expropriation has not been served in accordance with subsection (1), the registered owner may elect, by notice in writing served upon the expropriating authority
- (a) to have the compensation to which he is entitled assessed as of the date of the registration of the plan under section 6, or
 - (b) to have the compensation to which he is entitled assessed as of the date on which he was served with the notice of expropriation.
8. (1) Where land is expropriated or is injuriously affected by an expropriating authority in the exercise of its statutory powers, the expropriating authority shall make due compensation to the owner of the land for the land expropriated or for any damage necessarily resulting from the exercise of such powers, as the case may be, beyond any advantage that the owner may derive from any work for which the land was expropriated or injuriously affected.
- (2) Where land is expropriated or is injuriously affected by an expropriating authority in the exercise of its statutory powers, the expropriating authority may, for the purpose of benefiting the owner, before the compensation is agreed upon or determined, undertake to make alterations or additions or to construct additional work or to abandon part of the land expropriated or to grant other lands or easements, in which case the compensation shall be determined having regard to such undertakings, and, if the undertaking has not already been carried out, the tribunal determining compensation shall declare that, in addition to the compensation determined, if any, the owner is entitled to have such alteration or addition made or such additional work constructed or such part of the land abandoned or such grant made to him.
9. Compensation in respect of any compulsory acquisition shall be assessed in accordance with the following rules:
- (1) The value of land shall, subject as hereinafter provided, be taken to be the amount which the land if sold in the open market by a willing seller to a willing buyer might be expected to realize.
 - (2) An allowance may be made on account of the acquisition being compulsory.
 - (3) The special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which it could be applied only in pursuance of statutory powers, or for which there is no market apart from the special needs of a particular purchaser or the requirement of any authority possessing compulsory purchase powers.
 - (4) Where the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court, or is contrary
- Notice of expropriation.
- Where notice not served.
- Right to compensation.
- Reparation.
- Compensation assessed.

- Compensation assessed. to law, or is detrimental to the health of the occupants of the premises or to the public health, the amount of that increase shall not be taken into account.
- (5) Where land is, and but for the compulsory acquisition would continue to be, devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, the compensation may, if the tribunal is satisfied that reinstatement in some other place is *bona fide* intended, be assessed on the basis of the reasonable cost of equivalent reinstatement.
 - (6) The provisions of rule (1) shall not affect the assessment of compensation for disturbance or any other matter not directly based on the value of land.
 - (7) No account shall be taken of any change or anticipated change in the value of land attributable to the carrying out or the prospect of carrying out a development for the purpose of which the land is being acquired.
- Application to home. 10. (1) The provisions of this section shall apply to the expropriation of any home.
- Definition of home. (2) A home is a house which is and has been for a reasonable time the home of a person with the land immediately appurtenant thereto not exceeding one and one-half acres and any immediately appurtenant outbuildings.
- Owner to receive compensation. (3) In the case of any such expropriation, the principle of assessment shall be that the owner of the home shall receive such compensation as will at current costs and prices put him in a position to acquire by purchase or construction a home reasonably equivalent to that which is being expropriated.
- Claim for compensation for injurious affection. 11. (1) Subject to subsection (2), a claim for compensation for injuriously affected land caused by an expropriating authority where no land was expropriated shall be made by the owner of the land in writing with particulars of the claim within one year after the damage was sustained or after it became known to the owner, and, if not so made, the right to compensation is forever barred.
- Where owner under disability. (2) Where the owner of land that is injuriously affected is an infant, an insane person or a person incapable of managing his affairs, his claim for compensation shall be made within one year after he ceased to be under the disability, or, in the case of his death while under the disability, within one year after his death, and, if not so made, the right to compensation is forever barred.
- Offer of compensation for land expropriated. 12. (1) Where land has been expropriated from an owner and a plan has been registered under section 6 and no agreement as to compensation has been made with the owner, the expropriating authority shall within six months after the date of registration of the plan and before taking possession of the land, serve upon the registered owner an offer in full payment of the compensation for all interests in the land, but failure to serve the offer does not invalidate the expropriation.
- Extension of period. (2) The expropriating authority may, within the six-month period mentioned in subsection (1) and before taking possession of the land, upon giving at least seven days notice to the registered owner, apply to a judge for an order extending the time for serving the offer under subsection (1).

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| <p>(3) If the offer required to be served under subsection (1) is not served within the time limited by subsection (1) or by an order of a judge under subsection (2), interest at bank rate upon any compensation payable to the registered owner shall be calculated from the date of registration of the plan.</p> | <p>Failure to serve.</p> |
| <p>13. Where the expropriating authority and the owner have failed to agree upon the compensation payable, either party may serve notice of negotiation upon the other and upon a Board of Negotiation stating that it requires the compensation to be negotiated under section 14, or, where the parties are in agreement on the matter, they may have the compensation determined by arbitration.</p> | <p>Choice of proceedings, negotiation or arbitration.</p> |
| <p>14. (1) A Board of Negotiation shall be established consisting of two or more members appointed by the Commissioner, one of whom may be designated as Chairman.</p> | <p>Board of Negotiation.</p> |
| <p>(2) Any two of the members of the Board of Negotiation constitute a quorum and are sufficient to perform all the functions of the Board on behalf of the Board.</p> | <p>Quorum.</p> |
| <p>(3) In any case in which a notice of negotiation is served, the Board of Negotiation shall, upon reasonable notice to the expropriating authority and the owner, meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the compensation.</p> | <p>Negotiation of amount of compensation.</p> |
| <p>(4) Before or during the negotiation proceedings, the Board of Negotiation may inspect the land that has been expropriated or injuriously affected.</p> | <p>Inspection of land.</p> |
| <p>(5) If the negotiation proceedings do not result in a settlement, the expropriating authority or the owner may serve notice of arbitration upon the other requiring the compensation to be determined by arbitration as though the negotiation proceedings had not taken place, in which case the claim shall be determined by a judge and the provisions of the <i>Arbitration Ordinance</i> as to procedure shall apply.</p> | <p>Where no settlement reached.</p> |
| <p>(6) Notwithstanding subsection (5) where the amount of compensation offered by the expropriating authority does not exceed \$1,000, the claim shall be determined by a magistrate and the provisions of the <i>Arbitration Ordinance</i> as to procedure shall apply.</p> | |
| <p>15. (1) The expropriating authority or the owner may appeal to the Court of Appeal from any determination or order of a judge under subsection (5) of section 14.</p> | <p>Appeals.</p> |
| <p>(2) The practice and procedure as to the appeal and proceedings incidental thereto are the same <i>mutatis mutandis</i> as upon an appeal from the Court, except that the appeal may be taken at any time within six weeks from the day the determination or order was sent by registered mail to the parties, and the determination or order shall be deemed to have been received on the seventh day following its mailing, and the period of any vacation of the Magistrate's Court shall not be reckoned in computing such six weeks.</p> | |
| <p>(3) Where a claim has been determined by a magistrate pursuant to subsection 6 of section 14 the expropriating authority or owner may appeal to a Court from any determination or order of the Magistrate and the practice and procedure as to the appeal proceedings incidental thereto are the same <i>mutatis mutandis</i> as upon an appeal from the Magistrate's Court to the Court except that the appeal may be taken at any time within six weeks from the day the determination or order was sent by registered mail to the parties, and the determination or order shall be deemed to have been received on the seventh day following its mailing.</p> | |

16. Subject to subsection (2) of section 7, where land has been expropriated, the compensation therefor shall be determined as of the date of registration of the plan under subsection (1) or (5) of section 6.
17. The tribunal determining compensation under this Ordinance may award costs, but, in determining the amount of costs shall have regard to the reasonableness of the costs and expenses incurred in relation to the difference between the amount of the offer made by the expropriating authority and the amount of compensation determined by the tribunal.
- Interest.** 18. (1) Subject to subsection (3) of section 12, the tribunal determining compensation may allow interest at bank rate on the amount of compensation from the date fixed by the tribunal.
- Idem.** (2) Where the tribunal determining compensation is of the opinion that any delay in determining the compensation is attributable in whole or in part to the owner, it may refuse to allow him interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at a rate less than bank rate that appears reasonable.
- Where no interest and costs.** (3) Notwithstanding subsection (1), where the expropriating authority has offered to the registered owner under section 12 a sum equal to or greater than the compensation determined, the registered owner shall not be allowed any interest after the date of the offer or any costs, unless the tribunal determining the compensation otherwise orders.
- Character of compensation.** 19. (1) Where land has been expropriated, the compensation stands in the stead of the land, and any claim to or encumbrance on the land is, as respects the expropriating authority, converted into a claim to or upon the compensation and no longer affects the land.
- Payment of compensation not exceeding \$1,000.** (2) Where the owner entitled to convey the land that has been expropriated and the expropriating authority agree as to the compensation or the compensation has been determined and in either case it does not exceed one thousand dollars, the expropriating authority may pay the compensation to the owner who is entitled to convey the land, saving always the rights of any other person to the compensation as against the person receiving it, and such payment discharges the expropriating authority from all liability in respect of the compensation.
- Representative** 20. Where an owner of the land is unknown, is under disability or for any other reason is not represented, a judge may, after due notice to the persons interested, appoint a person to represent such owner for any of the purposes of this Ordinance, and any action of a person so appointed is binding on the person he represents.
- Payment into court.** 21. (1) In any case where the expropriating authority deems it advisable, it may, without an order, pay the compensation agreed upon or determined into the office of the Clerk of the Court together with a sum equal to the interest thereon at bank rate for six months.
- Payment out of court.** (2) Upon an application for payment out of court of compensation paid into court, a judge may direct that such notice of the application be given by publication or otherwise as he deems proper and may direct the trial of an issue or make such order with respect to the payment out of court of compensation and as to costs as he deems reasonable.

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| <p>(3) Where an order is obtained under subsection (2) in less than six months after the payment of the compensation into court, the judge making the order may direct that a proportionate part of the interest be returned to the expropriating authority.</p> | <p>Adjustment of interest.</p> |
| <p>(4) Where unborn issue or an unascertained person or class is interested in compensation paid into court, a judge may appoint such person as he deems proper to represent them, and any order made under this section is binding on them.</p> | <p>Where unborn issue interested.</p> |
| <p>22. Where land has been expropriated and the compensation has not been agreed upon or determined, the expropriating authority, before taking possession of the land, shall offer to the registered owner the amount to which he may be entitled as estimated by the expropriating authority.</p> | <p>Payment before possession.</p> |
| <p>23. (1) Where land that has been expropriated is vested in an expropriating authority and the expropriating authority has served the registered owner with a notice that it requires possession of the land on the date specified therein, the expropriating authority, if no application is made under subsection (3), is entitled to enter upon and take possession of the land on the date specified in the notice.</p> | <p>Possession of expropriated land.</p> |
| <p>(2) The date for possession shall be at least ten days after the date of the serving of the notice of possession.</p> | <p>Date for possession.</p> |
| <p>(3) A registered owner or an expropriating authority may, upon such notice as the judge directs, apply to a judge for an adjustment of the date for possession specified in the notice of possession, and the judge, if he considers that under all the circumstances the application should be granted, may fix the date for possession.</p> | <p>Application for postponement of possession.</p> |
| <p>24. (1) Where resistance or opposition is made to the expropriating authority or any person authorized by it in entering upon, using or taking possession of land when it is entitled so to do, it may apply to a judge for a warrant directing the sheriff to put the expropriating authority into possession.</p> | <p>Warrant to put the expropriating authority into possession.</p> |
| <p>(2) The judge shall, in writing, appoint a time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons as he prescribes.</p> | <p>Hearing.</p> |
| <p>(3) On proof of the resistance or opposition, the judge may issue a warrant in the prescribed form.</p> | <p>Issue of warrant.</p> |
| <p>(4) The sheriff shall forthwith execute the warrant and make a return to the judge of the execution thereof.</p> | <p>Return.</p> |
| <p>25. (1) Where, at any time before the date specified in the notice of possession served under section 23, the land or any part thereof is found to be unnecessary for the purposes of the expropriating authority or if it is found that a more limited estate or interest therein only is required, the expropriating authority may, by an instrument signed by it and registered in the Land Titles Office and served on the owner who was served with notice of expropriation, declare that the land or such part thereof is not required and is abandoned by the expropriating authority or that it is intended to retain only such limited estate or interest as is mentioned in the instrument, and thereupon:</p> | <p>Abandonment of expropriated land.</p> |

- (a) the land declared to be abandoned reverts in the owner from whom it was expropriated and those entitled to claim under him; or
 - (b) in the event of a limited estate or interest only being retained by the expropriating authority, the land so reverts subject to such limited estate or interest.
- Partial abandonment.
- (2) Where only part of the land or all of it except a limited estate or interest therein is abandoned, the fact of such abandonment and the damage, if any, sustained in consequence of that which is abandoned having been expropriated and all the other circumstances of the case shall be taken into account in determining the compensation for the part or the limited estate or interest that is not abandoned.
- Complete abandonment.
- (3) Where the whole of the land is abandoned, the owner from whom it was expropriated is entitled to compensation for all damages sustained and all costs incurred by him in consequence of the expropriation and abandonment, and the amount of the compensation, if not agreed upon by the parties, shall be determined under this Ordinance.
26. The Commissioner may make regulations respecting any matter he deems necessary or advisable to carry out effectively the intent and purpose of this Ordinance.
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CHAPTER 7
ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER TO LEND
MONEY TO THE VILLAGE OF FARO FOR VARIOUS PURPOSES

(Assented to February 26, 1971)

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

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| <p>1. This Ordinance may be cited as the <i>Faro General Purposes Loan Ordinance</i>.</p> | <p>Short
Title.</p> |
|---|-------------------------|

Interpretation

- | | Definitions. | | | | | | |
|---|---|-------------|---|-----------|--|-----------|--|
| <p>2. (1) In this Ordinance,</p> <p style="padding-left: 20px;">(a) "borrowing by-law" means a bylaw mentioned in section 4;</p> <p style="padding-left: 20px;">(b) "Village" means the Village of Faro;</p> <p style="padding-left: 20px;">(c) "Council" means the Council of the Village; and</p> <p style="padding-left: 20px;">(d) "debenture" means the debenture issued pursuant to a borrowing by-law.</p> <p>(2) This Ordinance shall be construed as one with the <i>Municipal Ordinance</i> and the <i>Village of Faro Ordinance</i>, but in case of conflict, the provisions of this Ordinance shall prevail.</p> | <p>"Borrowing by-law"</p> <p>"Village"</p> <p>"Council"</p> <p>"Debenture"</p> <p>Ordinance one with Municipal Ordinance.</p> | | | | | | |
| <p>3. The Commissioner may, on behalf of the Territory, on the security of debentures of the Village of Faro, lend a sum not exceeding one hundred and seventy thousand dollars in the whole to the Village to enable it to carry on a programme of municipal works as follows:</p> <table style="margin-left: 20px; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">(a) Construction of Trailer Court</td> <td style="text-align: right; padding-left: 20px;">\$55,000.00</td> </tr> <tr> <td style="padding-left: 20px;">(b) Construction of Village Foreman's House</td> <td style="text-align: right; padding-left: 20px;">40,000.00</td> </tr> <tr> <td style="padding-left: 20px;">(c) Miscellaneous Municipal Works including materials procurement.</td> <td style="text-align: right; padding-left: 20px;">75,000.00</td> </tr> </table> | (a) Construction of Trailer Court | \$55,000.00 | (b) Construction of Village Foreman's House | 40,000.00 | (c) Miscellaneous Municipal Works including materials procurement. | 75,000.00 | <p>Commissioner may lend and enter into agreement.</p> |
| (a) Construction of Trailer Court | \$55,000.00 | | | | | | |
| (b) Construction of Village Foreman's House | 40,000.00 | | | | | | |
| (c) Miscellaneous Municipal Works including materials procurement. | 75,000.00 | | | | | | |

and for that purpose the Commissioner may, on behalf of the Territory, enter into an agreement with the Village.

- By-laws.** 4. Subject to this Ordinance, the Council may pass by-laws for the borrowing of money not exceeding the sum of one hundred and seventy thousand dollars for the purpose mentioned in section 3 on the security of debentures of the Village issued in accordance with this Ordinance; but no such by-law shall be valid unless, prior to being finally passed by the Council, it has been submitted to and approved by the Commissioner and has received the assent of two-thirds of the electors of the Village who have voted thereon.
- Approved by Commissioner and voters.**
- Form of by-law.** 5. (1) A borrowing by-law shall set out in detail:
- (a) the amount proposed to be borrowed;
 - (b) the purpose for which the expenditure is to be made;
 - (c) the term of the debentures to be issued;
 - (d) the rate of interest payable thereon;
 - (e) the method of repayment; and
 - (f) the amount of the existing debenture debt, if any, and how much, if any, of the principal or interest thereof is in arrears.
- Idem.** (2) Every by-law to borrow money on the security of debentures shall, by its terms:
- (a) authorize the issue of debentures for the amount of the debt to be created thereby;
 - (b) specify the amount or denominations thereof;
 - (c) fix the rate or rates of interest payable thereon, and the places and the times when the principal and interest shall be payable;
 - (d) provide that the debentures and coupons for the interest thereon shall be paid in lawful money of Canada;
 - (e) provide for the levy of an annual rate or rates sufficient to pay the principal and interest of such debentures; and
 - (f) generally shall be in such form and contain such further provisions as may be required by the Commissioner.
- Money to be used for purpose stated.** 6. No money borrowed pursuant to a borrowing by-law shall be used for a purpose other than that stated in the by-law, except that if there remains an unexpended balance in respect of the purpose for which the money was borrowed, such balance may be used by the Village:
- (a) for the payment of any interest payable in respect of the debentures issued, or
 - (b) for the repayment of the principal amount of the debentures, or any portion thereof.
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| 7. (1) | Debentures may be issued either all at one time or in installments at such times as Council deems expedient, but no debenture shall be issued after the expiration of two years after the final passing of the by-law. | Debentures how issued. |
| (2) | Debentures and interest coupons shall be in a form approved by the Commissioner and shall be signed by such persons and in such manner as the Commissioner prescribes. | Form of debentures and coupons. |
| (3) | No debentures shall be issued for a term exceeding twenty years. | Term: |
| (4) | Debentures and interest coupons shall bear interest at the same rate after as before maturity. | Interest. |
| (5) | Debentures and interest coupons may be payable at any place in Canada. | Where payable. |
| 8. (1) | A by-law may provide that any of the debentures authorized to be issued thereunder shall be redeemable at the option of the Village at such time or times as the Village may find it possible to redeem the same. | Redemption. |
| (2) | Where a debenture is redeemed prior to maturity, the redemption shall not affect the validity of any by-law by which taxes have been imposed in respect thereof, the validity of such taxes or the power of the Council to continue to collect taxes in respect thereof. | Redemption prior to maturity. |
| 9. | Any debenture issued under this Ordinance shall be valid and binding upon the Village, notwithstanding any insufficiency in the form or substance of the debenture or the by-law if the by-law has received the approval of the Commissioner and the assent of two-thirds of the electors who voted thereon and no successful application has been made to quash it. | Defect in form, etc., of debenture. |
| 10. | If the Village defaults in payment of the moneys owing on a debenture issued under a by-law passed pursuant to this Ordinance, Council shall forthwith make a special levy against all property in the Village to raise sufficient funds to pay the arrears owing on such debentures. | Special levy where default in debentures |

AN ORDINANCE RESPECTING JUSTICES OF THE PEACE

(Assented to February 26, 1971)

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 *Justice of the Peace Ordinance*. Short title.

2. In this Ordinance, "Justice of the Peace" means a Justice of the Peace appointed or holding office pursuant to section 3, and includes a Justice of the Peace continuing in office pursuant to section 9. Definition.

3. (1) The Commissioner may, from time to time, appoint any person to be a Justice of the Peace in and for the Territory to hold office during pleasure. Appointments.
 - (2) Every judge of the Court and every judge of the Court of Appeal is when he is in the Territory *ex officio* a Justice of the Peace in and for the Territory.
 - (3) Every magistrate and deputy magistrate appointed or continuing in office pursuant to the Magistrates Court Ordinance, is when he is in the Territory a Justice of the Peace in and for the Territory.
 - (4) Every commissioned officer of the Royal Canadian Mounted Police is when he is in the Territory *ex officio* a Justice of the Peace in and for the Territory.

4. (1) Every Justice of the Peace shall upon appointment take and subscribe before a judge, magistrate or notary public, the following oath: Oath.

"I,.....do solemnly and sincerely promise and swear that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trust reposed in me as a Justice of the Peace in and for the Yukon Territory. So help me God".

 - (2) The oath of office shall be transmitted forthwith to the Commissioner and filed in his office. Disposition of.

5. (1) The Commissioner may fix the salary or other remuneration that may be paid to a Justice of the Peace. Remuneration.
 - (2) Notwithstanding any other Ordinance, the remuneration mentioned in subsection (1) may be paid to a Justice of the Peace who is employed in the public service in addition to his salary. Exemption.
 - (3) The Commissioner may, where special circumstances require it, authorize payment of travelling and other expenses incurred by a Justice of the Peace in the performance of his duties. Travelling and other expenses.

Chap. 8

6. A Justice of the Peace is not, by reason only of his appointment as such Justice of the Peace, a member of the public service.
7. (1) Every Justice of the Peace shall, in accordance with regulations prescribed by the Commissioner, remit all fines and fees received by the Justice of the Peace to the Territorial Treasurer.
(2) Every Justice of the Peace shall make returns to the Commissioner concerning such matters, on such forms and at such times as the Commissioner may prescribe.
(3) Every Justice of the Peace shall keep records concerning such matters and in such form as the Commissioner may prescribe.
8. Notwithstanding the resignation or revocation of the appointment of a Justice of the Peace, the Justice of the Peace remains liable to transmit all the fines and fees and make all the returns that he was liable to transmit or make at the time of the resignation or revocation.
9. Every person holding an appointment as a Justice of the Peace in and for the Territory under the Yukon Act at the coming into force of this Ordinance shall continue as Justice of the Peace and shall be deemed to have been appointed pursuant to this Ordinance.
10. Every proceeding before a Justice of the Peace that was instituted before the coming into force of this Ordinance shall be continued as though the proceeding had been instituted after the coming into force of this Ordinance.
11. This Ordinance shall come into force on a day to be fixed by the Commissioner.

April 1, 1971, is fixed as the coming-into-force date by Commissioner's Order 1971/127

CHAPTER 9
 ORDINANCES OF THE YUKON TERRITORY
 1971 (First Session)

AN ORDINANCE TO AUTHORIZE THE
 COMMISSIONER TO BORROW A SUM NOT
 EXCEEDING ONE HUNDRED AND FIFTY
 THOUSAND DOLLARS FROM THE GOVERNMENT
 OF CANADA FOR THE PURPOSE OF MAKING A
 LOAN TO THE CITY OF WHITEHORSE AND
 TO AUTHORIZE THE COMMISSIONER TO ENTER
INTO AN AGREEMENT RELATING THERETO

(Assented to February 26, 1971)

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 *Loan Agreement Ordinance (1971) No. 1* (Upgrading of Sewer and Water Systems Whitehorse). Short Title.

2. The Commissioner may on behalf of the Yukon Territory borrow from the Government of Canada a sum not exceeding one hundred and fifty thousand dollars. Commissioner may borrow.

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: Commissioner may execute agreement.
 - (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 a 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.

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 Territory under this Agreement. Commissioner may implement agreement.

CHAPTER 10
 ORDINANCES OF THE YUKON TERRITORY
 1971 (First Session)

AN ORDINANCE TO CONSTITUTE THE MAGISTRATES
 COURT OF THE YUKON TERRITORY

(Assented to February 26, 1971)

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

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| 1. | This Ordinance may be cited as the <i>Magistrate's court Ordinance</i> . | Short Title. |
| 2. | In this Ordinance, | Interpretation. |
| | (a) "clerk" means the Clerk of the Magistrate's Court appointed pursuant to section 13. | "clerk" |
| | (b) "Court" or Magistrate's Court means the Magistrate's Court referred to in section 3. | "Court" |
| | (c) "juvenile delinquent" has the same meaning as in the Juvenile Delinquents Act; and | "juvenile delinquent" |
| | (d) "magistrate" means a magistrate appointed pursuant to section 7 and includes a deputy magistrate and an ex officio magistrate. | "magistrate" |
| 3. | There shall be in and for the Territory a Magistrate's Court called the "Magistrate's Court of the Yukon Territory". | Magistrate's Court. |
| 4. | The Court shall consist of such magistrates and deputy magistrates as may be appointed by the Commissioner pursuant to this Ordinance. | |
| 5. | A magistrate shall, | |
| | (a) have jurisdiction throughout the Territory and may exercise all the powers, duties and functions that are vested in the Magistrate's Court. | |
| | (b) exercise all the powers and perform all the duties conferred or imposed upon a police magistrate appointed under the Yukon Act, under and by virtue of any Ordinance or Act of the Parliament of Canada in force at the time of the coming into force of this Ordinance. | |
| | (c) has and may exercise all the powers, duties and functions of a justice of the peace or any two justices of the peace under the Yukon Act or any other law or Ordinance in force in the Territory. | |
| | (d) is ex officio a Justice of the Peace and a Notary Public and a Small Debts Official. | |

Civil
jurisdiction.

6. (1) Subject to subsection (2), the Magistrate's Court has civil jurisdiction throughout the Territory in,
- (a) actions arising out of contract, expressed or implied, and actions of debt, where the debt, demand or damages claimed do not exceed one thousand dollars;
 - (b) personal actions of tort, where the damages claimed do not exceed one thousand dollars;
 - (c) all actions for the recovery of personal property, including actions of replevin and for detinue, where the value of the property claimed does not exceed one thousand dollars;
 - (d) interpleader proceedings
 - (i) where the person seeking relief is under liability for any debt, money or chattels to an amount or value not exceeding one thousand dollars for and in respect of which adverse claims are made by two or more persons, or
 - (ii) where the applicant is a sheriff or some other officer charged with the execution of process and claim is made to any money or chattels taken or intended to be taken in the execution, or the proceeds or value thereof, by a person other than the person against whom the process issued where the money, proceeds or value of the chattels claimed does not exceed one thousand dollars;
 - (e) garnishment proceedings for the attachment of debt due, obligations and liabilities owing, payable or accruing due by a third person to a person against whom an action for a debt or liquidated demand not exceeding one thousand dollars is or is about to be commenced or against whom a judgment has been given for an amount not exceeding one thousand dollars; and
 - (f) attachment proceedings for the recovery of a sum not exceeding one thousand dollars for debt or damages arising upon a contract, expressed or implied, or upon a judgment upon the personal property of a person who
 - (i) being a non-resident of the Territory, is so indebted or liable to a resident of the Territory; or
 - (ii) with intent to defeat or defraud his creditors or those who have causes of action against him, absconds or is about to abscond from the Territory leaving personal property or to remove his personal property out of the Territory or did or is about to assign, transfer, dispose of or secrete such property or to conceal himself to avoid service of process.
- (2) The Magistrate's Court shall not have civil jurisdiction in
- (a) actions in which the title to land or to an interest in land is brought in question;
 - (b) actions in which the validity of any devise, bequest or limitation is disputed;

Jurisdiction
excluded in
certain cases.

- (c) actions for malicious prosecution, false imprisonment, libel, slander, criminal conversation, seduction or breach of promise of marriage; and
- (d) actions against a justice of the peace or magistrate for anything done by him in the execution of his office.

Magistrates

- 7. (1) The Commissioner may appoint such magistrates and deputy magistrates as he considers necessary for the administration of justice in the Territory.
- (2) A deputy magistrate has all the powers, duties and functions of a magistrate
- 8. (1) Every magistrate shall, upon appointment, take and subscribe before a judge the following oath: Oath.
" I, do solemnly and sincerely promise and swear that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trusts reposed in me as a magistrate of the Magistrate's Court of the Yukon Territory. So help me God."
- (2) The oath of Office shall be transmitted forthwith to the Commissioner and filed in his office. Disposition of oath.
- 9. (1) A magistrate shall not while in the Territory act as agent, solicitor or counsel in any proceedings before another magistrate or a justice of the peace. Acting as counsel.
- (2) Unless otherwise authorized by the Commissioner a magistrate shall not while in the Territory carry on or practice any business, profession, trade or occupation, but shall devote his time to the performance of his duties as a magistrate. May not carry on business or profession.
- 10. (1) The Commissioner may, by order, remove a magistrate from office before attaining retirement age only for misbehaviour or for inability to perform his duties properly and only if, Removal for cause.
 - (a) the circumstances respecting the misbehaviour or inability are first enquired into; and
 - (b) the magistrate is given a reasonable notice of the time and place for the inquiry and is afforded an opportunity, by himself or his counsel, of being heard and of cross-examining the witnesses and of producing evidence on his own behalf.
- (2) For the purpose of making an inquiry under subsection (1), Inquiry. the Commissioner shall appoint a superior court judge who shall make the inquiry and a report thereon and he shall have all the powers of a judge of the Territorial Court to summon and enforce the attendance of any person to require such person to give evidence under oath and to produce such documents as to the judge seems requisite for the full investigation of the matters into which he is appointed to examine.
- (3) The Commissioner may suspend a magistrate pending the result of an inquiry under this section.
- (4) The Commissioner shall cause the order and the report referred to in this section to be laid before the Council within fifteen days after the order has been made or if the Council is not then sitting on any of the first fifteen days next thereafter, that the Council is sitting.

11. (1) Every magistrate shall on appointment become a member of the public service of the Territory and except as provided by this Ordinance the provisions of the *Public Service Ordinance* shall apply to him.
- (2) Sections 23, 24, 25, 26, 29, 30, 33, paragraphs (d), (e) and (f) of subsection (1) of section 34 and section 35 of the *Public Service Ordinance* shall not apply to a magistrate.
- (3) A magistrate shall be deemed to be a person employed in a managerial or confidential capacity for the purposes of the *Yukon Public Service Staff Relations Ordinance*.
12. Every judge or deputy judge of the Territorial Court is ex officio a magistrate, but the provisions of sections 7, 8, 10, 11, 18 and 31 shall not apply to him.
13. The Commissioner may appoint a clerk of the Magistrate's Court and such other officers as he deems necessary for the due administration of justice and the dispatch of the business of the Magistrate's Court.
- Seal. 14. The Magistrate's Court shall have a seal in a form prescribed by the Commissioner.
- Damages against magistrate. 15. (1) No action for the recovery of damages lies in respect of an order or warrant made or sentence imposed at any time, whether before or after the coming into force of this Ordinance,
 - (a) by a magistrate acting in the place of any other magistrate or justice who has then ceased for any reason to be a magistrate or justice.
 - (b) against or upon or in respect of a person who had been previously convicted by such other magistrate or justice but had not been sentenced by him;

if the order, warrant or sentence could have been lawfully made or imposed by the magistrate or justice by whom the conviction was made.
- Other persons. (2) No action for the recovery of damages lies against any person in respect of an act or thing done at any time whether before or after the coming into force of this Ordinance, in the execution of any order, warrant or sentence to which subsection (1) relates, or purporting to be done in compliance with or incidental to any such order, warrant or sentence.
- Where action exceeds jurisdiction. (3) No action may be brought against a magistrate for any act done in the execution of his duty or in a matter in which he lacked or has exceeded his jurisdiction, unless it is proved that the magistrate acted maliciously and without reasonable and probable cause.
- (4) No order, verdict, or judgment or other proceeding made by the Magistrate's Court shall be quashed or vacated for want of form.
- (5) The magistrate may in his discretion order that the venue of any cause or matter may be changed and that the cause or matter be heard in such place in the Yukon as he shall direct.
- Manner of proceeding in Magistrate's Court. 16. (1) Subject to this Ordinance, the rules of practice and procedure followed in the Territorial Court shall, mutatis mutandis, be followed in all actions and proceedings in the Magistrate's Court, other than claims that might have been brought before a Small Debts Official under the provisions of the *Judicature*

- Ordinance*, and the provisions respecting Small Debts in that Ordinance shall, mutatis mutandis, be followed in all actions and proceedings in the Magistrate's Court that might have been brought before a Small Debts Official under those provisions.
- (2) All proceedings in the Magistrate's Court shall be entitled "In the Magistrate's Court of the Yukon Territory." Proceedings how entitled.
- (3) Every action in the Magistrate's Court shall be tried and judgment given, and decisions, determinations, orders and decrees shall be made by a magistrate. Powers of magistrate.
17. The Commissioner may establish tariffs of fees and costs for services rendered by Fees.
- (a) clerks,
(b) the sheriff, and
(c) barristers and solicitors
- in actions and proceedings arising in the Magistrate's Court.
18. Every magistrate or officer appointed pursuant to this Ordinance shall keep such books and make such returns as may be prescribed.
19. The provisions of sections 20 to 28 shall only apply in respect of civil cases.
20. (1) An appeal may be taken from the final judgment of a magistrate in any civil case to a judge of the Territorial Court. Appeals.
- (2) An appeal from the final judgment of a judge of the Territorial Court on an appeal referred to in subsection (1), may be taken in the same manner, for the same causes and subject to the same limitations as are prescribed in the *Court of Appeal Ordinance* with reference to appeals from a judgment of a judge of the Territorial Court.
21. (1) Where an appeal lies from a judgment or order of a magistrate to a judge, it shall be commenced by notice of appeal without any other formal proceeding being required. Notice of appeal.
- (2) On appeals, the applicant may, by the notice of appeal, appeal from the whole or any part of the judgment or order and the notice of appeal shall state whether the whole or part only of the judgment or order is complained of and if part only, specify the part, and such notice of appeal shall state the grounds on which the application is based. What notice is to contain.
- (3) A notice of appeal may be amended at any time by leave of the judge before whom the appeal is brought on such terms as he deems fit. Amendment.
22. No security for costs is required on any appeal except in cases where due to special circumstances, such security is ordered by a judge but no such order shall be made unless application therefor is made within fifteen days from the service of the notice or within such further time as the judge may order. Security for costs.

- Filing of notice of appeal. 23. (1) A notice of appeal shall be filed in the Territorial Court and served on all parties directly affected by the appeal, and if the judge before whom the appeal is brought so directs, on all of the parties to the action or other proceedings, or on any person not a party, and the judge may, in the meantime, postpone or adjourn the hearing of the appeal upon such terms as to him seems just, and may give such judgment and make such order as might be given or made if the persons served with such notice had been original parties.
- Time for filing. (2) A notice of appeal shall be filed and served as provided in subsection (1) within thirty days from the date upon which the judgment or order appealed from is signed, entered or pronounced, but a judge may, either before or after the expiration of that time, extend the time for filing or serving such notice.
- Appeal not to stay proceedings. 24. Except as ordered by the magistrate from whose decision an appeal is taken or the judge before whom the appeal is brought, and subject to such conditions as he may impose, an appeal does not operate as a stay of execution or of proceedings under the decision appealed from, and no intermediate act or proceeding is invalid by reason only of that appeal.
- How questions of fact to be brought on appeal. 25. When a question of fact is involved in an appeal, the evidence taken before a magistrate bearing on the question, shall, subject to any order of the judge before whom the appeal is brought be brought before such judge as follows:
- (a) in the case of evidence taken by affidavit, by the production of the affidavit or by permission of the judge by copies of the affidavit; and
 - (b) in the case of evidence given orally, by production of any or all of the following:
 - (i) the transcript of the evidence, as prepared by a stenographer who took down the evidence at trial, or notes made by the magistrate, and
 - (ii) such other material as the judge before whom the appeal is brought deems proper.
- Form of appeal books. 26. (1) A person appealing from a decision of a magistrate shall serve upon the respondent or his solicitor a copy of the appeal book therein, and shall file with the Clerk of the Territorial Court two copies of such appeal book within twenty days from the filing of the notice of appeal or within such other time as a judge directs.
- (2) The appeal book shall be clearly and legibly type-written or printed and must be approved of by the opposite party or settled by the magistrate from whose decision the appeal is made before it is filled under this section.

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| 27. | The hearing of an appeal shall be held at such time as is fixed by the judge before whom the appeal is taken. | Hearing of appeal. |
| 28. | There shall be paid to the Clerk of the Territorial Court on all appeals from the Magistrate's Court such fees as may be prescribed by the Territorial Court. | Fees. |

Rules of Court

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| 29. | (1) The Commissioner may after consultation with the senior full-time magistrate make rules regulating the practice and procedure in the Court, and may, without restricting the generality of the foregoing, make rules <ul style="list-style-type: none"> (a) prescribing the duties of the Clerk or other officer of the Court and employees thereof; (b) for the recording of proceedings in Court and the transcription of any such recording; (c) fixing the fees and other costs that may be charged in respect of proceedings in the Court; (d) regulating the proceedings in respect of any Act or Ordinance that confers jurisdiction upon the Court or a magistrate; and (e) governing the payment, transfer of deposit, into, or in or out of the Court of any money or property, or the dealing therewith. | Commissioner may make rules |
| | (2) Where provisions in respect of practice or procedure in the Court are contained in any Ordinance, rules may be made modifying such provision to any extent that is deemed necessary for the equitable dispatch of business of the Court unless that power is expressly excluded. | Modification of rules. |

Regulations

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| 30. | (1) The Commissioner may make regulations <ul style="list-style-type: none"> (a) specifying the returns made by magistrates and officers of the Court; (b) providing for the safekeeping, inspection and destruction of books, documents and papers of magistrates and the Court; and (c) respecting any other matter considered necessary or advisable to carry out effectively the intent and purpose of this Ordinance. | Commissioner's regulations. |
| | (2) Any regulation made under subsection (1) may be general or particular in its application. | Application of regulations |

Court Sittings

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| 31. | The Commissioner after consultation with the senior full-time magistrate shall have the power to arrange the sittings of the Court and the assignment of magistrates for hearings therein having regard to the desirability of rotating magistrates and the volume of judicial work in any area of the Territory. | Itineraries of magistrates. |
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Transitional

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| 32. | Where proceedings were commenced in the Police Magistrate's Court as constituted immediately prior to the coming into force of this Ordinance, such proceedings shall be dealt with, continued or determined in the Magistrate's Court in accordance with this Ordinance. | |
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- 33. (1) Every person appointed under the Yukon Act who upon the coming into force of this Ordinance holds office as a police magistrate, deputy police magistrate, clerk, deputy clerk, Small Debt Official or recorder, shall continue to hold office as if appointed pursuant to this Ordinance.
- (2) Notwithstanding paragraphs (a) or (d) of section 2, reference in this or any other Ordinance to a magistrate, deputy magistrate, clerk, deputy clerk or Small Debt Official shall include a person continuing to hold office pursuant to subsection (1).

34. Whenever the expression "Police Magistrate's Court," "Police Magistrate's Court Ordinance," or "Police Magistrate" or "magistrate" is mentioned or referred to in any Ordinance or in any order, rule or regulation made under any ordinance there shall be in every case, unless the context otherwise requires, substituted the expression "Magistrate's Court", "Magistrate's Court Ordinance" or "Magistrate" as the case may be.

Juvenile Court.

- 35. The Magistrate's Court
 - (a) is a juvenile court for the purpose of dealing with juvenile delinquents; and
 - (b) has all the powers vested in a juvenile court under the *Juvenile Delinquents Act*.

Records of Court.

- 36. (1) Subject to subsection (2), the records of the Court dealing with juveniles, including any reports, clinical studies or examinations made of any person party to proceedings before the Court, shall not be open to inspection by any person not a party to such proceedings or the counsel or agent of such party.
- (2) A magistrate may authorize the inspection of any records described in subsection (1) by any person conducting research studies in connection with the protection, welfare and treatment of children.

37. The *Police Magistrate's Court Ordinance* being Chapter 88 of the Revised Statutes of the Yukon Territory is repealed.

Coming into force.

- 38. This Ordinance shall come into force on a day to be fixed by the Commissioner.

April 1, 1971, is fixed as the coming-into-force date by Commissioner's Order 1971/125.

CHAPTER 11
ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

AN ORDINANCE RESPECTING MENTALLY DISORDERED PERSONS

(Assented to April 1, 1971)

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

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| 1. | This Ordinance may be cited as the <i>Mental Health Ordinance</i> . | Short Title. |
| 2. | In this Ordinance, | Definitions. |
| | (a) "court" means a justice of the peace or a judge of the Territorial Court, as the case may be. | "Court." |
| | (b) "mentally disordered person" means a person, | "Mentally disordered person." |
| | (i) in whom there is such a condition of arrested or incompleated development of mind, whether arising from inherent causes or induced by disease or injury, or | |
| | (ii) who is suffering from such a disorder of the mind, that he requires care, supervision and control for his protection and the protection of his property and has been so found by the court. | |
| | (c) "Public Administrator" means the person appointed to that office in the manner authorized by law. | "Public Administrator." |
| 3. | (1) An application under this Ordinance may be made to a justice of the peace having jurisdiction in the area in which a person alleged to be mentally disordered resides or may be, or a judge of the Territorial Court, either of whom has jurisdiction to entertain the application and make such orders under this Ordinance as may be necessary. | Jurisdiction. |
| | (2) Where an application is made to a justice of the peace, he shall, having regard to the urgency with which such application should be dealt with for the safety of life and property, exercise jurisdiction under this Ordinance or direct that it should be made to a judge of the Territorial Court. | Justice of the peace may deal with application or refer to higher court. |
| 4. | (1) Any person may make an application to the court, supported by his affidavit giving reasons therefor, alleging that a person is or is suspected and believed to be a mentally disordered person and requesting an order declaring that such person is a mentally disordered person, respecting his custody or commitment and respecting the management of his property. | Application |
| | (2) Subject to a direction pursuant to section 3, the court may, if satisfied that the application and supporting affidavit warrant a hearing, issue a warrant in the prescribed form to apprehend the person alleged to be mentally disordered and bring him before the court for a hearing. | Warrant for hearing. |

- Detention without warrant. (3) Any person apparently mentally ill or mentally defective and conducting himself in a manner which may be dangerous to himself or others, may be apprehended without a warrant by a peace officer, and detained until the question of his mental condition is determined by the court.
- Evidence at hearing. 5. (1) The court shall, at the hearing, hear evidence concerning,
 (a) the alleged mental disorder, including the evidence of two medical practitioners;
 (b) the residence, name, age and other particulars of the person alleged to be mentally disordered;
 (c) the means of support of the person alleged to be mentally disordered and the property, both real and personal, of the person alleged to be mentally disordered;
 (d) his marital status and dependents, if any; and
 (e) such other matters as the court deems relevant to the case,
 but where the evidence mentioned in paragraph (a) is not available the court may dispense with such evidence if having regard to all the circumstances of the case it is proper to do so.
- Powers at hearing. (2) The court has full power to compel attendance of witnesses, the production of documentary or other evidence and take such other steps as it deems necessary for a full and proper hearing.
- Dismissal of application. 6. (1) Where the court is not satisfied that the person alleged to be mentally disordered is mentally disordered, it shall order dismissal of the application and make such order as to costs or otherwise as it deems just in the circumstances.
- Where found mentally disordered. (2) Where the court is satisfied that the person alleged to be mentally disordered is mentally disordered, it shall make an order to that effect, and shall commit such person, by warrant in the prescribed form, to the custody of the Royal Canadian Mounted Police to remain in such custody until the pleasure of the Commissioner is known or such person is discharged by law.
- To notify the Commissioner. (3) Where an order and warrant are made under subsection (2), the court shall cause copies thereof and of the evidence produced before it to be sent, as soon as possible, to the Commissioner.
 (4) The Commissioner may make such order as he deems advisable as to the future custody of the mentally disordered person or may, in his discretion, direct that the hearing be re-opened or that a new hearing be held or that such other inquiry or steps be taken as he deems advisable.
- Management of estate. 7. (1) Where the court declared that a person is a mentally disordered person, it may appoint one or more trustees to manage his property, and if no such trustees are appointed, the Public Administrator shall manage his property as an estate.

- (2) In considering the appointment of a trustee, the court shall first consider whether the spouse of the mentally disordered person is a fit and proper person to be appointed as sole trustee or jointly with another person.
 - (3) Subject to any further order by the court, or by the Commissioner, the Public Administrator or the trustees appointed under subsection (1), as the case may be shall have full power to manage, administer and care for the estate of a mentally disordered person and may sell, purchase, mortgage, lease, repair or do any matter or thing and take any proceeding they deem necessary for this purpose. Powers of Public Administrator.
 - (4) The Public Administrator or the trustees appointed under subsection (1), as the case may be, shall carry out any order of the court or of the Commissioner respecting an estate of a mentally disordered person and may apply to the court or the Commissioner for directions as to the performance of their duties. To carry out court orders.
 - (5) The Public Administrator shall file once each year with the Commissioner an accounting of all assets in each continuing estate under his control.
 - (6) The Public Administrator, or any person appointed as trustee under section 7(1), is liable to render an account of his management of an estate and to provide such affidavits as the Commissioner may require.
8. The Commissioner may order or any person may apply to a judge of the Territorial Court for an order that a mentally disordered person shall be declared to be no longer mentally disordered and to be discharged by law and respecting such other matters respecting his return from custody and the return of his estate to him as may be deemed just and proper. Discharge of mentally disordered person.
9. The Commissioner may,
- (a) make such regulations as he deems necessary to carry out the purposes and provisions of this Ordinance,
 - (b) prescribe forms.
10. The *Insane Persons Ordinance* is hereby repealed.
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CHAPTER 12

ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)AN ORDINANCE TO CONSTITUTE THE
TERRITORIAL COURT OF THE YUKON TERRITORY

(Assented to February 26, 1971)

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

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| 1. This Ordinance may be cited as the <i>Territorial Court Ordinance</i> . | Short Title. |
| 2. In this Ordinance, | Definitions. |
| (a) "Court" means the Territorial Court of the Yukon Territory established by this Ordinance; | "Court." |
| (b) "judge" means the judge of the Court appointed by the Governor-in-Council pursuant to the <i>Yukon Act</i> and includes a deputy judge of the Court and an <i>ex officio</i> judge of the Court. | "Judge." |
| 3. There shall be a superior court of record in and for the Territory called the "Territorial Court of the Yukon Territory". | Territorial Court established. |
| 4. The Court shall consist of a judge of the Court and such <i>ex officio</i> judges and deputy judges as may be appointed from time to time by the Governor-in-Council. | Appointment of judges. |
| 5. (1) The Court is a superior court of record having full civil and criminal jurisdiction throughout the Territory. | Jurisdiction. |
| (2) The Court shall, throughout the Territory, have and may exercise in all cases, all the powers, duties and functions that were vested in the Territorial Court of the Yukon Territory immediately prior to the commencement of this Ordinance. | |
| (3) A judge of the Court shall, throughout the Territory, have and may exercise all the powers, duties and functions that are vested in the Court. | |
| 6. (1) Sittings of the Court shall be held at such times and places as the judge of the Court deems necessary. | Sittings. |
| (2) The Court may sit in the Northwest Territories for the purpose of hearing a civil case other than a civil case where the Court sits with a jury. | |

(3) When the Court sits in the Northwest Territories the Court has and may exercise all the powers, duties and functions in the Northwest Territories that it has and may exercise when sitting in the Yukon Territory.

Oaths of
Judges.

7. Every judge shall before assuming the duties of his office, take and subscribe before a judge of the Court, the Commissioner or a person appointed by the Commissioner for that purpose, the following oath:

"I do solemnly and sincerely promise and swear that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trusts reposed in me as one of the judges of the Territorial Court of the Yukon. So help me God."

Judgment
after
resignation.

8. (1) Where a judge of the Court has resigned his office, and a case that has been fully heard by that judge stands for judgment, he may within two months after his resignation give judgment therein as if he were still a judge.

(2) Any judgment referred to in subsection (1) is of the same force and validity as if the former judge were still a judge.

Constitutional.

9. (1) When in an action or other proceeding the constitutional validity of an enactment of Canada or of the Territory is brought in question, the enactment shall not be held to be invalid unless notice has been given to the Attorney General of Canada or the Commissioner as the case may require or the Court may direct.

(2) The notice referred to in subsection (1) shall specify the enactment alleged to be invalid and the grounds on which the enactment is alleged to be invalid and shall be served on the Attorney General of Canada or the Commissioner, as the case may require not less than ten days prior to the date fixed by the Court for the determination of the question, together with a copy of the pleadings if any in the case and of any other material which has been filed in the Court or submitted in evidence.

(3) The Attorney General of Canada and the Commissioner are entitled as of right to be heard, either in person or by counsel, notwithstanding that the crown or the Commissioner is not a party to the action or proceeding.

(4) In this section "enactment" includes act, regulations, order, order-in-council, ordinance and any other statutory instrument made by or under the authority of Her Majesty, the Parliament of Canada, the Parliament of the United Kingdom, the Governor General, the Governor-in-Council, a minister, the Commissioner-in-Council, or the Commissioner.

Appointment
of officers.

10. The Commissioner may appoint the Clerk of the Court, the Sheriff and such other officers as he deems necessary for the due administration of justice and the dispatch of business of the Court.

Transitory.

11. Where proceedings were commenced in the Territorial Court as constituted immediately prior to the coming into force of this Ordinance, the proceedings shall be dealt with, continued or determined in the Court in accordance with this Ordinance.

12. Where in any statute or ordinance, or in any order, rule or regulations made thereunder, reference is made to
- (a) the Territorial Court of the Yukon Territory;
 - (b) to a court constituted by statute or ordinance and exercising within the Territory the jurisdiction, powers and authority exercised within the Territory by the Territorial Court of the Yukon at the date of the passing of such statute or ordinance; or
 - (c) a judge thereof;

the reference shall be taken to mean and to refer to the Court established by this Ordinance or to a judge of such Court as the case may be.

13. Every person appointed under the *Yukon Act* who upon the coming into force of this Ordinance holds office as a clerk of the Court, deputy clerk of the Court, sheriff, deputy sheriff, bailiff or recorder shall continue to hold office as if appointed pursuant to this Ordinance.

14. This Ordinance shall come into force on a day to be fixed by the Commissioner.

Coming into force.

April 1, 1971, is fixed as the coming-into-force date by Commissioner's Order 1971/124.

CHAPTER 13
ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

AN ORDINANCE TO ESTABLISH A TRANSPORT PUBLIC
UTILITIES BOARD IN THE YUKON TERRITORY

(Assented to April 5, 1971)

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 *Transport Public Utilities Ordinance*. Short Title.

2. (1) In this Ordinance, Definitions.
 - (a) "Board" means the Transport Public Utilities Board constituted by this Ordinance; "Board."
 - (b) "certificate" means a certificate of authority to operate public service vehicles; "Certificate."
 - (c) "member" means a member of the Board; "Member."
 - (d) "public service vehicle" means a motor vehicle operated on a highway by or on behalf of any person for gain or reward, whether such operation is regular, occasional or for a single trip, but does not include a motor vehicle owned by a municipality nor a motor vehicle used by its owner for the distribution or transportation of goods manufactured or sold by him or a single vehicle used by its owner to distribute commodities on his own behalf; "Public service vehicle."
 - (e) "transport public utility" means a person who operates a public service vehicle. "Transport public utility."
- (2) Any term used in this Ordinance which is defined in the *Motor Vehicles Ordinance* and not in this Ordinance shall have the meaning given to it in the *Motor Vehicles Ordinance*.

3. (1) No person shall operate, or cause or permit to be operated, a public service vehicle owned by him unless he has a certificate authorizing him to do so and a copy of the certificate is carried in the vehicle. Certificate required to operate public service vehicle.
- (2) Except where specially authorized by the Board, no holder of a certificate shall operate a public service vehicle in respect of which the certificate was issued except in accordance with
 - (a) the terms and conditions contained in the certificate, and
 - (b) the provisions of this Ordinance and the regulations made thereunder.
- (3) Notwithstanding any other provisions of this Ordinance or the regulations, where a truck-tractor drawing a

trailer is registered or licenced outside the Territory and is brought into the Territory for the purpose of transferring the trailer to a properly licenced truck-tractor, the said first mentioned truck-tractor is exempt from the provisions of this section during the portion of the journey between

- (a) the south border of the Territory and the Watson Lake Check Point and return to the border, and
- (b) the west border of the Territory on the Alaska Highway and the settlement of Beaver Creek and return to the border.

- Board constituted. 4. There shall be a Board, to be called the Transport Public Utilities Board, consisting of a chairman and three members to be appointed by the Commissioner.
- Quorum. 5. Three members constitute a quorum of the Board.
- Appointment of members. 6. Each of the members of the Board shall hold office during pleasure for a term of three years.
- Remuneration. 7. The members of the Board shall be paid such remuneration as the Commissioner prescribes.
- Vacancy. 8. A vacancy in the membership of the Board does not impair the right of the remainder to act.
- Substitute member. 9. If any member of the Board by reason of absence or incapacity is unable at any time to perform the duties of his office, the Commissioner may appoint a person to act for the absent or incapacitated member.
- Chairman and Vice-chairman 10. (1) The Chairman is the chief executive officer of the Board and has supervision over and direction of the work of the Board.
(2) The Commissioner shall designate one of the members to be Vice-chairman of the Board.
(3) If the Chairman is absent or is unable to act or if the office is vacant, the Vice-chairman has and may exercise all the powers and functions of the Chairman.
- Meeting. 11. The Board may be called together at any time by the Chairman or the Commissioner for the purpose of considering applications, objections, or complaints at the time and place fixed by the Chairman or the Commissioner.
12. The Board may meet at any time on its own motion to perform any of its functions or duties under this Ordinance.
- Experts. 13. (1) Subject to the approval of the Commissioner, the Board may from time to time appoint one or more persons having special technical or other knowledge to enquire into and report on any matter before the Board or in respect of which the Board deems it necessary to have information.

- (2) A person appointed pursuant to subsection (1) shall be paid such remuneration as the Commissioner may prescribe. Remuneration.
14. The Board shall keep a record of all proceedings conducted before the Board and be responsible for the custody and care of all records and documents belonging to or pertaining to the Board. Records.
15. (1) The Board may authorize a member or any other person to investigate and report on any question or matter arising in connection with the business of the Board. Powers.
- (2) A person authorized pursuant to this section has all the powers of the Board for the purpose of taking evidence or acquiring the necessary information for his report.
16. The Board shall conduct such investigations, make such reports and perform such duties, in addition to the duties assigned to it by this Ordinance, as the Commissioner directs. Additional duties.
17. The members of the Board shall be paid such reasonable transportation, accommodation and living expenses incurred in connection with their duties while away from their ordinary place of residence as the Commissioner may prescribe. Expenses.
18. (1) Where in the opinion of the Court it is not in the public interest no member of the Board or its staff shall be compelled to give testimony in a court of civil jurisdiction with regard to information obtained in the discharge of his official duty or to produce any file, papers, information, reports, correspondence or other documents relating to the business of the Board. Evidence.
- (2) Every member and officer of the Board shall keep secret all information coming to his knowledge during the course of any inspection, examination, or investigation of any return, account, record, memorandum, book, or paper of any transport public utility, except insofar as his public duty requires him to report upon or take official action regarding the affairs of the transport public utility, or except insofar as he may be authorized by the Board to publish or to make known information.
19. (1) The Board shall, not later than the thirty-first day of May in each year, transmit to the Commissioner a report for the year ending the preceding thirty-first day of March concerning the affairs of the Board and showing the activities of the Board for that year. Annual report.
- (2) The annual report of the Board shall be tabled at the next ensuing Session of the Council.
20. The Commissioner may appoint inspectors to enforce the provisions of this Ordinance and the regulations under the direction of the Board. Appointment of inspectors.

- Reports. 21. The Board shall furnish to the Commissioner, at his request, a report respecting the granting of a certificate contemplated by the Board or a proposed increase in rates by the holder of a certificate.
- Complaints. 22. (1) Any person may file a complaint with the Board respecting
 (a) the manner in which the transport public utility provides service; or
 (b) the areas to which the transport public utility provides service.
- Order by Board. (2) The Board shall, without undue delay, hear and adjudicate upon any complaint filed pursuant to subsection (1) and may make an order
 (a) determining the conditions and manner in which a transport public utility shall provide transport services; or
 (b) requiring the transport public utility to establish, construct, maintain and operate any reasonable extension to its existing facilities.
- (3) Notwithstanding subsection (2), where a complaint filed pursuant to subsection (1) is, in the opinion of the Board, frivolous, vexatious, calculated to delay, or without substance, the Board may, without a hearing, summarily dismiss the complaint.
- Complaint by Commissioner. 23. The Commissioner may, in respect of any transport public utility, file a complaint with the Board respecting any matter that can be the subject of a complaint pursuant to subsection (1) of section 22, and the Board has the same powers to deal with such complaint as it has under section 22.
- Application to Board for certificate. 24. (1) (a) An owner wishing to operate a public service vehicle in the Territory shall apply to the Board for a certificate.
 (b) The application shall be in the prescribed form and shall be accompanied by the prescribed fee and such additional information as the Board may require.
- Form of application.
- Board may grant certificate or refuse application. (2) Upon receipt of the application referred to in subsection (1) and of the prescribed fees and the required information and after such public hearing or investigation or both as the Board deems proper, it may
 (a) grant a certificate subject to such terms and conditions as it deems proper; or
 (b) refuse the application.

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| <p>(3) Where an application is made for a certificate or an alteration or a transfer or lease thereof, notice of the application shall be published on two occasions at least one week apart, the last of which shall be at least fourteen days before the hearing of the application, in a newspaper that circulates throughout the Territory.</p> | <p>Notice of application.</p> |
| <p>(4) Upon any application for a certificate, the Board shall take into consideration amongst other matters,</p> <p style="padding-left: 20px;">(a) any objection to the application made by any person already providing transport facilities of the type the applicant intends to provide on the ground that suitable facilities are or, if the certificate was issued, would be in excess of requirements or, on the ground that any of the conditions or any other certificate or licence held by the applicant has not been complied with;</p> <p style="padding-left: 20px;">(b) the general effect on other transport services and any public interest that may be affected by the issue of such certificate; and</p> <p style="padding-left: 20px;">(c) the quality and permanence of the service to be offered by the applicant and the fitness, willingness and ability of the applicant to provide proper service.</p> | <p>Considerations.</p> |
| <p>25. Except as provided by section 35, the Board shall hold a public hearing with respect to every application for approval of a certificate or the alteration thereof and may receive oral or written representation from any person with respect to any application before it.</p> | <p>Public hearing.</p> |
| <p>26. The Board shall approve or refuse to approve the issue of a certificate or the alteration thereof or may approve such certificate subject to such conditions or amendments as may be specified by the Board.</p> | <p>Approval or refusal.</p> |
| <p>27. In contentious matters, the Board may require notice of an application to or hearing by the Board to be given to such parties as it directs.</p> | <p>Notice to other parties.</p> |
| <p>28. This Ordinance shall not apply to an application for a licence for the purpose only of transporting goods or passengers through the Territory without loading or discharging passengers or goods within the Territory.</p> | <p>Through traffic.</p> |
| <p>29. The Board may order and require any person to do forthwith, or within, or at, any specified time and in any manner prescribed by the Board so far as it is not inconsistent with this Ordinance, any act, matter or thing that such person is or may be required to do under this Ordinance and may forbid the doing or continuing of any act, matter or thing that is contrary to this Ordinance.</p> | <p>General jurisdiction.</p> |
| <p>30. (1) The Board may</p> <p style="padding-left: 20px;">(a) enter upon and inspect at any reasonable time any place, building, works, vehicle or other property of the holder of a certificate;</p> | <p>Powers of Board.</p> |

- (b) require the attendance of such persons as it deems necessary to summon, and examine and take the testimony of such persons;
 - (c) require the production of such books, plans, specifications and other documents as it deems necessary; and
 - (d) administer oaths, affirmations or declarations.
- No action against Board. (2) No action or proceeding shall lie against the Board or any member of the Board or any officer, agent, or staff of the Board for anything done or purporting to be done in pursuance of this Ordinance.
- Costs. (3) The Board may order to whom or by whom any costs incidental to any proceedings before the Board are to be paid and may fix the costs to be paid.
- Offence to disobey order of Board on public hearing. (4) Where a hearing is held by the Board, any person who
- (a) fails, without valid excuse, to attend the hearing;
 - (b) fails to produce any document, book or paper in his possession or under his control required pursuant to subsection (1); or
 - (c) refuses to be sworn or to answer any proper questions put to him by the Board;
- is guilty of an offence punishable on summary conviction.
- Rules. 31. The Board may make rules respecting
- (a) the sittings of the Board;
 - (b) the procedures for making applications, representations and complaints to the Board, the conduct of hearings before the Board, and generally the manner of conducting any business before the Board; and
 - (c) generally, for the carrying on of the work of the Board and the management of its internal affairs.
- Enquiry. 32. The Board may on its own motion enquire into, hear and determine any matter or thing respecting the provision of transport services to the public in the Territory.
- Interim order. 33. The Board may in any matter before it make an interim order and reserve further direction either for an adjourned hearing or for further application.
34. The Board may review, rescind, change, alter or vary any decision or order made by it, and may rehear any application or complaint before deciding it.
- Summary order. 35. (1) The Board may, on the ground of urgency and notwithstanding that it has not held a public hearing, make an interim order on any matter within its jurisdiction or issue or alter a certificate, but such order shall expire sixty days from the date on which it is made but may be renewed by the Board.
- Application for decision. (2) Any person affected by an order made or approval granted pursuant to subsection (1) may within fourteen days of the making of the order, or within such further time as the Board may allow, apply to the Board to alter or rescind the order or the approval thereof.

36. (1) Where any work, act, matter or thing is by an order or decision of the Board required to be done, performed or completed within a specified time, and if the circumstances of the case so require, the Board may, upon giving such notice as it deems reasonable, or in its discretion without notice extend or abridge the time so specified. Extension of time.
- (2) Where an application is made pursuant to this Ordinance, and the Board is satisfied that it is in the public interest to do so, it may
- (a) abridge or extend the time for the doing of any thing or the service of any notice required by this Ordinance, or
- (b) exempt the application from any of the provisions of this Ordinance, subject to any condition which it may impose or subject to later compliance with the provisions of this Ordinance and for that purpose may grant an interim certificate or interim exemption.
37. Every order and decision of the Board shall be final and binding until changed or amended by the Board but no order of the Board shall be effective until a copy thereof is served on the person to whom it is directed. Order final.
38. (1) A copy of any complaint, order or notice shall be served by personally serving it, Method of service.
- (a) in the case of a corporation, on some person in charge or apparently in charge of its undertaking, or at its registered office or chief place of business in the Territory;
- (b) in the case of a partnership, on any member thereof; or
- (c) in the case of an individual, on him.
- (2) If in any case it is made to appear to the satisfaction of the Board that service of any complaint, order or notice cannot be made in the manner provided in subsection (1), the Board may allow service to be made by publication in a local newspaper or by prepaid registered mail.
39. Except as provided in sections 33, 34, 35 and 36, every decision of the Board is final, and no order or decision of the Board may be questioned, reviewed, restrained, or removed by prohibition, injunction, certiorari or any process or proceeding in any court. No appeal.
40. (1) An appeal lies from a decision or order of the Board to the Court upon a question of law if such appeal is taken within thirty days of the day the decision or order is made. Appeal of law.
- (2) On application being made the Court may extend the time allowed for appeal. Extension of time.
41. The Board is entitled to be heard by counsel or otherwise upon argument of an appeal. Appearance.

- Order not suspended. 42. The operation of an order of the Board is not suspended by an appeal to the Court but the Court or the Board may suspend the operation of the order until such time as the appeal has been determined.
- Evidence of order. 43. In any action or other proceeding, a copy of any order of the Board purporting to be certified by a member to be a true copy is *prima facie* evidence of the order without evidence of the signature of the member.
- Enforcement of order. 44. (1) Any decision or order made by the Board may, for the purposes of enforcement thereof, be made an order of the court and when so made may be enforced in like manner as any order of the Court.
(2) A decision or order of the Board becomes an order of the Court immediately upon the filing with the Clerk of the Court of a certified copy of the decision or order.
- Filing of order. 45. No certificate or right or privilege thereunder shall be capitalized, sold, assigned, leased or transferred except with the prior written approval of the Board.
- Approval of Board for transfer of certificate. 46. No person shall deface or alter a certificate or a schedule of times, tolls or rates.
- Defacing or altering certificate or schedule. 47. No holder of a certificate shall, without the authority of the Board, abandon or discontinue a service established under such certificate.
- Abandon or discontinue a service. 48. (1) A person who fails to comply with the requirements of this Ordinance is guilty of an offence and is liable on summary conviction,
(a) if an individual, to a fine not exceeding five hundred dollars, and in default of payment thereof, to imprisonment for a term not exceeding six months, or subject to both fine and imprisonment; and
(b) if a corporation, to a fine not exceeding five thousand dollars.
- Offence and penalty. (2) Any person who advises, solicits or persuades or knowingly instructs, directs or orders any officer, agent or employee of a transport public utility to perform, commit or do any act that is contrary to an order of the Board or to the requirements of this Ordinance, is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars and in default of payment thereof, to imprisonment for a term not exceeding six months.
- Unlawful counselling. (3) The Board may amend, suspend or cancel any certificate on conviction of the holder of the certificate in any court for any offence against this Ordinance.
(4) Where an offence under this Ordinance committed by a corporation is committed with the consent or connivance of any director, manager, secretary or of any official of the corporation in charge or apparently in charge of a project he, as well as the corporation, is guilty of an offence and he is liable on summary conviction to a sentence not exceeding six months or a fine not exceeding five hundred dollars or to both fine and imprisonment.

- (5) Where a complaint is laid against a person who is a corporation, a summons may be issued requiring an officer, director, secretary or partner named therein to appear in court to answer the charge on behalf of the corporation and to attend in court from day to day until the trial or hearing has been completed.
 - (6) Any person who fails to obey a summons issued pursuant to subsection (5) shall be guilty of an offence and is liable on summary conviction to a sentence not exceeding six months or a fine not exceeding five hundred dollars or to both fine and imprisonment.
 - (7) Every person commits an offence who
 - (a) makes any return or furnishes any information to the Board which is false in any particular;
 - (b) fails or refuses to prepare and furnish to the Board, within the time and in the manner and form required by the Board, any information in his possession or under his control required under this Ordinance or the regulations;
 - (c) upon demand, fails or refuses to exhibit to the Board or any person authorized to examine the same, any book, paper, account, record, or memorandum in his possession or under his control;
 - (d) wilfully obstructs or interferes with any member, officer, or employee of the Board or any other person in the exercise of the rights conferred or duties imposed by or under this Ordinance or the regulations or orders of the Board;
 - (e) knowingly solicits, accepts, or receives, directly or indirectly, any rebate, concession, or discrimination in respect of any service whereby that service is furnished or received in violation of any provision of this Ordinance or the regulations or orders of the Board;
 - (f) being an officer of the Board, or a person having access to or knowledge of any return made to the Board, or of any information procured or evidence taken pursuant to this Ordinance other than at a public inquiry or hearing, and who, without the authority of the Board first obtained, publishes or makes known any information, having obtained the information or knowing it to have been derived from that return, information, or evidence; or
 - (g) being the holder of a certificate in respect of a public service vehicle, operates the public service vehicle in contravention of the certificate or any of the conditions attached thereto.
 - (8) In any prosecution under this Ordinance in respect of the operation of a public service vehicle in the transportation of any passenger or freight, proof of the fact that any passenger or freight was being transported by the public service vehicle on a highway is *prima facie* evidence that the passenger or freight was being so transported for compensation; and the burden is on the accused in all cases of proving that the public service vehicle so operated is of a class or was being operated in a manner different from that alleged in the prosecution.
49. (1) An inspector or member of the Royal Canadian Mounted Police may
- (a) without warrant, seize a vehicle that, in his opinion, is being operated in contravention of this Ordinance or the regulations; and
- Seizure and impoundment of public service vehicle.

- (b) retain such vehicle in his custody
 - (i) until the proper fees and charges are paid, or
 - (ii) if an information is laid within seven days of the date of the seizure, until the case is judicially disposed of.

- (2) A vehicle which has been seized pursuant to subsection (1) may be released if security by deposit of cash or a bond equivalent to a maximum of one thousand dollars is deposited with the Board.
- (3) Where an inspector or a member of the Royal Canadian Mounted Police takes a vehicle into custody, he may direct that it be taken to a weigh scale or a place of storage and all costs and charges for the removal, care and storage of the same and the cargo thereon, if any, are a lien upon the vehicle, and may be recovered in the manner provided for as if it were a lien under the *Garage Keepers Ordinance*.

Powers of inspector.

- 50. An inspector appointed pursuant to section 20 has all the powers of an officer appointed under the *Motor Vehicles Ordinance*.

Certificate deemed cancelled.

- 51. (1) Where a certificate has been granted by the Board, the certificate shall be deemed to have been cancelled if the applicant
 - (a) fails within such time as the Board may decide is reasonable, to exercise the rights and privileges granted in the certificate or to provide adequate and efficient service; or
 - (b) has not renewed the licences specified in the certificate for a period of three months after the end of the fiscal year.
- (2) If the applicant fails within a period of three months from the granting of a certificate, to procure the requisite number of licences specified in the certificate, the certificate shall be endorsed with the number of licences procured by the applicant and the applicant shall not without the approval of the Board be granted any further licences.
- (3) The Board shall have the power, on application, to extend the time specified in subsections (1) and (2).

Regulations.

- 52. The Commissioner may make such regulations as he deems necessary for carrying out the purposes and provisions of this Ordinance and, without restricting the generality of the foregoing, may make regulations concerning
 - (a) the amount of deposit, insurance policy or bond required in respect of a transport public utility;
 - (b) the terms and conditions of cancellation respecting such insurance or bond;
 - (c) the filing of bonds and certificates of insurance;
 - (d) the nature of freight that may be carried by a transport public utility;
 - (e) the terms and conditions under which freight may be carried by a transport public utility and the liability of the transport public utility who carries freight;
 - (f) routes and areas over which transport public utilities may travel;

- (g) the weight that may be carried on the top of a passenger-carrying public service vehicle;
 - (h) the maximum weight and size of packages, freight and baggage that may be carried on public service vehicles;
 - (i) the commission chargeable for collection "cash on delivery" shipments;
 - (j) the maintenance of depots and the location thereof;
 - (k) the time schedules of public service vehicles operated over a specified route;
 - (l) the classification of vehicles and the respective purposes for which vehicles so classified may be operated and authorizing the operation for gain or reward of any designated class or classes of vehicles;
 - (m) the form of application and certificates;
 - (n) the issue, renewal and transfer, suspension and cancellation of certificates;
 - (o) the classification of certificates;
 - (p) the conditions under which certificates may be cancelled or suspended by the Board;
 - (q) the fees that may be charged for certificates and other services provided under the Ordinance;
 - (r) terms and conditions to which certificates shall be subject;
 - (s) the examination of public service vehicles, their contents and equipment by inspectors and members of the Royal Canadian Mounted Police;
 - (t) equipment to be carried by public service vehicles and the condition and location in which the equipment shall be kept;
 - (u) the returns or statements to be filed, and providing for the examination by inspectors of all books, records and documents of an owner;
 - (v) the method of handling cash on delivery shipments and the collection and remittance of "cash on delivery" funds;
 - (w) the form or conditions in the bill of lading to be used;
 - (x) the delegation to the Board of such of the powers and duties of the Commissioner as may be deemed necessary;
 - (y) exemptions from any of the provisions of this Ordinance or the regulations upon such terms, limitations and conditions as may be prescribed; and
 - (z) the information and manner of display of information on vehicles operated pursuant to this Ordinance.
53. (1) Any public service vehicle licence issued pursuant to the ~~Motor Vehicle Ordinance~~ shall continue in force as if a certificate had been issued under this Ordinance until an order to the contrary is made by the Board. Transitional.
- (2) An order of the Board shall supersede the terms of any public service vehicle licence in existence on the day such order is made.

Authority for public service vehicle licence. 54. A certificate issued pursuant to this Ordinance shall be authority for the issue of such number and categories of public service vehicle licences under the *Motor Vehicles Ordinance* as may be endorsed from time to time upon the certificate by the authority of the Board.

Coming into force. 55. This Ordinance, or any provision thereof, shall come into force on a day or days to be fixed by the Commissioner.

CHAPTER 14

ORDINANCES OF THE YUKON TERRITORY

1971 (First Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER TO LEND MONEY TO THE CITY OF WHITEHORSE FOR THE UPDATING AND UPGRADING OF WHITEHORSE WATER AND SEWER SYSTEM

(Assented to February 26, 1971)

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

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| 1. This Ordinance may be cited as the <i>Whitehorse Water and Sewer System Upgrading Loan Ordinance</i> . | Short Title. |
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Interpretation

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| 2. (1) In this Ordinance, | Definitions. |
| (a) "borrowing by-law" means a by-law mentioned in section 4; | "Borrowing by-law." |
| (b) "City" means the City of Whitehorse; | "City." |
| (c) "Council" means Council of the City; and | "Council." |
| (d) "debenture" means a debenture issued pursuant to a borrowing by-law. | "Debenture." |
| (2) This Ordinance shall be construed as incorporate with the <i>Municipal Ordinance</i> but in case of conflict, the provisions of this Ordinance shall prevail. | Ordinance one with Municipal Ordinance. |
| 3. The Commissioner may, on behalf of the Territory, on the security of debentures of the City of Whitehorse, lend a sum not exceeding nine hundred, seventy thousand dollars to the City to enable it to carry on a programme of municipal works and for that purpose the Commissioner may, on behalf of the Territory, enter into an agreement with the City. | Commissioner may lend and enter into agreement. |
| 4. Subject to this Ordinance, the Council may pass by-laws for the borrowing of money not exceeding the sum of nine hundred, seventy thousand dollars for the purpose mentioned in section 3 on the security of debentures of the City issued in accordance with this Ordinance; but no such by-law shall come into force unless it has been submitted to and approved by the Commissioner and has received the assent of two-thirds of the voters of the City who have voted thereon. | By-laws. |
| 5.. (1) A borrowing by-law shall set out: | Form of by-law. |
| (a) the amount proposed to be borrowed; | |

- Form of by-law.** (b) the purpose for which the expenditure is to be made;
- (c) the term of the debentures to be issued;
- (d) the rate of interest payable thereon;
- (e) the method of repayment; and
- (f) the amount of the existing debenture debt if any and how much, if any, of the principal or interest thereof is in arrears.
- Idem.** (2) A borrowing by-law shall, by its terms:
- (a) authorize the issue of debentures for the amount of the debt to be created thereby;
- (b) specify the amount or denominations thereof;
- (c) fix the rate or rates of interest payable thereon, and the places and the times when the principal and interest shall be payable;
- (d) provide that the debentures and the interest thereon shall be paid in lawful money of Canada;
- (e) provide for the levy of an annual rate or rates sufficient to pay the principal and interest of such debenture; and
- (f) generally shall be in such form and contain such further provisions as are required by the Commissioner.
- Money to be used for purpose stated.** 6. No money borrowed pursuant to a borrowing by-law shall be used for a purpose other than that stated in the by-law, except that if there remains an unexpended balance in respect of the purpose for which the money was borrowed, such balance may be used by the City:
- (a) for the payment of any interest payable in respect of the debenture issued, or
- (b) for the repayment of the principal amount of the debenture, or any portion thereof.
- Debentures, how issued.** 7. (1) Debentures may be issued either all at one time or in instalments at such times as Council deems expedient, but no debenture shall be issued after the expiration of three years after the coming into force of the by-law.
- (2) Debentures shall be in a form approved by the Commissioner and shall be signed by such persons and in such a manner as the Commissioner prescribes.
- Form of debentures.** (3) No debentures shall be issued for a term exceeding thirty years.
- Term.** (4) Debentures shall bear interest at the same rate after as before maturity.
- Interest.** (5) Debentures and interest thereon shall be payable to the Commissioner of the Yukon Territory.
- Where payable.** 8. (1) A by-law may provide that any of the debentures authorized to be issued thereunder shall be redeemable at the option of the City at such time or times as the City may find it possible to redeem the same.
- Redemption.**

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| (2) Where a debenture is redeemed prior to maturity, the redemption shall not affect the validity of any by-law by which taxes have been imposed in respect thereof, the validity of such taxes or the power of the Council to continue to collect taxes in respect thereof. | Redemption prior to maturity. |
| 9. Any debenture issued under this Ordinance shall be valid and binding upon the City, notwithstanding any insufficiency in the form or substance of the debenture or the borrowing by-law if the by-law has received the approval of the Commissioner and the assent of two-thirds of the voters who voted thereon and no successful application has been made to quash it. | Defect in form, etc., of debenture. |
| 10. If the City defaults in payment of the monies owing on a debenture issued under a borrowing by-law, the Council shall forthwith make a special levy against all property in the City to raise sufficient funds to pay the arrears owing on such debentures. | Special levy where default in debentures. |
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CHAPTER 15
ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

AN ORDINANCE RESPECTING THE
YUKON HEALTH CARE INSURANCE PLAN

(Assented to April 5, 1971)

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

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| 1. This Ordinance may be cited as the <i>Yukon Health Care Insurance Plan Ordinance</i> . | Short Title. |
| 2. In this Ordinance, | Definitions. |
| (a) "Administrator" means the Administrator of the Yukon Health Care Insurance Plan, appointed pursuant to section 5; | "Administrator." |
| (b) "certificate of registration" means | "Certificate of registration." |
| (i) a certificate of registration issued under this Ordinance, or | |
| (ii) any other document prescribed by the Regulations as being a certificate of registration for the purposes of this Ordinance; | |
| (c) "dependant" means a dependant of an insured person as defined in the Regulations; | "Dependant." |
| (d) "Federal Act" means the <i>Medical Care Act of Canada</i> ; | "Federal Act." |
| (e) "inspector" means a person appointed pursuant to subsection (3) of section 5, or subsection (d) of section 6; | "Inspector." |
| (f) "insured health care services" means services covered by the Plan rendered by a medical practitioner that are medically required and may include health services rendered by a person lawfully entitled to render such service or services that are deemed by regulations to be insured health care services except any service that a person is eligible for and entitled to under any Act of the Parliament of Canada, except the Medical Care Act, and under any law of a province relating to workmen's compensation; | "Insured health care services." |
| (g) "insured person" means a person eligible for and entitled to insured services; | "Insured person." |
| (h) "insured services" means insured health care services; | "Insured services." |
| (i) "medical practitioner" means a person lawfully entitled to practice medicine in the place in which such practice is carried on by him and includes any person who performs insured services; | "Medical practitioner." |
| (j) "Plan" means the Yukon Health Care Insurance Plan; | "Plan." |

"Resident."

- (k) "resident" means a person lawfully entitled to be or to remain in Canada, who makes his home and is ordinarily present in the Territory, but does not include a tourist, transient or visitor to the Territory.

"Yukon Health Care Insurance Plan."

- (l) "Yukon Health Care Insurance Plan" means the Plan established by this Ordinance and the regulations for providing insured health care services to insured persons.

Insured Services

Insured services.

- 3. Subject to the provisions of this Ordinance and the Regulations, every resident is eligible for and entitled to insured services.

Payment of Account

Payments out of Yukon Consolidated Revenue Fund.

- 4. From and out of moneys issued and advanced out of the Yukon Consolidated Revenue Fund, there may be paid,
 - (a) to a medical practitioner or to a person on his behalf, such amounts in respect of insured services provided by that medical practitioner to insured persons as are determined by the Administrator in accordance with the Regulations.
 - (b) to insured persons, such amounts in respect of the cost of insured services provided by a medical practitioner to that person as are determined by the Administrator in accordance with the Regulations.

Appointment of Administrator.

- 5. (1) There shall be an Administrator to be called the Yukon Health Care Insurance Plan Administrator to be appointed by the Commissioner and where no Administrator has been appointed, the Commissioner shall act as such.

Duties of Administrator. Officers and employees of Plan.

- (2) The Administrator shall administer the Plan.
- (3) The officers and employees necessary for the administration of the Plan shall be appointed under the *Public Service Ordinance*.

Powers of Administrator

Powers.

- 6. Subject to this Ordinance and the Regulations, the Administrator shall have the power
 - (a) to determine eligibility for entitlement to insured services;
 - (b) to determine the amounts that may be paid pursuant to paragraphs (a) and (b) of section 4 in respect of the cost of insured services rendered to insured persons;
 - (c) to conduct surveys and research programmes and obtain statistics for such purposes;
 - (d) from time to time, to appoint inspectors and auditors to examine and obtain information from medical records, reports and accounts; and
 - (e) to perform such other functions and discharge such other duties as may be assigned to him by this Ordinance or the Regulations.

Report to the Commissioner

7. The Administrator shall make an annual report to the Commissioner respecting the administration of the Yukon Health Care Insurance Plan.

Annual report to the Commissioner.

Liability of Administrator

8. The Administrator is not liable for any acts or omissions of any medical practitioner or any employee or agent of any medical practitioner.

Administrator not liable for acts, etc. of medical practitioner.

Regulations

9. (1) The Commissioner may make regulations
- (a) establishing a Health Care Insurance Plan for furnishing on uniform terms and conditions to insured persons, insured services, which will in all respects qualify and enable the Territory to receive payments of contributions from the Government of Canada pursuant to the *Medical Care Act of Canada*;
 - (b) to administer and define the persons lawfully entitled to render insured services;
 - (c) specifying what services are insured services for the purpose of the Plan, and prescribing what persons may render such services and under what conditions such services are insured health services, and prescribing the amount of payment for such insured services;
 - (d) to prescribe forms and records necessary to carry out the purposes and provisions of this Ordinance;
 - (e) specifying for the purpose of paragraph (e) of section 2, the statutes or laws referred to therein;
 - (f) prescribing the terms and conditions under which a person is eligible for and entitled to insured services;
 - (g) prescribing services that shall be deemed not to be insured services for the purposes of this Ordinance and the conditions under which costs of any class of insured services are payable and limiting the payments commensurate with the circumstances of the performed services;
 - (h) providing for the making of claims for payment of the cost of insured services and prescribing the information which shall be furnished in connection therewith.
- (2) For the purpose of carrying into effect the provisions of this Ordinance, the Commissioner may make such regulations not inconsistent with the spirit of this Ordinance as are considered necessary or advisable, and for that purpose, may provide for any proceeding, matter, or thing for which express provision has not been made in this Ordinance or for which only partial provision has been made.

Regulations.

- Commissioner subrogated. 10. Upon the provision of insured services to an insured person in respect of an injury resulting from a wrongful act or omission of another person, the Commissioner shall be subrogated to all rights of the insured person for the purpose of recovering the cost of such insured services, and may bring an action either in his own name or in the name of the insured person for the recovery of the amount thereof and effect a settlement of such claim.
- Insured persons may sue for insured services provided to him. 11. (1) Notwithstanding section 10, an insured person who, as a result of a wrongful act or omission of another person, suffers an injury for which he has received insured services, may recover the amount of the cost of providing these services to him from the person guilty of the wrongful act or omission in the same manner as though he himself had been required to pay for those services.
- Actions to include claim for Commissioner. (2) Every insured person described in subsection (1) who commences an action for the recovery of damages for personal injuries shall include therein a claim on behalf of the Commissioner for the cost of any insured services provided to the insured person.
- Payments to Commissioner. (3) Where an insured person receives an amount in respect of insured services received by him either in an action to receive damages for personal injuries or by other means, he shall forthwith pay the amount so recovered to the Commissioner.
- Joining of action commenced by Commissioner. 12. Where the Commissioner has commenced action in the name of an insured person for the recovery of insured services provided to him, the insured person may
- (a) at any time prior to the trial of the action and
 - (b) upon such conditions as to costs or otherwise as to the court seems just,
- join in that action such other claims as he may have arising out of the same occurrence.
- No defence that Commissioner's claim adjudicated. 13. (1) It shall not be a defence to an action brought by the Commissioner that the action has been adjudicated upon unless it included a claim for the amount paid for insured services.
- (2) It shall not be a defence to an action to recover damages for personal injuries by a person who has received insured services that an action taken by the Commissioner for the recovery of insured services has been adjudicated upon.
- Release or settlement. 14. No release or settlement of a claim or judgment in an action to recover damages for personal injuries where the insured person has received insured services shall bind the Commissioner unless the Commissioner or his authorized officer has approved the release or settlement in writing.

Insurance Contracts

- Insurance contracts. 15. (1) No person shall make or renew or make payment under a contract under which an insured person is to be provided with or to be reimbursed or indemnified for the cost of insured services either in whole or in part.

- (2) An insured person shall not accept or receive any benefits under any contract or agreement whereby he may be provided with or reimbursed for the cost of insured services either in whole or in part.
- (3) A medical practitioner shall not accept or receive any payment under any contract or agreement whereby an insured person may be provided with or reimbursed or indemnified for the cost of insured services either in whole or in part.

Offences and Penalties

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| 16. | <ul style="list-style-type: none"> (1) No person shall knowingly obtain or receive insurance services to which he is not entitled under this Ordinance or the Regulations. (2) No person shall knowingly aid or abet another person to obtain or receive insured services to which such other person is not entitled under this Ordinance or the Regulations. (3) No person shall obstruct or hinder an inspector or auditor in carrying out his duties or functions under this Ordinance or the Regulations. (4) Every person who violates any of the provisions of this Ordinance or the Regulations 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 fine and imprisonment. | <p>Unqualified persons not to receive insured services.</p> <p>Aiding and abetting.</p> <p>Obstruction of an inspector.</p> <p>Offence and punishment.</p> |
| 17. | Every resident other than a dependent or a person exempted by the Regulations from so doing, shall register himself and his dependents with the Administrator, at such place and in such manner and form and at such times as may be prescribed by the Regulations. | Registration. |
| 18. | <p>Every person who produces to a person who renders insured services or a member of his staff, a certificate of registration under this Ordinance</p> <ul style="list-style-type: none"> (a) knowing that the person named therein is not at the time of production thereof a resident of the Territory, or (b) knowing that the person on behalf of whom and to facilitate whose treatment it is produced is not the person named therein or a dependent of that person, <p>is guilty of an offence.</p> | Offences re Certificate of Registration |
| 19. | <ul style="list-style-type: none"> (1) Every person employed in the administration of the Plan or the Ordinance shall preserve secrecy with respect to all matters that come to his knowledge in the course of employment, and which pertain to insured services rendered and benefits paid therefor, and shall not communicate any such matters to any other person except as otherwise provided in this section. (2) A person referred to in subsection (1) may furnish information pertaining to the date on which insured services were provided, the name and address of the person who provided the service, the benefits paid and the person to | <p>Secrecy of information.</p> <p>When information given.</p> |

whom they were paid, but such information shall be furnished only

- (a) in connection with the administration of this Ordinance and the Regulations or the Federal Act;
- (b) in proceedings under this Ordinance and the Regulations or the Federal Act;
- (c) to the person who provided that service, his solicitor, or personal representative, the committee of his estate, his trustee in bankruptcy or other legal representative, or
- (d) to the person who received that service, his solicitor, personal representative or guardian, the committee or guardian of his estate or other legal representative of that person.

Statistics.

- (3) (a) Information in the hands of the Administrator may be published by the Government of the Territory in statistical form if the individual names of persons are not thereby revealed or made identifiable.
- (b) With the consent of the Administrator, information of the kind referred to in subsection (2) and any other information pertaining to the nature of insured services provided and any diagnosis given by the person who provided the services, may be disclosed or communicated to the appropriate person or persons for the purpose of investigating a complaint against a medical practitioner or for use in disciplinary procedures involving that medical practitioner.

Professional associations.

- (4) The Administrator may disclose to a professional association any information referred to in subsection (2) and any other information that pertains to insured services rendered by a medical practitioner if he considers that it is in the interest of the public and the professional association that information be so disclosed.
- (5) In subsection (3) and (4), professional association means a professional association of which a medical practitioner is a member or in which he is seeking membership.

Offence.

- (6) A person who contravenes the provisions of this section is guilty of an offence.

Reports not evidence.

- (7) No report, form or return prescribed by or required for the purpose of this Ordinance or the Regulations shall be admitted in evidence in any judicial proceedings, other than a judicial proceeding under this Ordinance, adversely to affect the interest of the person making the report, form, or return.

Protection of action.

- 20. No action lies against a person who renders insured services or a member of his staff in respect to information furnished to the Administrator in respect of insured services rendered by such person.

Rights to benefits assignable.

- 21. Except as provided by the Regulations, the right of any person to receive payment of benefits is not assignable and no sum owing by the Administrator is liable to be charged or to be attached in any proceeding.

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| <p>22. A prosecution for an offence under this Ordinance may be instituted at any time not exceeding two years from the date of the offence.</p> | <p>Limitations.</p> |
| <p>23. (1) The Commissioner is authorized to enter into and execute on behalf of the Government of the Territory any agreement with any person or government providing for</p> <p style="margin-left: 40px;">(a) the payment to such person or government by the Government of the Territory of the costs of providing insured services as determined pursuant to the agreement;</p> <p style="margin-left: 40px;">(b) such other terms and conditions as may be agreed upon by the Commissioner.</p> <p>(2) 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 Territory under any agreement entered into pursuant to subsection (1).</p> | |
| <p>24. Every resident who is not a dependent, shall be liable to pay to the Administrator the premium fixed pursuant to section 27.</p> | <p>Resident to pay premium.</p> |
| <p>25. Every employer shall deduct from the remuneration of each of his employees the premium required under this Ordinance and remit such premiums to the Administrator in the manner and at the times prescribed in the Regulations.</p> | <p>Deduction by employer.</p> |
| <p>26. Nothing in this Ordinance shall interfere with any collective agreement, agreement or arrangement between an employer and his employees regarding the proportion or percentage sharing by the employer and his employee of the gross premium, nor with any arrangement for the collection and remittance of the premium by payroll deduction.</p> | <p>Saving for collective agreement.</p> |
| <p>27. The premiums payable by insured persons shall be those prescribed from time to time by the Commissioner.</p> | <p>Amount of premium.</p> |
| <p>28. Notwithstanding any provision of this Ordinance or the Regulations any resident shall be entitled to any insured services provided in accordance with this Ordinance, whether or not the premium in respect of such person has been paid.</p> | <p>All residents entitled to services.</p> |
| <p>29. The Commissioner shall have the power to waive the payment of premiums by such class or classes of persons as he may prescribe.</p> | <p>Waiver of premiums.</p> |

Powers of Inspection

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| <p>30. (1) An inspector may for the purpose of enforcing this Ordinance or the Regulations,</p> | <p>Powers of inspector.</p> |
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- Powers of inspectors. (a) inspect and examine all books, payrolls and other records of an employer that in any way relate to the remittance of premiums by the employer to the Administrator;
- (b) take extracts from or make copies of any entry in the books, payrolls and other records mentioned in paragraph (a);
- (c) require any employer to make or supply full and correct statements, either orally or in writing in such form as may be required, respecting the collection and remittance of premiums; and
- Right to enter premises. (d) at any reasonable time, enter upon any place used in connection with any business establishment for the purpose of making an inspection under this section.
- Certificate of authorization. (2) The inspector shall be supplied by the Commissioner with a certificate of his authority and on entering any place used in connection with a business establishment shall, if so required, produce the certificate to the person in charge thereof.
- Duty to assist inspectors. (3) The person in charge of any business establishment and every person employed therein or in connection therewith, shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties under this Ordinance and the Regulations.
- Administering oaths. 31. An inspector may administer all oaths and take and receive all affidavits and statutory declarations required under subsection (1) of section 31 and certify to the taking thereof.
- Where under-payment found on inspection. 32. Where an inspector finds that an employer has failed to remit premiums in respect of any employee, the inspector may determine the amount not remitted and the employer shall, within 5 days of notification by the Administrator pay the amount to the Administrator.

Information and Returns

- Information. 33. (1) Every employer shall keep records and supply such information relating to the collection and remittance of premiums, and make such returns thereon from time to time as the Commissioner may require.
- Notice to supply information. (2) The Commissioner may require an employer to supply information referred to in subsection (1) by a notice to that effect served personally or sent by registered mail addressed to the last known address of the employer for whom the notice is intended and the employer shall supply the information within the time specified in the notice.
- Coming into force. 34. This Ordinance shall come into force on a day to be fixed by the Commissioner.
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CHAPTER 16
ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

AN ORDINANCE TO REPEAL
THE AMUSEMENT TAX ORDINANCE
(Assented to April 1, 1971)

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

The Amusement Tax Ordinance is repealed.

CHAPTER 17
ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

AN ORDINANCE TO AMEND
THE COMPANIES ORDINANCE

(Assented to February 26, 1971)

R.O.Y.T.
1958 c.19
1962(1st)c.13
1964(2nd)c.11
1966(1st)c.10
1966(2nd)c.5

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 (a) of section 12 of the *Companies Ordinance* is repealed and the following substituted therefor:
"(a) The name of the company, with "limited" or "ltd." as the last word in its name.
2. Subsection (a) of section 13 of the *Companies Ordinance* is repealed and the following substituted therefor:
"(a) the name of the company, with "limited" or "ltd." as the last word in its name;"
3. Paragraph (a) of subsection (1) of section 83 of the *Companies Ordinance* is repealed and the following substituted therefor:
"(a) any contract that if made between private persons would by law be required to be in writing, and if made according to the law of the Territory or of Canada to be under seal, may be made on behalf of the company in writing under the common seal of the company, and may in the same manner be varied or discharged;"
4. Section 311 of the *Companies Ordinance* is repealed and the following substituted therefor:
"311. When a company registers in pursuance of this Part with limited liability, the word "limited" or "ltd." shall form and be registered as part and the last word of its name."
5. Section 324 of the *Companies Ordinance* is repealed and the following substituted therefor:
"324. Where any person or persons trade or carry on business within the Territory under any name or title of which "limited" or "ltd." is the last word, that person or those persons are unless duly incorporated with limited liability or licensed or registered, and entitled to use the word "limited" or "ltd." as the word of their name, liable to a fine not exceeding twenty-five dollars for every day upon which that name or title has been used."

Addition of
"limited" or
"ltd." to
name.

No one to use
"limited" or
"ltd." as par
of name unles
incorporated.

CHAPTER 18
 ORDINANCES OF THE YUKON TERRITORY
 1971 (First Session)

AN ORDINANCE TO AMEND THE ELECTIONS ORDINANCE

(Assented to April 1, 1971)

R.O.Y.T.
 1958 c.34;
 1960(3rd)c.4.

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

The *Elections Ordinance* is amended by adding thereto immediately after Section 14 thereof the following:

- "15. (1) There shall be paid to each member of the Council an indemnity calculated at the rate of eight thousand dollars per annum. Council indemnities.
- (2) In addition to the amount provided in subsection (1), there shall be paid to each member of Council representing the electoral districts of Duty Expenses.
- (a) Carmacks-Kluane Lake,
 (b) Dawson,
 (c) Mayo, and
 (d) Watson Lake,
 an allowance in respect of duty expenses calculated at the rate of two thousand dollars per annum, and to each member of Council representing the electoral districts of
- (e) Whitehorse East,
 (f) Whitehorse North, and
 (g) Whitehorse West,
 an allowance in respect of duty expenses calculated at the rate of one thousand dollars per annum.
- (3) For the purposes of this section, a person shall be deemed to have become a member of the Council on the day last fixed for the election of a member for the electoral district represented by him, and if re-elected, he shall be deemed to have served continuously. Date.
16. (1) In addition to the amounts provided in section 15, there shall be paid Salaries.
- (a) to the member of the Council appointed Speaker of the House by the Council a salary calculated at the rate of one thousand five hundred dollars per annum, Speaker.

Chap. 18

- Deputy Speaker. (b) to the member of the Council appointed Deputy Speaker of the House and Chairman of Committees by the Council, a salary calculated at the rate of one thousand dollars per annum, and
- Financial Advisory Member. (c) to each member of the Council appointed to the Advisory Committee on Finance by the Commissioner on the recommendation of the Council, a salary calculated at the rate of one thousand dollars per annum.
- Continuous salary. (2) For the purposes of this section, members of the Council shall be entitled to the salary provided from the day of their appointment and to continue until such time as the member vacates his seat on the Council or is replaced by another appointment, providing that if a member is re-elected at a general election and is reappointed at the first Session of the Council thereafter, he shall be deemed to have served continuously.
- When payable. 17. The indemnities, duty expenses and salaries set out in sections 15 and 16 shall be payable every fourteen days.
- Allowances for travel expenses. 18. (1) There shall be paid to every member of the Council expense allowances as follows:
- (a) twenty-five dollars per day to members of the Council who are absent from their normal place of residence attending
 - (i) Sessions of the Council,
 - (ii) meetings of committees of the Council, or
 - (iii) meetings at the request of the Councilwithin the Territory, from the day immediately prior to the Session or meeting until and including the day immediately following such Session or meeting;
 - (b) thirty-five dollars per day to members of the Council attending
 - (i) meetings of committees of the Council, or
 - (ii) meetings at the request of the Counciloutside the Territory, from the day of departure from their normal place of residence until and including the day of return; and
 - (c) travel allowances to and from
 - (i) Sessions of the Council,
 - (ii) meetings of committees of the Council, or
 - (iii) meetings at the request of the Councilnot exceeding seventeen cents per mile.
- (2) For the purposes of this section, members of the Council elected by the Council to the Executive Committee shall be deemed to reside at the seat of government.
- Daily indemnity. 19. There shall be paid to each member of the Council who attends meetings of committees of the Council or meetings at the request of the Council other than Sessions of the Council or meetings of the Advisory Committee on Finance, an indemnity of twenty-five dollars per day.

CHAPTER 19
ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

AN ORDINANCE TO AMEND THE EVIDENCE ORDINANCE

(Assented to April 1, 1971)

R.O.Y.T.
1958 c.37
1965(2nd)c.4
1967(2nd)c.6
1968(2nd)c.3
1968(4th)c.8

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

Section 29 of the *Evidence Ordinance* is amended by replacing the full stop at the end of the section by a comma and adding thereto, after paragraph (e), the following:

"including the date of coming into force of any such Act or Ordinance."

CHAPTER 20
ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

AN ORDINANCE TO AMEND CERTAIN ORDINANCES
RESPECTING FEES AND LICENCES

(Assented to February 26, 1971)

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 *Assignment of Book Debts Ordinance* is repealed and the following substituted therefor:
"18. The Commissioner may prescribe the fees to be charged under this Ordinance."
Assignment of Book Debts Ordinance
2. Section 36 of the *Bills of Sale Ordinance* is repealed and the following substituted therefor:
"36. The Commissioner may prescribe the fees to be charged under this Ordinance."
Bills of Sale Ordinance
- 3.(1) Subsection (1) of section 5 of the *Business Licence Ordinance* is repealed and the following substituted therefor:
"(1) No person shall carry on within the Territory any business, calling, trade or occupation without having first obtained a licence for the purpose and paid the prescribed fee."
Business Licence Ordinance
- (2) Section 7 of the said Ordinance is repealed and the following substituted therefor:
"7. The prescribed fee shall be payable by the person engaging in, following, practising, carrying on or exercising the trades, occupations, businesses, professions, or callings for each store, office, house or place of business, calling or trade occupied or carried on by him, either in his own name or in the name of an agent or representative in any part of the Territory."
- (3) Section 8 of the said Ordinance is repealed and the following substituted therefor:
"8. Subject to subsection (2) of section 5 and section 9 any person engaging in, following, practising, carrying on or exercising any trade, occupation, profession, business or calling without having taken out and had granted to him and holding a licence in that behalf is guilty of an

offence under this Ordinance and liable upon summary conviction to a penalty not exceeding one hundred dollars, together with the amount that he should have paid for such licence."

- (4) Subsection (1) of section 9 of the said Ordinance is repealed and the following substituted therefor:

"(1) Where a person is required pursuant to any other Ordinance to obtain a licence from the Government of the Territory for the purpose of carrying on within the Territory any business, calling, trade or occupation, no licence is required to be obtained by him for that purpose pursuant to this Ordinance."

- (5) Section 10 of the said Ordinance is repealed.

- (6) Subsection (2) of section 13 of the said Ordinance is repealed.

- (7) The said Ordinance is amended by adding thereto immediately after section 15 thereof the following section:

"16. The Commissioner may prescribe the fees to be charged under this Ordinance."

- (8) The Schedule of the said Ordinance is repealed.

Change of Name Ordinance.

- 4.(1) Subsection (1) of section 11 of the *Change of Name Ordinance* is repealed and the following substituted therefor:

"(1) Every application for a change of name shall be filed with the Clerk of the Court, together with such other documents as may be required under this Ordinance accompanied by the prescribed fee."

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

"12. Any person who objects to a change of name shall file his objection in writing with the Clerk of the Court and pay the prescribed fee."

- (3) Subsection (2) of section 17 of the said Ordinance is repealed and the following substituted therefor:

"(2) An application for annulment shall be accompanied by an affidavit of the applicant setting out the reason therefor and by the prescribed fee."

Chiropractic Ordinance.

- 5.(1) Subsection (2) of section 4 of the *Chiropractic Ordinance* is repealed and the following substituted therefor:

"(2) Every person who applies for registration in the register shall, with his application for registration, send to the Territorial Secretary the prescribed fee."

- (2) Section 5 of the said Ordinance is repealed and the following substituted therefor:

- "5. Every person who is registered in the register shall send to the Territorial Secretary at the time his name is registered in the register and subsequently on or before the thirty-first day of March in each year, the prescribed annual licence fee."
- (3) The said Ordinance is amended by adding thereto immediately after section 19 thereof the following section:
- "20. The Commissioner may prescribe the fees to be charged under this Ordinance."
- 6.(1) The *Companies Ordinance* is amended by adding thereto immediately after section 332 thereof the following section: Companies Ordinance
- "333 The Commissioner may prescribe the fees to be charged under this Ordinance."
- (2) Table B of the first Schedule of the said Ordinance is repealed.
- 7.(1) Section 73 of the *Credit Unions Ordinance* is repealed and the following substituted therefor: Credit Unions Ordinance
- "73. The Commissioner may prescribe the fees to be charged under this Ordinance."
- (2) Form C of the second Schedule of the said Ordinance is repealed.
- 8.(1) Section 6 of the *Dental Profession Ordinance* is repealed. Dental Profession Ordinance
- (2) Section 7 of the said Ordinance is repealed and the following substituted therefor:
- "7. Every person who is registered in the register shall send to the Territorial Secretary at the time his name is registered in the register and subsequently on or before the thirty-first day of March in each year the prescribed annual licence fee."
- (3) Subsection (1) of section 8 of the said Ordinance is repealed and the following substituted therefor:
- "(1) The Territorial Secretary shall remove from the register the name of a person registered therein who does not, on or before the thirtieth day of June in any year, pay the prescribed annual licence fee."
- (4) Subsection (3) of section 8 of the said Ordinance is repealed and the following substituted therefor:
- "(3) A person whose name is removed from the register under subsection (1) is entitled to have his name restored to the register and to receive a licence upon payment of such fee in addition to the annual licence fee as the Commissioner may prescribe."
- (5) Paragraph (a) of section 23 of the said Ordinance is repealed and the following substituted therefor:
- "(a) prescribing the fees to be charged under this Ordinance;"

Distress
Ordinance.

9.(1) Section 2 of the *Distress Ordinance* is repealed and the following substituted therefor:

"2. No person who makes a distress for rent or who is employed to make a distress or to do any act in the course of a distress or to carry a distress into effect shall levy, take or receive costs in respect of the distress other than the prescribed fees."

(2) Section 3 of the said Ordinance is repealed and the following substituted therefor:

"3. No person who makes a seizure under a chattel mortgage, lien note or other extrajudicial procedure or who is employed to make a seizure or to do any act in the course of a seizure or to carry a seizure into effect shall levy, take or receive costs in respect of the seizure other than the prescribed fees."

(3) Section 4 of the said Ordinance is repealed and the following substituted therefor:

"4. No person shall charge for any service, work or thing under this Ordinance unless that service, work or thing has been actually done, made or provided."

(4) Section 5 of the said Ordinance is repealed.

(5) Paragraph (a) of subsection (2) of section 7 of the said Ordinance is repealed and the following substituted therefor:

"(a) a sufficient sum to cover all prescribed fees and disbursements,"

(6) The said Ordinance is amended by adding thereto immediately after section 8 thereof the following section:

"9. The Commissioner may prescribe the fees to be charged under this Ordinance."

(7) Schedule A and Schedule B of the said Ordinance are repealed.

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

Ferries
Ordinance.

"(1) Every person who desires to operate a ferry in the Territory shall, on or before the thirty-first day of March in each year, apply to the Commissioner for a licence therefor and such person shall, with his application, pay the prescribed fee."

(2) The said Ordinance is amended by adding thereto immediately after section 22 thereof the following section:

"23. The Commissioner may prescribe the fees to be charged under this Ordinance."

Insurance
Ordinance.

11.(1) Subsection (4) of section 3 of the *Insurance Ordinance* is repealed and the following substituted therefor:

- "(4) An officer or salaried employee of any firm, partnership or corporation that holds a licence who does not receive a commission and who acts only in the name of and on behalf of the firm, partnership or corporation, may, upon application therefor approved by the firm, partnership or corporation, and upon payment of the prescribed fee, receive a licence authorizing him to act for the firm, partnership or corporation in the negotiating of any contracts of insurance or in the negotiation, continuance or renewal of any contracts which the firm, partnership or corporation may lawfully undertake."
- (2) Paragraph (c) of subsection (3) of section 4 of the said Ordinance is repealed and the following substituted therefor:
- "(c) the prescribed fee."
- (3) The said Ordinance is amended by adding thereto immediately after section 19 thereof the following section:
- "19A The Commissioner may prescribe the fees to be charged under this Ordinance."
- 12.(1) Subsection (1) of section 35 of the *Interpretation Ordinance* is repealed and the following substituted therefor: Interpretation Ordinance
- "(1) The Clerk of the Council shall furnish a certified copy of any ordinance to any person applying for the same upon receiving from such person the prescribed fee."
- (2) Section 35 of the said Ordinance is amended by adding thereto immediately after subsection (2) thereof the following subsection:
- "(3) The Commissioner may prescribe the fees to be charged under this section."
- 13.(1) Section 6 of the *Legal Profession Ordinance* is repealed and the following substituted therefor: Legal Profession Ordinance
- "6. A person who is granted a registration certificate shall forthwith pay to the Territorial Secretary the prescribed fee."
- (2) Subsection (1) of section 8 of the said Ordinance is repealed and the following substituted therefor:
- "(1) Subject to sections 9 and 12 and to subsection (4) of this section, every person whose name appears on the Roll shall pay to the Territorial Secretary, on or before the thirty-first day of March in each year, the prescribed annual practice fee."
- (3) Paragraph (b) of subsection (1) of section 9 of the said Ordinance is repealed and the following substituted therefor:
- "(b) pay to the Territorial Secretary the prescribed non-practice fee."

- (4) Paragraph (b) of subsection (1) of section 10 of the said Ordinance is repealed and the following substituted therefor:

"(b) pay to the Territorial Secretary the non-practice fee for every year in which, since his enrolment, he has not held such an annual practice certificate; and"

- (5) The said Ordinance is amended by adding thereto immediately after section 26 thereof the following section:

"27. The Commissioner may make regulations
(a) prescribing forms; and
(b) prescribing fees to be charged under this Ordinance."

Marriage Ordinance.

- 14.(1) Section 30 of the *Marriage Ordinance* is repealed and the following substituted therefor:

"30. Upon application for a licence, the applicant shall pay the prescribed fee to the issuer who shall forthwith transmit to the Territorial Secretary such portion of the fee as may be prescribed."

- (2) The said Ordinance is amended by adding thereto immediately after section 57 thereof the following section:

"58. The Commissioner may prescribe the fees to be charged under this Ordinance."

Medical Profession Ordinance.

- 15.(1) Subsection (2) of section 4 of the *Medical Profession Ordinance* is repealed and the following substituted therefor:

"(2) Every person who applies for registration in the medical register shall, with his application for registration, pay to the Territorial Secretary the prescribed fee."

- (2) Section 5 of the said Ordinance is repealed and the following substituted therefor:

"5. Every person who is registered in the register shall send to the Territorial Secretary at the time his name is registered in the register and subsequently on or before the thirty-first day of March in each year, the prescribed annual licence fee."

- (3) The said Ordinance is amended by adding thereto immediately after section 22 thereof the following section:

"23. The Commissioner may prescribe the fees to be charged under this Ordinance."

Miners Lien Ordinance

16. Section 15 of the *Miners Lien Ordinance* is repealed and the following substituted therefor:

- "15. The Commissioner may prescribe the fees for registering any instrument under this Ordinance."
17. Section 8 of the *Motion Pictures Ordinance* is repealed and the following substituted therefor: Motion Pictures Ordinance
- "8. The Commissioner may prescribe the annual fee for exhibitors' and operators' licences."
- 18.(1) Section 4 of the *Newspaper Ordinance* is repealed and the following substituted therefor:
- "4. A person who makes a declaration pursuant to section 3 shall pay to the Clerk the prescribed fee with the declaration, and no declaration shall be accepted by the Clerk unless such fee is paid."
- (2) The said Ordinance is amended by adding thereto immediately after section 5 thereof the following section:
- "6. The Commissioner may prescribe the fees to be charged under this Ordinance."
- 19.(1) Subsection (2) of section 4 of the *Optometry Ordinance* is repealed and the following substituted therefor: Optometry Ordinance
- "(2) Every person who applies for registration shall, with his application for registration, send to the Territorial Secretary the prescribed fee."
- (2) Section 5 of the said Ordinance is repealed and the following substituted therefor:
- "5. Every person who is registered in the register shall send to the Territorial Secretary at the time his name is registered in the register and subsequently on or before the thirty-first day of March in each year, the prescribed annual licence fee."
- (3) The said Ordinance is amended by adding thereto immediately after section 18 thereof the following section:
- "19. The Commissioner may prescribe the fees to be charged under this Ordinance."
20. Section 79 of the *Partnership Ordinance* is repealed and the following substituted therefor: Partnership Ordinance
- "79. The Commissioner may prescribe the fees to be charged under this Ordinance."
- 21.(1) Subsection (1) of section 3 of the *Pawnbrokers and Second-Hand Dealers Ordinance* is repealed and the following substituted therefor: Pawnbrokers and Second-Hand Dealers Ordinance

"(1) No person shall carry on the business of a pawnbroker within the Territory unless he is the holder of a valid and subsisting licence issued therefor by the Commissioner, and has paid the prescribed fee."

(2) Subsection (2) of section 3 of the said Ordinance is repealed and the following substituted therefor:

"(2) A licence issued by the Commissioner pursuant to subsection (1) is valid until the thirty-first day of March next following the date of issue thereof, but may be renewed from year to year upon payment of the prescribed fee."

(3) Subsection (3) of section 3 of the said Ordinance is repealed.

(4) Subsection (1) of section 11 of the said Ordinance is repealed and the following substituted therefor:

"(1) No person shall carry on the business of second-hand dealer within the Territory unless he is the holder of a valid and subsisting licence issued therefor by the Commissioner, and has paid the prescribed fee."

(5) Subsection (2) of section 11 of the said Ordinance is repealed and the following substituted therefor:

"(2) A licence issued by the Commissioner pursuant to subsection (1) is valid until the thirty-first day of March next following the date of issue thereof, but may be renewed from year to year upon payment of the prescribed fee."

(6) Subsection (3) of section 11 of the said Ordinance is repealed.

(7) The said Ordinance is amended by adding thereto immediately after section 13 thereof the following section:

"14. The Commissioner may prescribe the fees to be charged under this Ordinance."

22.(1) Subsection (2) of section 4 of the *Pharmaceutical Chemists Ordinance* is repealed and the following substituted therefor:

Pharmaceutical
Chemists
Ordinance

"(2) A person who
(a) has the right to practise the profession of pharmaceutical chemist in any province of Canada, or
(b) is a medical practitioner,
and who pays to the Territorial Secretary the prescribed fee is entitled to be registered in the register."

(2) Section 5 of the said Ordinance is repealed and the following substituted therefor:

"5. Every person who is registered in the register shall pay to the Territorial Secretary at the time his name is registered in the register and subsequently on or before

the thirty-first day of March in each year,
the prescribed annual licence fee."

- (3) The said Ordinance is amended by adding thereto immediately after section 23 thereof the following section:

"24. The Commissioner may prescribe the fees to be charged under this Ordinance."

- 23.(1) Subsection (2) of section 15 of the *Pounds Ordinance* is repealed. Pounds Ordinance
- (2) The said Ordinance is amended by adding thereto immediately after section 22 thereof the following section:
- "23. The Commissioner may prescribe the fees to be paid to pound-keepers."
- (3) The Pound-keepers Fees in the Schedule of the said Ordinance are repealed.
24. Section 3 of the *Scientists and Explorers Ordinance* is amended by adding thereto immediately after subsection (2) thereof the following subsection: Scientists and Explorers Ordinance
- "(3) The Commissioner may prescribe the fee for any licence issued under this Ordinance."
- 25.(1) Subsection (1) of section 52 of the *Societies Ordinance* is repealed and the following substituted therefor: Societies Ordinance
- "(1) Any person may inspect the documents filed in the office of the Registrar relating to a society on payment of the prescribed fee for each inspection, and may require a copy or extract or a certified true copy of any document or part thereof on payment of the prescribed fee."
- (2) Section 58 of the said Ordinance is repealed and the following substituted therefor:
- "58. The Commissioner may prescribe the fees to be charged under this Ordinance."
- (3) Schedule C of the said Ordinance is repealed.
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CHAPTER 21
 ORDINANCE OF THE YUKON TERRITORY
 1971 (First Session)

AN ORDINANCE TO AMEND THE FUEL
 OIL TAX ORDINANCE

(Assented to April 1/71)

O.Y.T.
 1968(4th)c.2

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 *Fuel Oil Tax Ordinance* is amended by repealing section 3 thereof and substituting the following therefor

"3. (1) Subject to subsection (2) and section 4, every consumer shall, at the time of purchase or receipt of delivery, pay to his supplier a tax of fourteen cents per imperial gallon of fuel oil for remittance through the distributor to the Territorial Treasurer. Consumers to pay tax.

(2) Every consumer of fuel oil consumed or to be consumed to propel an aircraft shall, at the time of purchase or receipt of delivery, pay to his supplier a tax of two cents per imperial gallon of fuel oil for remittance through the distributor to the Territorial Treasurer." Aircraft.

2. Subsection (1) of section 4 of the said Ordinance is repealed and the following substituted therefor

"(1) No tax is payable on fuel oil consumed or to be consumed in stationary generators of electricity, or for heating, lubricating, laying or sprinkling on roads or streets, as cleaning fluids or solvents, or in the operation of farm tractors for farming purposes if the consumer certifies in writing to his supplier that the fuel oil is required for a tax exempt purpose." Exemptions.

3. Paragraph (a) of section 12 of the said Ordinance is repealed and the following substituted therefor

"(a) remit to the Territorial Treasurer tax at the rate of fourteen cents per imperial gallon computed at the consumption rate of five miles per imperial gallon on fuel oil used by such holder within the Territory during the next preceding month; and" Return to Territorial Treasurer.

CHAPTER 22
ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

AN ORDINANCE TO AMEND THE FUR EXPORT ORDINANCE

(Assented to April 1, 1971)

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 *Fur Export Ordinance* is amended by adding thereto the following new section:

"15. The Commissioner may,

- (a) prescribe the sum or rate payable on exporting furs of animals referred to in Schedule A, and Prescribed tax and forms.
- (b) prescribe forms."

2. Schedule A of the said Ordinance is repealed and the following substituted therefore:

"SCHEDULE A

Animals in respect of whose furs tax is payable when exported from the Yukon Territory: bear, white or polar; beaver; coyote; cougar; fisher; fox, black, cross, red, silver, blue; lynx; marten; mink; muskrat (musquash); otter; squirrel; weasel (ermine); wolf; wolverine."

3. Schedule B of the said Ordinance is repealed.
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CHAPTER 23
 ORDINANCES OF THE YUKON TERRITORY
 1971 (First Session)

AN ORDINANCE TO AMEND THE GAME ORDINANCE

(Assented to April 1, 1971)

R.O.Y.T.
 1958 c.50;
 1959(1st)c.3;
 1959(2nd)c.4;
 1961(2nd)c.10;
 1964(1st)c.10;
 1965(1st)c.5;
 1967(1st)c.11;
 1969(2nd)c.9;
 1970(2nd)c.5.

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

1. (1) Paragraph (e) of subsection (1) of section 2 of the *Game Ordinance* is repealed and the following substituted therefor:

"(e) "fur-bearing animal" means beaver, fisher, fox, lynx, marten, mink, muskrat, otter, squirrel, weasel, ermine or wolverine and any other animal declared by the Commissioner to be a fur-bearing animal;"

"Fur-bearing animal."

- (2) Paragraph (r) of subsection (1) of section 2 is amended by deleting the word "wolverine" where it appears.

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

"6. (1) Except as provided by subsection (2), no person shall set out, use or employ a snare for the taking or killing of game.

Use of snares.

(2) Notwithstanding subsection (1), the holder of a General Hunting Licence or an Assistant Trapper's Licence may set out, use or employ snares for the taking or killing of fur-bearing animals within his registered trapping area."

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

"(2) No person shall

- (a) discharge a firearm from a vehicle,
- (b) have in or on a vehicle, any firearm in which there is a live bullet or cartridge either in the magazine or firing chamber, or
- (c) operate a vehicle at any time in any manner intended or reasonably to be expected to harass, drive or pursue any game or other animal wild by nature."

Firearms for big game.

Chap. 23

4. Section 12 of the said Ordinance is repealed and the following substituted therefor:
- Possession of game. "12. (1) No person shall have in his possession, game killed, taken, bought or obtained by barter, except in accordance with this Ordinance or the regulations.
- Defence for person charged. (2) It shall be a defence for a person charged pursuant to subsection (1) to prove that the game found in his possession was killed, taken, bought or obtained by barter pursuant to a permit or licence issued in accordance with the laws in force in the place where the game was killed, taken, bought or obtained by barter, or he has declared his possession of such game to the game guardian, the deputy game guardian or a peace officer upon entry into the Territory."
5. Section 13 of the said Ordinance is amended by repealing subsection (2) thereof and substituting the following therefor:
- When sale of antlers, horns, cape or pelt allowed. "(2) The Director may grant permission to any person for the purchase, sale or barter of antlers, horns or cape or pelt of any big game."
6. Subsection (2) of section 17 of the said Ordinance is repealed and the following substituted therefor:
- Permit. "(2) Where the Director is satisfied that no commercial transaction is involved and that it is proper to do so, he may issue to a resident who is in possession of a hunting licence, a permit permitting a non-resident to hunt big game without a guide while accompanied by such resident."
7. Paragraph (b) of subsection (3) of section 19A of the said Ordinance is repealed and the following substituted therefor:
- "(b) the prescribed trophy fee is paid."
8. Section 20 of the said Ordinance is repealed and the following substituted therefor:
- Game birds and others protected. "20. Except as authorized by this Ordinance, no person shall hunt, take, wound or kill or have in his possession any game birds or other birds that are wild by nature or molest, injure, destroy or take the nests, or eggs of any such birds."
9. Section 21 of the said Ordinance is repealed and the following substituted therefor:
- No removal etc. of traps. "21. Except as authorized by this Ordinance, no person shall remove, molest, spring or in any way interfere with traps or other contrivances set by another person for the taking of fur-bearing animals."

10. Paragraph (a) of section 26 of the said Ordinance is repealed and the following substituted therefor:

"(a) licence to export big game under section 19A;"

11. Subsection (1) of section 39 of the said Ordinance is repealed and the following substituted therefor:

"(1) The Director may, upon application therefor, issue or renew an Outfitter's Licence to any natural person who is a resident and a *bona fide* owner of equipment in good condition and repair that in the opinion of the Director is sufficient to take care of such number of hunters in the field not being less than four as the Director may endorse upon the licence."

Outfitters.

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

"(1) Except as authorized by this Ordinance, no person shall rent or let any saddle horse, pack horse, vehicle, boat or other equipment to any non-resident for the purpose of being used in the hunting of big game without first obtaining an Outfitter's Licence."

Licence required to outfit hunter.

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

"(1) For each party of non-resident hunters, an outfitter shall provide one chief guide who shall be in charge of and accompany such party in the field."

Provide chief guide.

14. Subsection (1) of section 43 of the said Ordinance is repealed and the following substituted therefor:

"(1) Except as authorized by this Ordinance, no person shall act as a guide to any non-resident while afield for the purpose of hunting big game without first obtaining a Guide's Licence."

May not act as guide without licence.

15. Section 57 of the said Ordinance is hereby amended by renumbering the section as subsection (1) and adding the following new subsection thereto:

"(2) The Director may, upon application therefor, issue an Assistant Trapper's Licence to any person who is over the age of sixteen years and has resided continuously in the Territory for two years immediately prior to his application, and has written consent of the holder of the registered trapping area on which he intends to trap."

Assistant Trapper's Licence.

16. Section 62 of the said Ordinance is repealed and the following substituted therefor:

"62. On or before the 30th day of June in any year, the holder of a certificate of registration of a trapping area and the holder of an Assistant Trapper's Licence shall submit to a game guardian a true and complete report in prescribed form showing the number and kind of game taken by him in the trapping area during that licence year."

Annual Reports.

17. Section 68 of the said Ordinance is repealed and the following substituted therefor:
- Licence to take live animals.
U.L.M.
- "68. (1) The Director, upon application therefor, may issue a licence to take wild live animals for propagation, display or export.
- (2) No person shall take or keep wild live animals in captivity for propagation, display or export without first obtaining a licence pursuant to subsection (1)."
18. Section 69 of the said Ordinance is repealed and the following substituted therefor:
- Taking of wild animals.
- "69. Wild live animals, whether taken for propagation, display or export, shall be taken only during the period and in the numbers specified in the licence and by the use of box traps or other devices approved by the Director."
19. Section 71 of the said Ordinance is repealed and the following substituted therefor:
- Return of licence.
- "71. Every licence issued under section 68 shall, upon expiry, be returned to the Director together with an affidavit setting forth the numbers and kinds of animals taken under its authority."
20. Section 78 of the said Ordinance is repealed and the following substituted therefor:
- Unlicensed resident may purchase for personal use.
Unlicensed visitor may purchase limited value for personal use.
- "78. (1) A resident may purchase without a licence, skins or pelts of a fur-bearing animal for use by himself and his family.
- (2) A person who is not a resident of the Territory may purchase without a licence, skins or pelts of a fur-bearing animal for his own use, but not for barter or sale, the total value of which does not exceed two hundred dollars in any licence year."
21. The said Ordinance is hereby amended by adding thereto immediately after section 78, the following new section:
- Permit for wildlife photography.
- "78A (1) The Director may, upon application, issue a permit to any person for the purpose of carrying on the business of wildlife photography.
- (2) No person shall carry on the business of wildlife photography without first obtaining a permit therefor from the Director and upon payment of the prescribed fee."
22. (1) Paragraph (e) of subsection (1) of section 80 is repealed and the following substituted therefor:
- "(e) respecting the sealing and marking of any specified species of game, the manner and method of such sealing or marking and, generally, the use of seals and marks for any such purpose;"

(2) Subsection (2) of section 80 is repealed and the following substituted therefor:

"(2) The Commissioner may fix the fees to be paid in respect of any licence or permit or any service pursuant to this Ordinance."

Commissioner
may fix fees.

23. The said Ordinance is further amended by repealing Schedule A thereof.
24. The said Ordinance is amended by repealing in Schedule C thereof the heading "Pine Creek Game Sanctuary" and the legal description of the Pine Creek Game Sanctuary.
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CHAPTER 24
 ORDINANCES OF THE YUKON TERRITORY
 1971 (First Session)

AN ORDINANCE TO AMEND THE MUNICIPAL ORDINANCE

(Assented to April 1, 1971)

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 16C, the following section:

"16D. The mayor and aldermen of every municipality other than the Village of Faro in office at the time of the coming into force of this Ordinance, shall vacate their offices at twelve o'clock noon of the first Monday after the first day of January, 1972."

2. The said Ordinance is amended by adding thereto immediately after section 127, the following section:

- "127A. (1) The Council may pass by-laws for the registration of trailers, and such by-laws may provide by means of in-transit permits or otherwise for exemption of trailers in transit through the municipality or *bona fide* used for tourist or recreation purposes, from the provisions of the by-laws.
- (2) Every registered owner of a trailer is liable to taxation in respect of such trailer in the same way as if such trailer were real property.
- (3) Every person who owns a trailer in the municipality shall register his trailer with the assessor and pay such registration fee as may be prescribed.
- (4) Where an owner of a trailer is not known, the occupier of such trailer shall be deemed to be the owner.
- (5) Every person who fails to register his trailer pursuant to the by-laws commits an offence and is liable, upon summary conviction, to a fine not exceeding two hundred and fifty dollars or to imprisonment not exceeding three months, or to both fine and imprisonment."

3. Section 238 of the said Ordinance is repealed and the following substituted therefor:

"238. Subject to the provisions of this Ordinance, every person resident within a municipality who is a Canadian citizen or other British subject and has attained the age of nineteen years and who

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)t.2
 1962(1st)c.22
 1962(5th)c.10
 1962(5th)c.13
 1962(5th)c.16
 1963(1st)c.5
 1964(1st)c.8
 1964(2nd)c.12
 1966(1st)c.6
 1966(2nd)c.7
 1967(1st)c.16
 1967(2nd)c.14
 1968(4th)c.16
 1970(1st)c.6

Termination
 of office.

By-laws.

Liable to
 taxation.

Registration.

Occupier
 deemed owner.

Offence.

Electors.

- (a) is a ratepayer or spouse of a ratepayer, or
 - (b) is an occupier or spouse of an occupier who
 - (i) has resided within the municipality for not less than six months immediately prior to the date of the election, and
 - (ii) is liable for payment, directly or indirectly, of a yearly rental of not less than one hundred and eighty dollars in respect of his occupation of real property within the municipality,
- is eligible to vote at an election."

Coming into force. 4. This Ordinance or any provision thereof shall come into force on a day to be fixed by the Commissioner.

CHAPTER 25
ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

AN ORDINANCE TO AMEND THE
PUBLIC HEALTH ORDINANCE

(Assented to April 5, 1971)

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

The *Public Health Ordinance* is hereby amended by adding thereto immediately after section 17 thereof the following Part and sections:

"Part III

18. Where the Commissioner is satisfied that a case of medical necessity has arisen in connection with any person, he may pay some or all of the travel expenses of such person for treatment at the nearest place at which suitable medical treatment is available.
 19. For the purpose of carrying into effect the provisions of this Ordinance, the Commissioner may make such regulations not inconsistent with the spirit of this Ordinance as are considered necessary or advisable, and for that purpose may provide for any proceeding, matter, or thing for which express provision has not been made in this Ordinance or for which only partial provision has been made, and regulations made under this section shall have the same force and effect as if incorporated in this Ordinance."
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CHAPTER 26
 ORDINANCES OF THE YUKON TERRITORY
 1971 (First Session)

AN ORDINANCE TO AMEND THE TAXATION ORDINANCE

(Assented to February 26, 1971)

O.Y.T.
 1959(2nd)c.2
 1960(1st)c.5
 1961(1st)c.4
 1963(1st)c.6
 1966(2nd)c.6
 1967(1st)c.10
 1967(1st)c.17
 1967(2nd)c.16
 1968(3rd)c.3
 1969(2nd)c.1
 1970(3rd)c.8

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

1. Section 2 of the *Taxation Ordinance* is amended by adding thereto immediately after paragraph (c) the following new paragraph:

"(ca) "mobile home" means a vehicle, whether equipped with wheels or not and whether self-propelled or not, that is used or designed as a dwelling or sleeping place."

"Mobile home."

2. The said Ordinance is further amended by adding thereto immediately after section 5 the following new section:

"5A (1) Every registered owner of a mobile home is liable to taxation in respect of such mobile home in the same way as if such mobile home was real property.

Mobile home liable to taxation.

(2) Notwithstanding any other provision of this Ordinance, where an assessment was made on any mobile home in the fiscal year 1st April, 1970 to 31st March, 1971, the registered owner shall pay taxes in respect of such mobile home on the 1st of April, 1971.

Occupier to pay taxes.

(3) The taxes payable pursuant to subsection (2) shall not be subject to penalty or interest if the taxes are paid not later than the 30th of June, 1971.

No penalty or interest.

(4) Every person that owns a mobile home in the Territory shall register his mobile home with the Registrar of Motor Vehicles and pay such registration fee as may be prescribed.

Occupier to register.

(5) The operator of every place in or upon which any mobile home used for living, sleeping or eating accommodation of persons therein is placed, located, kept or maintained as a campground for the public whether or not the fee or charge is paid or made for the rental or use thereof, shall maintain a register of all mobile homes located on his property, which register shall be open to inspection by any person authorized in that behalf by the Commissioner, and such operator shall make such returns from time to time as may be prescribed.

Operator to maintain register.

(6) Tax notices in respect of taxes payable pursuant to subsection (2) shall be mailed to the registered owner prior to the 15th of March, 1971, in respect of the taxes payable on the 1st of April, 1971.

Tax notice to be mailed.

- Regulations. (7) The Commissioner may make regulations for the registration of mobile homes, and such regulations may provide by means of in transit permits or otherwise for exemption of mobile homes in transit through the Territory or *bona fide* use for tourist or recreational purposes, from the provisions of this Ordinance.
- Occupier to be deemed owner. (8) Where an owner of a mobile home is not known, the occupier of such mobile home shall be deemed to be the owner.
- Penalty. (9) Every person who fails to register his mobile home pursuant to this Ordinance commits an offence and is liable, upon summary conviction, to a fine not exceeding two hundred and fifty dollars or to imprisonment not exceeding three months, or to both fine and imprisonment."
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CHAPTER 27
 ORDINANCES OF THE YUKON TERRITORY
 1971 (First Session)

AN ORDINANCE TO AMEND THE LIQUOR ORDINANCE

(Assented to April 5, 1971)

O.Y.T.
 1970(1st)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. The *Liquor Ordinance* is hereby amended by repealing subsection (3) of section 37 and substituting therefor the following:

"(3) A tavern may be open for the sale of beer, ale and cider during any continuous period not exceeding fourteen hours commencing on any day not earlier than nine o'clock in the forenoon and ending not later than two o'clock in the forenoon of the following day."

Hours.

2. The said Ordinance is hereby amended by repealing subsection (3) of section 38 and substituting therefor the following:

"(3) A cocktail lounge may be open for the sale of liquor during any continuous period not exceeding fourteen hours commencing on any day not earlier than nine o'clock in the forenoon and ending not later than two o'clock in the forenoon of the following day."

Hours.

3. The said Ordinance is hereby amended by repealing paragraph (iii) of subsection (3) of section 40 and substituting therefor the following:

"(iii) meals, for which adequate menus shall be provided, shall be served at regular breakfast or luncheon or dinner or supper hours to patrons of such dining room."

4. The said Ordinance is hereby amended by repealing subsection (3) of section 46 and substituting therefor the following:

"(3) A club may sell liquor during a continuous period of fourteen hours ending not later than two o'clock in the forenoon of any day."

Hours.

5. The said Ordinance is hereby amended by repealing section 75 and substituting therefor the following:

"75.(1) An inspector may enter and inspect any premises which are licensed under the provisions of this Ordinance.

(2) An inspector may issue an order to suspend a licence issued pursuant to this Ordinance if, in his opinion,

 - (a) a violation of this Ordinance or Regulations made pursuant to this Ordinance has been committed on the licensed premises;
 - (b) unsanitary conditions exist in the licensed premises; or

Powers of
inspector.

- (c) the owner or operator of the licensed premises permits or encourages excessive drinking on the premises.
- Time of suspension. (3) Suspension of a licence pursuant to this section shall not be effective until a copy of the order of suspension signed by the inspector is either personally served on the licensee or posted in some prominent place on the licensed premises.
- Service of order. (4) Where an order of suspension is posted in the licensed premises pursuant to subsection (3), a copy thereof shall be sent by registered mail to the licensee at his last known address.
- Effect of suspension. (5) Except as provided by this section, where a licence is suspended pursuant to this section, all rights and privileges conferred under this Ordinance on the holder thereof are forthwith suspended.
- Period. (6) An order of suspension made by an inspector shall be for a period not exceeding fourteen days but this period may be extended by order of the Board for such period as it sees fit.
- Appeal. (7) Notwithstanding subsection (5), where a licence is suspended pursuant to this section, the licensee may appeal to the Commissioner whereupon the provisions of subsections (3) to (9) of section 17 shall apply *mutatis mutandis*.
- Obstruction. (8) No person shall obstruct an inspector in the execution of his duties under this Ordinance.
6. The said Ordinance is hereby amended by repealing subsection (1) of section 83 and substituting therefor the following:
- Minors prohibited. "83.(1) (a) Except as provided under this section, no person under the age of nineteen years shall consume, purchase or attempt to purchase or otherwise obtain liquor.
- Exception. (b) A person under the age of nineteen years may in a private residence, club, licensed dining room, restaurant or at a reception, consume liquor provided by or with the consent of a parent, grandparent or legal guardian while accompanied by such parent, grandparent or legal guardian."
7. The said Ordinance is hereby amended by adding the following subsection to section 96:
- Presumption. "96.(3) Proof of consumption or possession of liquor by a person under the age of nineteen years is *prima facie* evidence that such liquor has been consumed or obtained contrary to the provisions of section 83."
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CHAPTER 28

ORDINANCES OF THE YUKON TERRITORY

1971 (First Session)

AN ORDINANCE TO AMEND THE TAXATION ORDINANCE

(Assented to April 5, 1971)

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

O.Y.T.
1959(2nd)c.2
1960(1st)c.5
1961(1st)c.4
1963(1st)c.6
1966(2nd)c.6
1967(1st)c.10
1967(1st)c.17
1967(2nd)c.16
1968(3rd)c.3
1969(2nd)c.1
1970(3rd)c.8
1971(1st)c.26

Section 5A of the Taxation Ordinance is amended by repealing subsections (2), (3) and (6) thereof and renumbering subsections (4) and (5) as subsections (2) and (3) respectively.

CHAPTER 29

ORDINANCES OF THE YUKON TERRITORY

1971 (First Session)

AN ORDINANCE TO AMEND THE MOTOR VEHICLES ORDINANCE

(Assented to February 26, 1971)

R.O.Y.T.c.77
 1960(3rd)c.3
 1961(1st)c.5
 1961(2nd)c.7
 1962(1st)c.21
 1962(5th)c.8
 1963(2nd)c.9
 1964(1st)c.9
 1965(2nd)c.5
 1966(2nd)c.13
 1967(2nd)c.12
 1967(2nd)c.13
 1968(1st)c.3
 1968(2nd)c.10
 1968(4th)c.15
 1969(2nd)c.8
 1970(1st)c.5
 1970(2nd)c.7

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

1. (1) The *Motor Vehicles Ordinance* is amended by repealing subsection (e) of section 2 and substituting the following therefor:

"(e) "gross weight" means the weight of the motor vehicle when loaded."

"gross weight"

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

"(1) "officer" means a person who is appointed or authorized to be an officer under this Ordinance and includes any member of the public service employed in connection with the operation of a weigh scale established by the Commissioner pursuant to this Ordinance."

"officer"

(3) Section 2 of the said Ordinance is further amended by inserting immediately following paragraphs (h) and (m) respectively the following:

"(ha) "licensed gross weight" means the gross weight for which a vehicle is licensed;

"licensed gross weight"

(ma) "overload" means,

"overload"

(i) the number of pounds derived by subtracting from the gross weight of a vehicle the licensed gross weight; or

(ii) the number of pounds derived by subtracting from the weight on any one axle or combination of axles of a vehicle the weight authorized by regulation to be carried on the axle or combination of axles,

whichever is the greater;

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

"oversize"

2. Subsection (2) of section 5 of the said Ordinance is repealed and the following substituted therefor

"(2) The application shall be made in the prescribed form and be accompanied by the prescribed fee."

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

- "6. (1) No person shall operate or cause or permit to be operated a motor vehicle on any highway in the Territory as a public service vehicle unless he or the person for or on whose behalf the motor vehicle is operated holds a subsisting public service vehicle licence authorizing the operation of that motor vehicle in the manner and for the purposes in and for which it is operated; and such licence shall be in addition to the certificate of authority issued pursuant to the *Transport Public Utilities Ordinance*.
- (2) The owner of a motor vehicle may apply to the Registrar to have a public service vehicle licence issued in respect of such motor vehicle.
- (3) An application made under subsection (2) of this section shall be in the prescribed form and be accompanied by the prescribed fee.
- (4) Upon receipt of an application for a public service vehicle licence and the prescribed fee and upon being satisfied that the application is in accordance with the certificate of authority issued pursuant to the *Transport Public Utilities Ordinance*, the Registrar may issue the licence.
- (5) Where the Registrar issues a public service vehicle licence he shall also issue licence plates to the licensee.
- (6) A public service vehicle licence may, with the approval of the Registrar, be renewed in the prescribed manner and upon payment of the prescribed fee.
- (7) The Registrar may amend, suspend or cancel any public service vehicle licence in accordance with any amendment, suspension or cancellation of the certificate of authority.
- (8) Every public service vehicle licence made subject to conditions shall have the conditions printed on the licence and the licensee shall cause the licence to be carefully preserved and carried on the vehicle and to be available at all times for the inspection of any person authorized by or under the provisions of this Ordinance to inspect such licence.
- (9) Every holder of a public service vehicle licence shall cause to be affixed to the outside of and displayed on the motor vehicle throughout the term of the licence, the licence plates issued pursuant to subsection (5) in a manner so that they are clearly visible from the front and rear.
- (10) Where any licensee withdraws from service, sells or otherwise disposes of a motor vehicle for which he holds a subsisting public service vehicle licence, he shall forthwith
- (a) report such fact to the Registrar;
 - (b) remove the public service vehicle licence plates from the motor vehicle; and
 - (c) return to the Registrar the public service vehicle licence plates.
- (11) An owner may apply to the Registrar upon the prescribed form accompanied by the prescribed fee to transfer the public service vehicle licence plates removed from a motor vehicle under this section to another motor vehicle of which he is the owner.

Granting of licence.

Issue of licence plates.

Renewal of licences.

Amendment, suspension or cancellation of licences.

Display of licence.

Display of licence plates.

- (12) Every holder of a public service vehicle licence shall cause to be clearly marked in a conspicuous place on both sides of the vehicle in figures or letters not less than two inches in height, the licensed gross weight of the motor vehicle; and no person shall operate on a highway a motor vehicle for which a public service vehicle licence is required unless it is marked as required by this subsection.
- (13) Every public service vehicle licensee shall operate his licensed vehicle and conduct his business in conformity with the certificate of authority, and with the provisions of this Ordinance and the regulations and orders of the Commissioner.
- (14) Notwithstanding any other provisions of this Ordinance or the regulations, where a truck-tractor drawing a trailer is registered or licensed outside the Territory and is brought into the Territory for the purpose of transferring the trailer to a properly licensed truck-tractor, the said first mentioned truck-tractor is exempt from the provisions of this section during the portion of the journey between
 - (a) the south border of the Territory and the Watson Lake Check Point and return to the border, and
 - (b) the west border of the Territory on the Alaska Highway and the settlement of Beaver Creek and return to the border."

Operation and conforming of laws.

4. Section 6A of the said Ordinance is repealed and the following substituted therefor

- "6A (1) The Commissioner may establish and operate weigh scales at such places as he deems necessary.
- (2) The Registrar is responsible for the weighing of vehicles and the issuance of overload and oversize permits.
- (3) A vehicle
 - (a) is overloaded if a computation under paragraph (ma) of section 2 with respect thereto would result in an overload; and
 - (b) is oversize if a computation under paragraph (mb) of section 2 with respect thereto would result in an oversize.
- (4) No person shall drive or operate on a highway a vehicle which is overloaded or oversize except under the authority of a permit to that effect issued under this Ordinance in respect of the vehicle and in accordance with that permit and with the regulations in that behalf made under this Ordinance.
- (5) The Commissioner, or such person as may be appointed by him, may, upon application accompanied by the prescribed fee, issue
 - (a) an overload permit for the operation on a highway of a vehicle that is overloaded;
 - (b) an oversize permit for the operation on a highway of a vehicle that is oversize.
- (6) A person who contravenes subsection (4) commits an offence and is liable on summary conviction, to a fine of not more than five hundred dollars, and in default of payment to imprisonment for a term not exceeding six months, and in addition shall be ordered to pay the fee found to be due, and every violation of subsection (4) is a separate and distinct offence."

Weigh scales.

5. (1) Subsection (2) of section 7 of the said Ordinance is repealed and the following substituted therefor
 - "(2) The Commissioner shall not issue a liveryman's licence until the applicant pays the prescribed fee and complies with any condition that may be prescribed."
- (2) Subsection (5) of section 7 of the said Ordinance is repealed and the following substituted therefor
 - "(5) Subsections (10) and (11) of section 6 are applicable *mutatis mutandis* to any withdrawal from service sale or other disposition of a motor vehicle in respect of which a subsisting liveryman's licence has been issued under this section."
6. Section 8 of the said Ordinance is amended by adding thereto the following new subsections
 - "(8) Any person who operates on a highway a motor vehicle in respect of which a policy of insurance mentioned in subsection (1) is not in force commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding six months or to both fine and imprisonment.
 - (9) On receipt of a notice from the Registrar that a policy of insurance referred to in subsection (1) will expire or be cancelled, every owner shall within such time as may be specified in the notice,
 - (a) take out and maintain in force a policy of insurance in respect of the vehicle mentioned in the notice;
 - or
 - (b) deliver to the Registrar the licence plates issued in respect of the vehicle mentioned in the notice.
 - (10) Any person who fails to comply with subsection (9) within the time specified commits an offence and is liable on summary conviction to the penalty set out in subsection (8)."
7. Subsection (3) of section 11 of the said Ordinance is repealed and the following substituted therefor,
 - "(3) The Registrar may renew a certificate of registration that has expired if the owner of the motor vehicle applies for its renewal in the prescribed form and pays the prescribed fee."
8. Paragraph (c) of section 13 of the said Ordinance is repealed and the following substituted therefor,
 - "(c) the prescribed fee."
9. Subsection (2) of section 14 of the said Ordinance is repealed and the following substituted therefor,
 - "(2) The owner shall deliver to the Registrar for re-issuing the certificate of registration of the motor vehicle or trailer of which he has disposed, and upon payment of the prescribed fee the certificate of registration shall, subject to this Ordinance, be re-issued to the new owner; the number plates issued to the original owner for the motor vehicle or trailer shall remain

affixed to such motor vehicle or trailer."

10. (1) Subsection (2) of section 15 of the said Ordinance is repealed and the following substituted therefor,

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

- (2) Subsection (4) of section 15 of the said Ordinance is repealed and the following substituted therefor,

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

11. Subsection (1) of section 19 of the said Ordinance is repealed and the following substituted therefor,

"(1) Upon proof satisfactory to the Registrar that a dealer or purchaser has, in respect of a motor vehicle, taken out a policy of motor vehicle liability insurance in an amount not less than the amount required under subsection (1) of section 8, and upon payment of the prescribed fee, the Registrar may issue to that dealer or purchaser an "In Transit" marker, which shall be used only on,

In transit markers.

- (a) the original trip of that motor vehicle from the place of business of the distributor to the place of business of the dealer;
- (b) the original trip of that motor vehicle from the place of business of the distributor to the place of business of the purchaser;
- (c) the original trip of that motor vehicle from the place of business of the dealer to the place of business or residence of the purchaser; or
- (d) the original trip of that motor vehicle from the place of purchase to the place of business or residence of the purchaser."

12. (1) Subsection (2) of section 22 of the said Ordinance is repealed and the following substituted therefor,

"(2) The application shall be made in the prescribed form and shall be accompanied by the prescribed fee."

Application.

- (2) Paragraph (b) of subsection (8) of section 22 of the said Ordinance is repealed and the following substituted therefor,

"(b) upon payment of the prescribed fee."

13. Section 27 of the said Ordinance is repealed and the following substituted therefor,

"(1) The Registrar may refuse to issue an operator's licence until he is satisfied that the applicant therefor is capable of operating a motor vehicle appropriate to the class for which application is made without endangering the safety of the general public and may require the applicant to submit himself for a medical examination or for examination by an officer on payment of the prescribed fee."

Applicant may be examined.

Examination fee.

- (2) Where an examination has been made pursuant to subsection (1) by an officer who is a member of the Royal Canadian Mounted Police, one-half of the required fee shall be remitted by the Territorial Treasurer to the Royal Canadian Mounted Police.
- (3) Where the Registrar has reason to believe that the holder of an operator's licence is suffering from a condition that may make it dangerous for such person to operate a motor vehicle he may require such person to submit himself for a medical examination at the expense of the Registrar.
- (4) If on receipt of the report of the medical examination referred to in subsection (3) the Registrar is satisfied that the holder of an operator's licence is suffering from a condition that may make it dangerous for such person to operate a motor vehicle he may suspend or cancel the licence.
- (5) If the holder of an operator's licence neglects or refuses to submit himself for a medical examination on being required to do so by the Registrar pursuant to subsections (1) or (3) the Registrar may suspend the licence until such person submits himself to the required medical examination.

Licence fee.

14. Section 29 of the said Ordinance is repealed and the following substituted therefor,

"29. Every application for an operator's licence shall be made in the prescribed form and shall be accompanied by the prescribed fee."
15. Paragraph (c) of subsection (1) of section 34 of the said Ordinance is repealed and the following substituted therefor,

"(c) pays the prescribed fee."
16. The said Ordinance is further amended by adding the following new sections thereto immediately after section 59,

"59A Every person commits an offence who, with intent to deceive or defraud the public or any person, whether ascertained or not, changes the number of miles recorded on the odometer of a motor vehicle to a lesser number.

59B In a prosecution under this section, evidence that the number of miles recorded on the odometer of a motor vehicle at the time of a sale of the motor vehicle is less than the number recorded prior to the sale is *prima facie* evidence that the vendor changed the number with intent to deceive or defraud the purchaser."
17. Paragraph (b) of subsection (1) of section 75 of the said Ordinance is repealed and the following substituted therefor,

"(b) is not admissible in evidence for any purpose in a trial arising out of the accident except to prove

 - (i) compliance with this section, or
 - (ii) falsity in a prosecution for making a false statement;

but the Commissioner shall, on the request of a person involved in the accident, his solicitor or agent furnish him with a copy of the report upon payment of the prescribed fee."

18. Subsection (1) of section 133 of the said Ordinance is repealed and the following substituted therefor,

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

Owner deemed to be guilty for violation of Ordinance.

19. Subsection (1) of section 134 of the said Ordinance is repealed and the following substituted therefor,

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

Owner to supply name of person.

20. Subsection (1) of section 150 is hereby amended by adding thereto the following,

- "(o) providing permissible gross weights and axle loading; the weight on any tire, axle, or wheel; the number of axles or wheels; the method of determining wheelbase; the weight on groups of axles and the weight according to wheelbase, for vehicles;
- "(p) prohibiting the operation of any vehicle which in the opinion of any peace officer or officer is by reason of any mechanical, structural, or other defect unsafe for use upon highways;
- (q) providing for the granting of permits for the temporary operation on highways of vehicles for the purpose only of their transportation from one place in the Territory to another without being registered or licensed pursuant to this Ordinance;
- (r) prescribing the method of determining any fact necessary to be determined for the purpose of computing the amount payable under this Ordinance or the regulations and the person or official by whom the fact shall be determined;
- (s) providing for and compelling the weighing of vehicles and the furnishing of satisfactory evidence of their weight, and providing for the removal from any vehicle of a load or any portion of a load where it is found that the weight is in excess of that prescribed in the regulations and for redistribution of the load;
- (t) with respect to the issuance and conditions of overload and oversize permits;

- (u) prescribing the permissible width, length, height, projections, and overhangs of and from loads and vehicles;
- (v) providing for the issuance of permits for the operation of vehicles on specified highways and prescribing conditions thereof;
- (w) prescribing the fees to be established under this Ordinance;
- (x) providing for exemption from fees under this Ordinance."

21. Schedule "A" of the said Ordinance is repealed.

Coming into
force.

22. This Ordinance or any of the provisions of this Ordinance shall come into force on a day or days to be fixed by the Commissioner.

CHAPTER 30

ORDINANCES OF THE YUKON TERRITORY

1971 (First Session)

AN ORDINANCE TO AMEND THE YUKON
LOAN ORDINANCE 1955

(Assented to February 26, 1971)

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 2 of the *Yukon Loan Ordinance, 1955* is hereby repealed and the following substituted therefor:

"The Commissioner may, on behalf of the Territory, borrow from the Government of Canada, a sum not exceeding \$780,000 to enable the Territory to construct water distribution and sewage disposal systems for the development of a new subdivision adjoining the present City of Whitehorse, and the sum so borrowed may be repaid with interest at the rate of three and seven-eighths (3 7/8) percent per annum up to September 30, 1964 and at the rate of five and three-eighths (5 3/8) percent per annum thereafter out of the Yukon Consolidated Revenue Fund, and for those purposes the Commissioner may, on behalf of the Territory, enter into an agreement with the Government of Canada substantially in the form set out in the Schedule."

2. Section 3 of the Schedule attached to the said Ordinance is hereby repealed and the following substituted:

- (a) "The Territory agrees to repay Canada on a thirty year repayment basis the sum loaned by Canada together with interest thereon at the rate of three and seven-eighths (3 7/8) percent per annum up to September 30, 1964 and on a twenty year repayment basis at the rate of five and three eights (5 3/8) percent per annum thereafter, and up to October 1, 1984."
- (b) "Repayment shall be made in equal consecutive, annual instalments, including principal and interest, the first of such instalments to become due and to be paid on the first day of October, 1957: all rates aforesaid from the date when it becomes due until all monies payable on the said loan are fully paid and satisfied."

CHAPTER 31
 ORDINANCES OF THE YUKON TERRITORY
 1971 (First Session)

AN ORDINANCE TO AMEND THE
 WORKMEN'S COMPENSATION ORDINANCE

(Assented to February 26, 1971) O.Y.T. 1966(2nd)c.1

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 (3) of section 5 of the *Workmen's Compensation Ordinance* is repealed and the following substituted therefor:

"(3) An employer who files a statement pursuant to this section in a year shall pay to the Commissioner or to a person designated by him as his agent in that behalf, the prescribed fee on the filing of the first such statement in the year." Fee payable.

2. The *Workmen's Compensation Ordinance* is hereby amended by adding thereto the following new section immediately after section 51:

"51A Any provision of this Ordinance limiting or restricting the right of a workman or dependent to compensation for disability or death due to silicosis shall not prevent the payment of a share of the cost of compensation where: Agreements for cost sharing.

- (a) the workman has been exposed to dust containing silica in Canada for a period or periods aggregating two years preceding his disablement, or for any lesser period if he was not exposed to dust containing silica anywhere except in Canada;
- (b) the workman was free from tuberculosis and silicosis before being first exposed to silica dust in Canada;
- (c) the disability or death of the workman is due to silicosis resulting from his exposure as a workman to silica dust in Canada; and
- (d) there is an agreement between the Territory and;
 - (i) Canada, or
 - (ii) a province or territory of Canada, or
 - (iii) one or more Workmen's Compensation Boards in Canada
 whereby the cost of compensation is to be shared equitably among the provinces or territories where the exposure occurred."

3. The said Ordinance is amended by adding thereto the following new section immediately after section 57:

Work release programme.

"57A Where any person who has been committed to a prison, gaol or lock-up becomes entitled to workmen's compensation payments because of a work release programme or other circumstances, the Commissioner may direct that during the period of confinement the compensation be payable to one or more dependents of such person or that the compensation be payable to the Territory."

4. The said Ordinance is amended by adding thereto the following new section immediately after section 59:

Offence by officers.

"59A (1) Where an offence under this Ordinance is committed by a corporation with the consent or connivance of any director, manager, secretary or of any official of the corporation in charge of a project he, as well as the corporation, is guilty of an offence and he is liable on summary conviction to a sentence not exceeding six months or a fine not exceeding one thousand dollars or to both fine and imprisonment.

Officer may be summoned.

(2) Where a complaint is laid against a person who is a corporation a summons may be issued requiring an officer, director, secretary or partner named therein to appear in court to answer the charge on behalf of the corporation and to attend in court from day to day until the trial or hearing has been completed."

CHAPTER 32
 ORDINANCES OF THE YUKON TERRITORY
 1971 (First Session)

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

(Assented to March 29, 1971)

Whereas it appears by message from James Smith, Esq., Commissioner of the Yukon Territory, and in the estimates accompanying the same that the sums hereinafter mentioned in Schedule "A" of this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purpose relating thereto, for the twelve months ending March 31, 1971.

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

- | | |
|---|------------------------------------|
| <p>1. This Ordinance may be cited as the <i>Fourth Appropriation Ordinance 1970-71</i>.</p> | <p>Short title.</p> |
| <p>2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole two million two hundred and ninety-nine thousand four hundred and seven dollars and twenty-two cents for defraying the several charges and expenses of the Public Service of the Territory for the twelve months ending March 31, 1971, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule.</p> | <p>Amount granted.</p> |
| <p>3. The due application of all monies expended pursuant to Section 2 shall be accounted for.</p> | <p>Monies to be accounted for.</p> |

SCHEDULE "A"

Appropriation or Item

Yukon Council		\$ 45,400.00
Territorial Treasurer & Collector of Taxes		4,800.00
Territorial Secretary & Registrar General		10,850.00
Health		54,400.00
Local Government		234,030.00
General		240,066.00
Highways & Public Works		91,810.00
Yukon Hospital Insurance Services		306,234.00
Welfare		287,240.00
Personnel Services	\$298,730.00	
Less: Transfer from Education	<u>209,931.00</u>	88,799.00
Capital - Project & Loan		930,057.00
Loan Amortization		5,720.22
Road Equipment Replacement - Special Account		1.00
<p>To establish within the Yukon Consolidated Revenue Fund a special account to be called the Road Equipment Replacement Account. Out of this account all purchases of road equipment replacement shall be paid for as directed by the Commissioner of the Yukon Territory, and this account to be credited with the equipment replacement income together with the sale or trade-in value of the road equipment to be replaced. The balance of this account shall not at any time exceed \$1,000,000.00. Estimated transactions of this account will be presented to Council included in the annual estimates detail.</p>		
		<u>\$2,299,407.22</u>

CHAPTER 33
ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

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

(Assented to February 26, 1971)

Whereas it appears by message from James Smith, Esq., Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" of this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purpose relating thereto, for the twelve months ending March 31, 1972.

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

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|----|--|-----------------------------|
| 1. | This Ordinance may be cited as the <i>First Appropriation Ordinance 1971-72.</i> | Short Title. |
| 2. | From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole twenty-nine million three hundred and sixty-five thousand four hundred and six dollars and two cents for defraying the several charges and expenses of the Public Service of the Territory for the twelve months ending March 31, 1972, as set forth in Schedule "A" of this Ordinance and such sum shall be paid and applied only in accordance with the Schedule. | Amount granted. |
| 3. | The due application of all monies expended pursuant to section 2 shall be accounted for. | Monies to be accounted for. |

SCHEDULE "A"

Appropriation or Item

Administrative & Legislative Support Services	\$ 809,004.00
Department of Treasury	554,322.00
Department of Highways & Public Works	4,319,067.00
Department of Local Government	1,472,713.00
Department of Education	5,948,816.00
Department of Health, Welfare & Rehabilitation	4,521,559.00
Department of Territorial Secretary & Registrar General	460,308.00
Department of Tourism, Conservation & Information Services	732,336.00
Department of Legal Affairs	464,888.00
Project & Loan Capital	7,203,917.00
Loan Amortization	2,878,476.02
	<u>\$29,365,406.02</u>

CHAPTER 34
ORDINANCES OF THE YUKON TERRITORY
1971 (First Session)

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

(Assented to April 1, 1971)

Whereas it appears by message from James Smith, Esq., Commissioner of the Yukon Territory, and in the estimates accompanying the same that the sums hereinafter mentioned in Schedule "A" of this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purpose relating thereto, for the twelve months ending March 31, 1972.

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

- | | |
|--|-----------------------------|
| 1. This Ordinance may be cited as the <i>Second Appropriation Ordinance 1971-72.</i> | Short title. |
| 2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one dollar for defraying the several charges and expenses of the Public Service of the Territory for the twelve months ending March 31, 1972, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. | Amount granted. |
| 3. The due application of all monies expended pursuant to Section 2 shall be accounted for. | Monies to be accounted for. |

SCHEDULE "A"

Appropriation or Item

Local Government

Plebiscite

\$1.00

\$1.00

CHAPTER 35

ORDINANCES OF THE YUKON TERRITORY

1971 (First Session)

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

(Assented to April 5, 1971)

Whereas it appears by message from James Smith, Esq., Commissioner of the Yukon Territory, and in the estimates accompanying the same that the sums hereinafter mentioned in Schedule "A" of the Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purpose relating thereto, for the twelve months ending March 31st, 1971.

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

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|---|-----------------------------|
| 1. This Ordinance may be cited as the <i>Fifth Appropriation Ordinance, 1970-71.</i> | Short title. |
| 2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied, a sum not exceeding in the whole, forty-one thousand, seven hundred and seventy-three dollars and fifty-six cents for defraying the several charges and expenses of the Public Service of the Territory for the twelve months ending March 31st, 1971, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. | Amount granted. |
| 3. The due application of all monies expended pursuant to section 2 shall be accounted for. | Monies to be accounted for. |

SCHEDULE "A"

APPROPRIATION OR ITEM

Loan Amortization	\$ 41,773.56
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ORDINANCES
of the
YUKON TERRITORY

Passed By

COUNCIL OF THE YUKON

In The Year

1971

Second Session

CHAPTER 1
 ORDINANCES OF THE YUKON TERRITORY
 1971 (Second Session)

AN ORDINANCE TO AMEND THE MUNICIPAL ORDINANCE

(Assented to May 26, 1971)

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

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
 1962(5th)c.10
 1963(1st)c.5
 1964(1st)c.8
 1964(2nd)c.12
 1966(1st)c.6
 1966(2nd)c.7
 1967(1st)c.16
 1967(2nd)c.14
 1968(4th)c.16
 1970(1st)c.6
 1971(1st)c.24

1. The *Municipal Ordinance* is hereby amended by adding thereto immediately after section 238, the following new section:

"238A. Subject to this Ordinance, and for the purpose of the election for the Council of the City of Whitehorse to be held in December, 1971, every person resident within the municipality is eligible to vote at the election who:

Electors.

- (a) is a Canadian citizen or other British subject, and
- (b) on polling day has
 - (i) attained the age of nineteen years, and
 - (ii) been ordinarily resident in the municipality for at least six months."

2. The said Ordinance is further amended by adding thereto immediately after section 240, the following new section:

"240A. Subject to this Ordinance, and for the purpose of the election for the Council of the City of Whitehorse to be held in December, 1971, any person resident within the municipality, other than a corporation, is qualified to be nominated and elected to hold office as a member of the Council who:

Electors
 qualified to
 hold office.

- (a) is a Canadian citizen or other British subject, and,
- (b) on the day of nomination has
 - (i) attained the age of nineteen years, and
 - (ii) been ordinarily resident in the municipality for at least six months."

3. The said Ordinance is further amended by repealing section 272 thereof and substituting therefor the following:

"272. At the end of the time stated in the nomination notice for the holding of nomination proceedings, the returning officer shall:

Proceedings
 after close of
 time for
 receiving
 nominations.

- (a) if the number of candidates equals or is less than the number of vacancies, forthwith declare the candidates to be elected, and
- (b) if there are more candidates than are to be elected, forthwith publicly declare
 - (i) the names of such candidates, and
 - (ii) the time and place stated in the nomination notice at which a poll will be open for the purpose of taking the votes of the electorsand issue a notice of election in Form M of Schedule C."

4. The said Ordinance is further amended by repealing paragraph (d) of section 294 thereof and substituting therefor the following:

Returning Officer to declare result of poll.

- "(d) publicly declare
 - (i) the candidate or candidates having the highest number of votes to be duly elected; and
 - (ii) the number of votes given for each of the candidates for the office of mayor and alderman; and"

5. The said Ordinance is further amended by adding thereto immediately after section 364, the following new section:

Exclusion.

- "364A. Notwithstanding any other section of this Ordinance, the Commissioner may by Order provide that any section of this Ordinance shall not apply to any highway described in the Order."

Saving.

6. From the coming into force of this Ordinance until the 1st day of January, 1972, except with the approval of the Commissioner, the by-laws of the Council of the City of Whitehorse shall not apply in respect of the area described in Schedule B to this Ordinance, but shall apply in respect of the area described in Schedule B of the *Municipal Ordinance* in force immediately prior to the coming into force of this Ordinance.

7. Schedule B of the said Ordinance is repealed, and the following substituted therefor:

"SCHEDULE B

BOUNDARIES OF THE CITY OF WHITEHORSE

COMMENCING at a triangulation station at elevation 2406 near Mile Post 905 of the Alaska Highway as said station is shown on Sheet 105D/10 West of the National Topographic Series;

THENCE on a bearing of 4°10' to a point on a line having a bearing of 320° and passing through a triangulation station on Canyon Mountain at elevation 4901;

THENCE northwesterly along said line to last said station;

THENCE northwesterly to a triangulation station at elevation 2697 as shown on Sheet 105D/15 West of the National Topographic Series;

THENCE on a bearing of 324° to a point on a line having a bearing of 270° and passing through the northeasterly corner of Lot 291, Group 804, said corner being a point on the ordinary high water mark of the Takhi-ni River;

THENCE west to said corner;

THENCE westerly along said ordinary high water mark to a point on a line having a bearing of 180° and passing through a standard post marking the northerly limit of the right-of-way of said highway and numbered H 1516;

THENCE south to said post;

THENCE southerly to a triangulation station on Haeckel Hill at elevation 4880 as said station is shown on Sheet 105D/14 West of the National Topographic Series;

THENCE southeasterly to a triangulation station on Mount McIntyre at elevation 5241 as said station is shown on Sheet 105D/11 East of the National Topographic Series;

THENCE southeasterly to a triangulation station on Golden Horn Mountain at elevation 5618;

THENCE easterly to an iron post numbered 217 as shown on a plan of survey of the British Yukon Railway by I.W. Tweddel, D.L.S. and of record in the Department of Mines and Technical Surveys under number 42260;

THENCE northeasterly to the point of commencement."

8. Forms K, L and R of Schedule C of the said Ordinance are amended by deleting the word "twenty-one" where it appears and substituting the word "nineteen" therefor.
9. For the purpose of the election to be held for the Council of the City of Whitehorse in December, 1971, the following Forms KA, LA and RA shall be used instead of the Forms K, L and R in Schedule C of the said Ordinance.

"FORM KA
(Section 269)
NOMINATION PAPER

We, residing at
in the Municipality of (occupation),
and residing at
in the Municipality of (occupation),
hereby nominate (full name of candidate) residing at
..... in the Municipality of
(occupation), as a candidate at the election now about to be held for
..... in the Municipality of

Each of us hereby declares that to the best of his knowledge, information and belief, the above-named candidate:

- (a) is a Canadian citizen or other British subject;
- (b) is of the full age of nineteen years;
- (c) has been ordinarily resident in the municipality for at least six months; and
- (d) is not subject to any of the disqualifications set out in section 241 of the Municipal Ordinance.

Chap. 1

Dated at, this day of, 19....

.....
Nominator

.....
Nominator

I consent to the above nomination.

.....
Candidate

FORM LA
(Section 269)
CANDIDATE'S DECLARATION

I,, residing at in the of(occupation), do solemnly declare:--

1. That I am fully qualified to be nominated, elected and to hold the office of for the Municipality of
2. That I am of the full age of nineteen years, and that I am a Canadian citizen or other British subject;
3. That I have examined the list of electors of the Municipality, and I find thereon the name of and the name of who have subscribed to my nomination;
4. That I am not in any way disqualified by law from holding the office of for the Municipality of; and
5. That I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at)
this day of)
....., 19....)

FORM RA
(Section 288)
OATH OF UNLISTED VOTER

Do you solemnly swear

1. that you are of the full age of nineteen years;
2. that you are a Canadian citizen or other British subject;
3. that you are otherwise qualified to vote within the meaning of section 238A of the Municipal Ordinance;
4. that you have not before voted at this election; and
5. that you have not received or been promised any consideration whatsoever for voting in this election;

So help you God."

10. This Ordinance or any part thereof shall come into force on a day or days to be proclaimed by the Commissioner.

Coming into force.



ORDINANCES
of the
YUKON TERRITORY

Passed By

COUNCIL OF THE YUKON

In The Year

1971

Third Session

CHAPTER 1
ORDINANCES OF THE YUKON TERRITORY
1971 (Third Session)

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

(Assented to November 5, 1971)

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 *Financial Agreement Ordinance*, Short title 1972.

PART I

2. (1) In this Part,
- | | |
|--|---------------------------------|
| | Definitions |
| "agreement" means the agreement entered into pursuant to section 3; | "agreement" |
| "local administrative district" has the meaning given to it in the agreement; | "local administrative district" |
| "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. (1) 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) as an operating grant for the fiscal year 1972-73, an amount equal to ten million four hundred and forty-one thousand dollars, and
- (ii) in respect of the period from the first day of April, 1972, to the thirty-first day of March, 1973, an amount equal to all monies owed by the Government of the Yukon Territory to the Government of Canada and becoming due in that year under a loan agreement entered into pursuant to an Ordinance listed in the Schedule to this Ordinance, minus all monies paid to the Government of the Yukon Territory in that year in respect of self-liquidating loans made by the Territory with monies borrowed from the Government of Canada pursuant to any such loan agreement as certified by the Commissioner; and

Chap. 1

- Provisions of agreement
- (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 commencing on the first day of January, 1972, and ending on the thirty-first day of December, 1972, 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 commencing on the first day of January, 1972, and ending on the thirty-first day of December, 1972.
- Additional provisions of agreement
- 4. (1) 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 amounts described in subparagraph 3(a)(i), in equal instalments in each month in the period from the first day of April, 1972, to the thirty-first day of March, 1973, and
 - (ii) in the case of amounts described in subparagraph 3(a)(ii), in the amounts and the times fixed in the loan agreements described in the subparagraph; and
 - (b) for such other terms and conditions as may be agreed upon for the purpose of giving effect to this Ordinance.
- Variation and amendment
- 5. (1) The agreement may be varied or amended from time to time as may be agreed upon with the Government of Canada by the Commissioner.
- Ratification
- 6. (1) No variation or amendment to the agreement made pursuant to section 5 is valid unless it is ratified by the Council.
- Suspension of Ordinances, etc.
- 7. (1) 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 to permit the Government of the Yukon Territory to fulfill every obligation assumed by it under the agreement.
- No tax collection contravening agreement
- 8. (1) 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.
- Tax reduced
- 9. (1) 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.

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|---|--------------------------------|
| 10. (1) 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 |
| 11. (1) Sections 7 to 10 shall remain in operation for only so long as is necessary to give effect to the agreement. | Operations of sections 7 to 10 |

PART II

- | | |
|---|--------------------------------------|
| 12. (1) In this Part, "agreement" means the agreement entered into pursuant to section 14. | "agreement" defined |
| 13. (1) The Commissioner may, on behalf of the Territory, borrow from the Government of Canada a sum not exceeding six million eight hundred and sixty-nine thousand dollars. | Commissioner may borrow money |
| 14. (1) 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 13,

(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 13, and

(c) such other terms and conditions as may be agreed upon by the Commissioner. | Commissioner may execute agreement |
| 15. (1) 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. | Commissioner may implement agreement |
| 16. (1) No amount shall be borrowed by the Commissioner pursuant to this Ordinance after the thirty-first day of March, 1973. | No borrowing after March 31st, 1973 |

SCHEDULE

Yukon Hospital Loan Ordinance	- 1955 (Second Session) Chapter 2
Loan Agreement Ordinance	- 1961 (Third Session) Chapter 4
Financial Agreement Ordinance	- 1962 (First Session) Chapter 4
Financial Agreement Ordinance	- 1967 (First Session) Chapter 19
Canada and Anvil Agreements Ordinance	- 1968 (Third Session) Chapter 2
Financial Agreement Ordinance	- 1969 (First Session) Chapter 1
Financial Agreement Ordinance	- 1970 (First Session) Chapter 10
Financial Agreement Ordinance	- 1971 (First Session) Chapter 1

CHAPTER 2
 ORDINANCES OF THE YUKON TERRITORY
 1971 (Third Session)

AN ORDINANCE RESPECTING THE REVISED
 ORDINANCES OF THE YUKON TERRITORY, 1971

(Assented to November 5, 1971)

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

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|----|--|---|
| 1. | In this Ordinance, "Revised Ordinances" means the Revised Ordinances of the Yukon Territory, 1971. | "Revised Ordinances" |
| 2. | (1) Subject to this Ordinance, the Ordinances contained in Schedule A are hereby declared to be law as though they were enacted by this Ordinance.

(2) The Revised Ordinances shall come into force on the first day of April, 1972, or such earlier day as may be fixed by order of the Commissioner. | Confirmation

Coming into force |
| 3. | Subject to this Ordinance, from the coming into force of the Revised Ordinances, the Ordinances and portions of Ordinances in Schedule B are repealed to the extent mentioned in the fourth column of that Schedule. | Repeal of Ordinances |
| 4. | The repeal of the Ordinances and portions of Ordinances in Schedule B does not revive any Ordinance or provision of law repealed by any of them, nor does the repeal prevent the effect of any saving clause in any of those Ordinances or portions of Ordinances, or of the application of any of those Ordinances or portions of Ordinances, or of any Ordinance or provision of law formerly in force, to any transaction, matter or thing anterior to the repeal to which they would otherwise apply. | Effect of repeal |
| 5. | The repeal of the Ordinances and portions of Ordinances in Schedule B does not defeat, disturb, invalidate or affect

(a) any penalty, forfeiture or liability, civil or criminal, incurred prior to the time of the repeal, or any proceeding for enforcing it, had, done, completed or pending at the time of the repeal;

(b) any indictment, information, conviction, order, sentence or prosecution had, done, completed or pending at the time of the repeal;

(c) any action, suit, judgment, decree, certificate, execution, distress, process, order, rule or any proceeding, matter or thing whatsoever respecting it, had, pending, existing or in force at the time of the repeal; | Penalties, etc.

Indictments, etc.

Actions, etc. |

Chap. 2

- Acts, deeds, rights, etc. (d) any act, deed, right, title, interest, grant, assurance, descent, will, registry, filing, by-law, rule, order-in-council, proclamation, regulation, order, contract, lien, charge, status, capacity, immunity, matter or thing had, done, made, acquired, established or existing at the time of the repeal;
- Offices, etc. (e) any office, appointment, commission, salary, remuneration, allowance, security or duty or any matter or thing appertaining thereto at the time of the repeal; or
- Other matters (f) any other matter or thing whatsoever had, done, completed, existing or pending at the time of the repeal;
- and the same shall remain and continue as if the repeal had not taken place, and, so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under the Revised Ordinances and the other Ordinances and laws in force in the Territory, and, subject to the provisions of the several Ordinances and laws, as if the repeal had not taken place.
- Not new laws 6. (1) The Revised Ordinances shall not be held to operate as new laws, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the Ordinances and portions of Ordinances so repealed, and for which the Revised Ordinances are substituted.
- When effective (2) The various provisions of the Revised Ordinances corresponding to, and substituted for, the provisions of the Ordinances and portions of Ordinances so repealed shall, where they are the same in effect as the Ordinances and portions of Ordinances so repealed, be held to operate retrospectively as well as prospectively and to have been enacted or to have become effective upon the days respectively upon which the Ordinances and portions of Ordinances so repealed came into effect or from which they were stated to be effective, as the case may be.
- Construction where Ordinances differ (3) If, upon any point, the provisions of the Revised Ordinances are not in effect the same as those of the repealed Ordinances and portions of Ordinances for which they are substituted, then as respects all transactions, matters and things subsequent to the coming into force of the Revised Ordinances, the provisions contained in the Revised Ordinances shall prevail, but as respects all transactions, matters and things anterior to that time, the provisions of the repealed Ordinances and portions of Ordinances shall prevail.
- Reference to provisions in repealed Ordinances 7. A reference in any Ordinance enacted prior to the coming into force of the Revised Ordinances and remaining in force after that time, or in any instrument or document, to any Ordinance or portion of any Ordinance so repealed shall, from and after the coming into force of the Revised Ordinances, be held as regards any subsequent transaction, matter or thing to be a reference to the enactments in the Revised Ordinances having the same effect as the repealed Ordinance or portion of it.
- Effect of inclusion in Schedule 8. The inclusion of any Ordinance in Schedule B shall not be construed as a declaration that the Ordinance or any portion of it was or was not in force immediately prior to the coming into force of the Revised Ordinances.
- Copies of Ordinances as evidence 9. (1) Copies of the Revised Ordinances purporting to be printed by the Queen's Printer shall be received as evidence of such Revised Ordinances in all courts and places whatsoever, without further proof of any kind.

- (2) The Queen's Printer may print and publish an edition of the Revised Ordinances in what is commonly known as a looseleaf form so that the separate pages thereof are not bound together but are punched so that they may be conveniently held together by a temporary fastening and removed or new pages inserted, or both, from time to time. Authority for loose-leaf editor
- (3) Where the Queen's Printer prints and publishes an edition of the Revised Ordinances as provided in subsection (2), he may also print and publish in similar looseleaf form, punched in the manner and for the purpose mentioned in subsection (2), Publication of amendments, etc.
- (a) any amendment subsequently made by an Ordinance of the Yukon Territory to any Ordinance included in the Revised Ordinances, and
- (b) any new Ordinance enacted, and that is either
- (i) substituted for, and replacing, an Ordinance that is included in the Revised Ordinances, and that is repealed by the new Ordinance, or
- (ii) not included in the Revised Ordinances, notwithstanding that, in printing any amendment to which paragraph (a) applies, it may be necessary for the purpose of including it in its proper place on a page, to reprint part of an Ordinance that is not so amended.
10. Except as otherwise provided in this Ordinance, the rules of construction and interpretation set forth in the *Interpretation Ordinance*, Chapter 1-3 of the Revised Ordinances of the Yukon Territory, 1971, apply to the Revised Ordinances and to this Ordinance. Interpretation
11. Any Ordinance included in the Revised Ordinances may be cited or referred to in any Ordinance or proceedings either by its title as an Ordinance or its short title as indicated therein, or by its title as an Ordinance or its short title as indicated therein together with the expression "chapter ... of the Revised Ordinances of the Yukon Territory, 1971". Citation
12. A copy of this Ordinance may be printed in both the bound and looseleaf editions of the Revised Ordinances and may be printed and published with the Ordinances enacted at the Session of the Council during which this Ordinance is enacted. Publication of Ordinance
13. The Commissioner may cause to be printed in both the bound and looseleaf editions of the Revised Ordinances, appendices containing: Publication of appendices
- (a) a list of Ordinances and portions of Ordinances not repealed and not consolidated;
- (b) office consolidations of any federal acts; and
- (c) any Orders-in-Council or regulations made under the authority of a federal act.

CHAPTER 3
ORDINANCES OF THE YUKON TERRITORY
1971 (Third Session)

AN ORDINANCE TO CHANGE THE NAME OF THE
TERRITORIAL COURT OF THE YUKON TERRITORY

(Assented to November 5, 1971)

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 name of the Territorial Court of the Yukon Territory is changed to the Supreme Court of the Yukon Territory. | Name
changed to
Supreme
Court |
| 2. (1) Wherever the expression "Territorial Court" or "judge of the Territorial Court" is mentioned or referred to in any Ordinance, or in any order, rule or regulation made pursuant to any Ordinance there shall, in every case unless the context otherwise requires, be substituted the expression "Supreme Court" or "judge of the Supreme Court", as the case may be. | References |
| (2) A reference to the word "judge" or "court" in any Ordinance, or in any order, rule or regulation made pursuant to an Ordinance shall, unless the context otherwise requires, be deemed to be a reference to the Supreme Court of the Yukon Territory, or a judge of the Supreme Court of the Yukon Territory, as the case may be. | |
| 3. This Ordinance shall come into force on a day to be fixed by order of the Commissioner. | Coming
into force |
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CHAPTER 4
ORDINANCES OF THE YUKON TERRITORY
1971 (Third Session)

AN ORDINANCE RESPECTING TRADE SCHOOLS REGULATION

(Assented to November 5, 1971)

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 <i>Trade Schools Regulation Ordinance</i> . | Short title |
| 2. | (1) In this Ordinance
"Registrar" means the person appointed to be the Registrar pursuant to section 3;
"trade" means the skill and knowledge requisite for or intended for use in any business, trade, occupation, calling or vocation designated as a trade by the regulations;
"trade school" means any school or place wherein any trade is taught or purported to be taught, and any course of study organized, promoted or carried on, whereby a trade is taught or purported to be taught, but does not include a school, place, or course of study, whether by correspondence or otherwise, conducted or operated by a university approved by the Commissioner, by any department of the Government of Canada or the Territory, under the <i>School Ordinance</i> , or a school or course maintained under the provisions of any other Ordinance of the Territory, or a school, place or course exempted by the Commissioner. | Definitions
"Registrar"
"trade"
"trade school" |
| (2) | A person who keeps or is in charge or apparently in charge of a trade school shall be deemed to operate the trade school. | |
| 3. | (1) The Commissioner may appoint a Registrar, Deputy Registrar and such officers as he may consider necessary for the purpose of carrying out the provisions of this Ordinance. | Appointments |
| 4. | (1) No person shall operate any trade school in the Territory unless he is registered under this Ordinance. | Registration |
| 5. | (1) After the coming into force of this Ordinance, every person desirous of commencing the operation of a trade school in the Territory shall make application for registration in writing to the Registrar in such form and with such particulars as may be prescribed. | Application |
| 6. | (1) Every registration under this Ordinance shall expire on the thirty-first day of August next following the date of registration, and every person who is registered may make application to the Registrar for the renewal of his registration in the manner provided in section 5. | Expiration and renewal of registration |

Chap. 4

- Register and issue of Certificate 7. (1) Upon the applicant for registration or for renewal of registration, as the case may be, complying with the requirements of the Registrar and satisfying him that the trade school is provided with competent instructors and sufficient equipment for the teaching of any specified trade or trades, and is furnished or is prepared to furnish proper instruction in such trade or trades, the Registrar may register the applicant as operator of a trade school for the teaching of the specified trade or trades, and may issue a Certificate of Registration accordingly.
- Inspection 8. (1) The Registrar, or any person authorized by him in writing, may inspect any trade school at any time, to observe the method of instruction given therein, and to inspect the business books and records, and all circulars, pamphlets, and other material used for advertising the trade school and the instruction afforded therein, and any person who obstructs the Registrar or the authorized person in making any inspection or observation, or who refuses or neglects to produce any business book or record upon demand, commits an offence.
- Cancellation and reinstatement of Certificate 9. (1) If, as the result of any inspection of any trade school, or upon being otherwise credibly informed, the Registrar is satisfied that a trade school in respect of which registration has been made under this Ordinance is insufficiently provided with the means of instruction, or that any regulation under the provisions of this Ordinance is not observed therein, he may cancel the registration and the Certificate thereof.
- (2) Where the Registrar is satisfied that the insufficiency or breach has been rectified, he may in his absolute discretion reinstate the registration and the Certificate.
- Penalty 10. (1) Every person who
- (a) operates a trade school at a time when he is not registered under this Ordinance as the operator of that trade school,
 - (b) operates a trade school for the purpose of giving instruction in a trade not specified in his Certificate of Registration,
 - (c) enters into any contract for the furnishing of instruction in a trade other than the contract set out in the application for registration, or a contract which has been approved by the Registrar, or
 - (d) fails to comply with any provision of this Ordinance or the regulations,
- is, in addition to any other liability, liable, upon summary conviction, to a fine of not more than five hundred dollars, or to imprisonment for a term of not more than six months, or to both fine and imprisonment.
- Regulation 11. (1) The Commissioner may from time to time make regulations
- (a) prescribing the security to be provided by the operator of any trade school operated in the Territory for the due performance of his contracts with students or their parents or guardians;
 - (b) prescribing the minimum number of hours of instruction in any trade which shall constitute a course of instruction in that trade;
 - (c) prescribing the terms and conditions upon which enrolment and tuition fees may be collected and money paid for or on account of instruction in any trade school shall be either retained by the payee or be repayable to the payer;

- (d) prohibiting the use within the Territory of any advertising relating to any trade school which may tend to mislead, and requiring the discontinuance of any specified advertisement or means of advertisement by the operator of any trade school;
 - (e) designating any calling or vocation as a trade within the meaning of this Ordinance;
 - (f) fixing the fees that shall be payable on application for registration or renewal of registration under this Ordinance;
 - (g) providing, in the case of any specified trade school, that no certificate or other document as to the competency of any person shall be issued by that trade school unless that person has submitted himself to such examination and by such persons as may be prescribed by the regulations, and prescribing fees for such examination and certificate;
 - (h) generally, as to the conduct, operation, and management of trade schools or any of them, and the nature of any examinations for certificates of competency, the manner, times, and places of holding such examinations, and the persons who shall sit as examiners;
 - (i) prescribing the accommodation, equipment, tools, implements, instruments, books and materials necessary for any trade school, and the means of instruction to be used and the number and qualification of teachers to be engaged;
 - (j) regulating the selling, advertising and offering for sale of any course of instruction offered by a trade school, and prohibiting any selling, advertising or offering for sale not in conformity with the regulations, prescribing the form of contract to be used and the terms, conditions and method upon which representatives, agents and salesmen may be employed; and
 - (k) generally, for the purpose of carrying out the provisions of this Ordinance.
12. (1) The provisions and requirements of this Ordinance and the regulations are in addition to all provisions and requirements made by or under any other Ordinance, and no examination held or certificate or other document granted by virtue of this Ordinance or the regulations shall in any way be deemed to be a compliance with the provisions or requirements made by or under any other Ordinance respecting examinations to be held or certificates or documents to be granted thereunder. Application of Ordinance and regulations
- (2) Subject to subsection (1), in case of any conflict arising between the provisions of this Ordinance and the regulations and the provisions of any other Ordinance, the provisions of this Ordinance and the regulations shall prevail.
13. (1) This Ordinance shall come into force on a day to be fixed by the Commissioner. Coming into force

CHAPTER 5
ORDINANCES OF THE YUKON TERRITORY
1971 (Third Session)

AN ORDINANCE TO AMEND
THE GAME ORDINANCE

(Assented to November 5, 1971)

R.O.Y.T.
1958 c.50
1959(1st)c.3
1959(2nd)c.4
1961(2nd)c.10
1964(1st)c.10
1965(1st)c.5
1967(1st)c.11
1969(2nd)c.9
1970(2nd)c.5
1971(1st)c.23

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

1. Section 78 of the *Game Ordinance* is amended by adding thereto immediately after subsection (2) thereof the following new subsections:

"(3) The Director may issue a licence to a person who is the holder of a licence in the Territory to do business as a retail merchant or lodge keeper, to buy, sell or traffic in the skins, pelts or parts thereof of any fur-bearing animals endorsed on the licence by the Director.

(4) A licence issued pursuant to subsection (3) authorizes the licensee, his employee or agent to buy, sell or traffic in the skins, pelts or parts thereof of the fur-bearing animals endorsed on the licence but only at the place of business described therein."

CHAPTER 6
ORDINANCES OF THE YUKON TERRITORY
1971 (Third Session)

AN ORDINANCE TO AMEND THE
LABOUR STANDARDS ORDINANCE

(Assented to November 5, 1971)

O.Y.T.
1968(2nd)c.1
1969(2nd)c.6
1970(1st)c.4

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

Subsection 11(1) of the *Labour Standards Ordinance* is repealed and the following substituted therefor:

"(1) Subject to this Part, on and after January 1, 1972, an employer shall pay to each employee seventeen years of age or over, a wage at the rate of not less than one dollar and seventy-five cents an hour or not less than the equivalent of that rate for the time worked by him."

Minimum
hourly wage

CHAPTER 7
ORDINANCES OF THE YUKON TERRITORY
1971 (Third Session)

AN ORDINANCE TO AMEND THE
MAGISTRATE'S COURT ORDINANCE

(Assented to November 5, 1971)

O.Y.T.
1971(1st)c.10

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 5 of the *Magistrate's Court Ordinance* is amended
by adding thereto the following new subsection:

"(2) The Commissioner may specially authorize a
Magistrate, by the terms of his appointment,
to exercise the jurisdiction conferred on a
Magistrate by Part XVI of the *Criminal Code*."

CHAPTER 8
ORDINANCES OF THE YUKON TERRITORY
1971 (Third Session)

AN ORDINANCE TO AMEND THE
MINING SAFETY ORDINANCE

(Assented to November 5, 1971)

R.O.Y.T.
1958 c.75
1968(2nd)c.9
1968(4th)c.14

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

Section 3 of the *Mining Safety Ordinance* is repealed and the following substituted therefor:

- "3. (1) The Commissioner may
- (a) appoint duly qualified persons as inspectors or authorize other duly qualified persons to act as such for the purposes of this Ordinance,
 - (b) designate an inspector to be a chief inspector or district inspector,
 - (c) appoint a duly qualified person as Registrar of Miner's Medical Certificates for the purposes of this Ordinance, and
 - (d) appoint persons as mine rescue superintendents for the purposes of this Ordinance."

Appointments

CHAPTER 9
ORDINANCES OF THE YUKON TERRITORY
1971 (Third Session)

AN ORDINANCE TO AMEND THE RECIPROCAL
ENFORCEMENT OF MAINTENANCE ORDERS ORDINANCE

(Assented to November 5, 1971)

R.O.Y.T.
1958 c.96
1970(1st)c.7

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

Section 3 of the *Reciprocal Enforcement of Maintenance Orders Ordinance* is amended by adding thereto immediately after subsection (2) thereof the following new subsection:

"(2.1) The court in which the order is registered may enforce the order in accordance with this Ordinance, notwithstanding that it is an order in proceedings in which the court has no original jurisdiction or that it is an order that the court has no power to make in the exercise of its original jurisdiction."

CHAPTER 10
ORDINANCES OF THE YUKON TERRITORY
1971 (Third Session)

AN ORDINANCE TO AMEND
THE SECURITIES ORDINANCE

(Assented to November 5, 1971)

O.Y.T.
1970(3rd)c.1

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 19(4) of the *Securities Ordinance* is repealed and the following substituted therefor:

"(4) Where an investigation is ordered under this section, the person or persons appointed to make the investigation may search for, seize and take possession of any documents, records, securities or other property of the person or company whose affairs are being investigated."

Seizure of
property

2. Subsection 23(6) of the said Ordinance is repealed and the following substituted therefor:

"(6) The Registrar may accept a form of prospectus and any amendments, or a statement of material facts that is in accordance with the law of another province if, in his opinion, the prospectus and amendments or the statement of material facts contains full, true and plain disclosure relating to the security to be traded and is accompanied by proof of filing of the prospectus and amendment or the statement of material facts in the other province."

Prospectus
of other
province

3. Paragraph 24(1)(a) of the said Ordinance is repealed and the following substituted therefor:

"(a) a copy of the last prospectus or statement of material facts relating to the security filed with the Registrar;"

4. Subsection 25(4) of the said Ordinance is repealed and the following substituted therefor:

"(4) Every prospectus or statement of material facts shall contain a statement of the rights given to a purchaser by this section."

Statement in
prospectus

5. Subsections 26(1) and 26(2), of the said Ordinance are repealed and the following substituted therefor:

Right to
rescind

"26. (1) A person or company that is a party to a contract as purchaser resulting from the offer of a security to which section 23 applies has a right to rescind the contract while still the owner of the security if the prospectus, any amendment to the prospectus or the statement of material facts then filed with the Registrar in compliance with section 23 received by the purchaser as of the date of receipt, contains an untrue statement of material fact or omits to state a material fact necessary in order to make any statement therein not misleading in the light of the circumstances in which it was made.

Period of
Limitation

(2) No action by the purchaser shall be commenced under this section after the expiration of ninety days

- (a) where a prospectus or amended prospectus has been received by the purchaser from the later to occur of the receipt of the prospectus or amended prospectus, or the date of the contract referred to in subsection (1); or
- (b) where a statement of material facts has been received, from the later to occur of the receipt of the statement of material facts, or the date of the contract referred to in subsection (1)."

6. Paragraphs 26(3)(a) and 26(3)(b) of the said Ordinance are repealed and the following substituted therefor:

- "(a) if the untruth of the statement or the fact of the omission was unknown to the person or company whose securities are being offered by the prospectus or statement of material facts, and in the exercise of reasonable diligence, could not have been known to the person or company;
- (b) if the statement or omission is disclosed in an amendment to a prospectus or statement of material facts filed in compliance with section 23 and the amendment to the prospectus or statement of material facts was received by the purchaser; or"

7. Subsections 26(5) and 26(6) of the said Ordinance are repealed and the following substituted therefor:

Prospectus
shall contain
statement of
right of
rescission

"(5) Every prospectus or amended prospectus, or statement of material facts shall contain a statement of the right of rescission provided by this section.

Time of
receipt

(6) For the purpose of this section, where a prospectus, a statement of material facts, or any amendment thereto is sent by prepaid mail, it shall be deemed to be received in the ordinary course of mail by the person or company to whom it was addressed."

8. Section 39 of the said Ordinance is repealed and the following substituted therefor:

"39. (1) The Commissioner may appoint a Registrar and Deputy Registrars of Securities. Appointments

(2) The Registrar shall have a seal of office, bearing thereon the words "Registrar of Securities, Yukon Territory", which he shall use as occasion may require." Seal for Registrar

CHAPTER 11
ORDINANCES OF THE YUKON TERRITORY
1971 (Third Session)

AN ORDINANCE TO AMEND
THE TAXATION ORDINANCE

(Assented to November 5, 1971)

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

O.Y.T.
1959(2nd)c.2
1960(1st)c.5
1961(1st)c.4
1963(1st)c.6
1966(2nd)c.6
1967(1st)c.10
1967(1st)c.17
1967(2nd)c.16
1968(3rd)c.3
1969(2nd)c.1
1970(3rd)c.8
1971(1st)c.26
1971(1st)c.28

Section 50 of the *Taxation Ordinance* is repealed and
the following substituted therefor:

- "50. (1) On or before the first day of February in
each year the Commissioner shall, in ac-
cordance with this Ordinance, levy taxes
on the assessed value of all real property
in the Territory liable to taxation under
this Ordinance.
- (2) Where, by a resolution, the Council has so
approved, the Commissioner may vary the rate
of tax levied under this section according
to the location of the real property to be
taxed."

Rates

CHAPTER 12
ORDINANCES OF THE YUKON TERRITORY
1971 (Third Session)

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

(Assented to November 5, 1971)

Whereas it appears by message from James Smith, Esq., Commissioner of the Yukon Territory, and in the estimates accompanying the same that the sums hereinafter mentioned in Schedule "A" of this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purpose relating thereto, for the twelve months ending March 31st, 1972;

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

1. This Ordinance may be cited as the *Third Appropriation Ordinance: 1971-72*. Short title
2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred seventy thousand four hundred and two dollars and two cents for defraying the several charges and expenses of the Public Service of the Territory for the twelve months ending March 31st, 1972, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. Amount granted
3. The due application of all monies expended pursuant to section 2 shall be accounted for. Monies to be accounted for

SCHEDULE "A"

Appropriation or Item

Department of Health, Welfare and Rehabilitation	\$ 13,500.00
Department of Local Government	150,001.00
Project and Loan Capital	<u>6,901.02</u>
	<u>\$170,402.02</u>

CHAPTER 13
ORDINANCES OF THE YUKON TERRITORY
1971 (Third Session)

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

(Assented to November 5, 1971)

Whereas it appears by message from James Smith, Esq., Commissioner of the Yukon Territory, and in the estimates accompanying the same that the sums hereinafter mentioned in Schedule "A" of this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purpose relating thereto, for the twelve months ending March 31st, 1972;

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

- | | |
|--|-------------------------------------|
| 1. This Ordinance may be cited as the <i>Fourth Appropriation Ordinance 1971-72.</i> | Short
title |
| 2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred thousand dollars for defraying the several charges and expenses of the Public Service of the Territory for the twelve months ending March 31st, 1972, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. | Amount
granted |
| 3. The due application of all monies expended pursuant to section 2 shall be accounted for. | Monies
to be
accounted
for |

SCHEDULE "A"

Appropriation or Item

Department of Local Government

\$100,000.00

TABLE OF ORDINANCES

(November 20, 1971)

TITLE OF ORDINANCE	CHAPTER NO.	AMENDMENTS
Adoption	1	Repealed - 1970(1st)c.2
Adult Occupational Training Agreements	-	1967(2nd)c.1
Agisters & Livery Stable Keepers	2	Repealed - 1968(4th)c.7
Amusement Tax	3	Repealed - 1971(1st)c.16
Annual Vacation	4	Repealed - 1968(2nd)c.1
Annuity Plan	5	Repealed - 1963(1st)c.4
Apprentice Training	-	1964(2nd)c.1
Arbitration	6	
Archives	-	1971(1st)c.2
Area Development	7	s. 4 - 1963(2nd)c.8
Assignment of Book Debts	8	s.18 - 1971(1st)c.20
Bills of Sale	9	s. 5 - 1964(1st)c. 5 s.35 - 1964(1st)c. 5 s.36 - 1971(1st)c.20
Blasting	10	
Brands	-	1967(2nd)c.2
Bulk Sales	11	
Business Licences	12	s. 5 - 1960(1st)c.7; 1971(1st)c.20; s. 7 - 1971(1st)c.20 s. 8 - 1971(1st)c.20 s. 9 - 1960(1st)c.7; 1971(1st)c.20;

TITLE OF ORDINANCE	CHAPTER NO.	AMENDMENTS
Business Licences (cont'd)	12	s.10 - repealed, 1971(1st)c.20 s.13 - 1971(1st)c.20 s.15 - 1961(1st)c.3; 1971(1st)c.20 s.16 - new, 1971(1st)c.20 Schedule - 1961(1st)c.3; repealed, 1971(1st)c.20
Canada & Anvil Agreements	-	1968(3rd)c.2
Canada & Anvil Agreements, No. 2	-	1970(2nd)c.9
Cancer Diagnosis & Treatment	-	1962(1st)c.11
Cemeteries & Burial Sites	13	Re-enacted - 1967(1st)c.1
Cemeteries & Burial Sites	-	1967(1st)c.1
Change of Name	14	s.11 - 1971(1st)c.20 s.12 - 1971(1st)c.20 s.17 - 1971(1st)c.20
Change of Name, Territorial Court	-	1971(3rd)c.3
Child Welfare	-	1970(1st)c.2
Chiropractic	15	s. 4 - 1971(1st)c.20 s. 5 - 1971(1st)c.20 s.20 - new, 1971(1st)c.20
Choses in Action	16	
Citizenship Instruction Agreement	17	
City Frontage Tax (Whitehorse)	-	1960(1st)c.3
City Frontage Tax (Dawson)	-	1964(1st)c.1

TITLE OF ORDINANCE	CHAPTER NO.	AMENDMENTS
Civil Emergency Measures	-	1966(2nd)c.3 s. 3 - 1969(2nd)c.3 s. 4 - 1969(2nd)c.3 s. 6 - 1969(2nd)c.3
Collection	18	
Companies	19	s.12 - 1971(1st)c.17 s.13 - 1971(1st)c.17 s.70 - 1966(2nd)c.5 s.83 - 1971(1st)c.17 s.97A- new, 1964(2nd)c.11 s.101- 1964(2nd)c.11 s.106- 1964(2nd)c.11 s.111A- new,1964(2nd)c.11 s.111B- new,1964(2nd)c.11 s.130- 1966(1st)c.10 s.298- 1962(1st)c.13 s.311- 1971(1st)c.17 s.324- 1971(1st)c.17 s.333- new,1971(1st)c.20 Schedule (first)- 1971(1st)c.20
Conditional Sales	20	s. 2 - 1964(2nd)c.9 s. 3 - 1964(2nd)c.9 s. 3A- new, 1964(2nd)c.9 s. 7 - 1964(2nd)c.9 s. 8 - 1964(2nd)c.9 s.12 - 1964(2nd)c.9 s.14 - 1964(2nd)c.9 s.14A- new,1964(2nd)c.9 s.15 - 1964(2nd)c.9 s.16 - new,1964 (2nd)c.9 s.17 - new,1964(2nd)c.9
Condominium	-	1968(4th)c.1
Consumers' Protection	-	1971(1st)c.3
Contributory Negligence	21	
Controverted Elections	22	
Co-operative Associations	23	s.44 - 1967(1st)c.8 Re-enacted - 1970(2nd)c.3
Co-operative Associations	-	1970(1st)c.1

TITLE OF ORDINANCE	CHAPTER NO.	AMENDMENTS
Cornea Transplant	-	1962(5th)c.2
Corners	24	s.7 - 1966(2nd)c.10
Corporation Securities Registration	-	1963(1st)c.3 s.13 - 1963(2nd)c.6
Court of Appeal	-	1971(1st)c.4
Credit Unions	25	s. 3 - 1965(2nd)c.2 s.30 - 1970(2nd)c.4 s.73 - 1971(1st)c.20 Schedule (second) - 1971(1st)c.20
Creditors' Relief	26	
Curfew	27	s. 4 - 1963(2nd)c.10
Dawson City Sewage Disposal System Sale	-	1966(1st)c.4
Defamation	28	
Dental Profession	29	s. 6 - repealed, 1971(1st)c.20 s. 7 - 1971(1st)c.20 s. 8 - 1971(1st)c.20 s.22A- new, 1964(2nd)c.10 s.22B- new, 1964(2nd)c.10 s.23 - 1964(2nd)c.10; 1971(1st)c.20 s.25 - new, 1964(2nd)c.10 s.26 - new, 1964(2nd)c.10 s.27 - new, 1964(2nd)c.10
Dependants' Relief	-	1962(1st)c.9
Devolution of Real Property	30	
Disabled Persons' Allowance	31	s. 3 - 1962(1st)c.16; 1964(1st)c.4 s 4 - 1962(1st)c.16; 1964(1st)c.4

TITLE OF ORDINANCE	CHAPTER NO.	AMENDMENTS
Distress	32	s. 2 - 1971(1st)c.20 s. 3 - 1971(1st)c.20 s. 4 - 1971(1st)c.20 s. 5 - repealed, 1971(1st)c.20 s. 7 - 1971(1st)c.20 s. 9 - new, 1971(1st)c.20 Schedule A - repealed, 1971(1st)c.20 Schedule B - repealed, 1971(1st)c.20
Dog	33	
Elections	34	s. 4 - 1960(3rd)c.4 s. 5 - 1960(3rd)c.4; 1970(3rd)c.5 s. 8 - 1960(3rd)c.4; 1966(1st)c.8 s. 9 - 1970(3rd)c.5 s.15 - new, 1971(1st)c.18 s.16 - new, 1971(1st)c.18 s.17 - new, 1971(1st)c.18 s.18 - new, 1971(1st)c.18 s.19 - new, 1971(1st)c.18 Schedule - 1960(3rd)c.4
Electrical Protection	-	1967(1st)c.2
Elevator & Fixed Conveyances	-	1971(1st)c.5
Employment Agencies	35	
Engineering Profession	36	s. 2 - 1961(1st)c.8 s. 8 - 1961(1st)c.8 s.12 - 1961(1st)c.8; 1965(1st)c.2 s.13 - 1961(1st)c.8 s.14 - 1961(1st)c.8 s.16 - 1961(1st)c.8 s.17 - 1961(1st)c.8 s.17A- new, 1963(1st)c.7 s.18 - 1961(1st)c.8 s.20 - 1961(1st)c.8 s.22 - 1961(1st)c.8 s.25 - 1961(1st)c.8 s.26 - 1961(1st)c.8 s.31 - 1961(1st)c.8 s.32 - 1961(1st)c.8
Evidence	37	s. 4 - 1968(2nd)c.3 s.29 - 1971(1st)c.19 s.65 - repealed, 1968(4th)c.8 s.66 - repealed, 1968(4th)c.8 s.67 - repealed, 1968(4th)c.8 s.68 - 1965(2nd)c.4; 1967(2nd)c.6; repealed, 1968(4th)c.8 s.69 - 1967(2nd)c.6; repealed, 1968(4th)c.8 s.70 - repealed, 1968(4th)c.8 s.71 - repealed, 1968(4th)c.8

TITLE OF ORDINANCE	CHAPTER NO.	AMENDMENTS
Exemptions	38	
Expropriation	-	1971(1st)c.6
Factors	39	
Fair Practices	-	1963(2nd)c.3
Faro General Purposes Loan	-	1971(1st)c.7
Faro, Village of	-	1970(3rd)c.2
Fatal Accidents	40	
Ferries	41	s. 3 - 1971(1st)c.20 s.23 - new, 1971(1st)c.20
Financial Administration	42	s.21 - 1963(1st)c.10 s.29 - 1964(2nd)c.7 s.30 - 1964(2nd)c.7 s.30A- new, 1964(2nd)c.7 s.30B- new, 1964(2nd)c.7 s.34 - 1967(1st)c.9
Financial Agreement (1962)	-	1962(1st)c.4
Financial Agreement (1967)	-	1967(1st)c.19 s. 3 - 1968(2nd)c.4 s.15 - repealed, 1969(1st)c.2
Financial Agreement (1969)	-	1969(1st)c.1
Financial Agreement (1970)	-	1970(1st)c.10
Financial Agreement (1971)	-	1971(1st)c.1
Financial Agreement (1972)	-	1971(3rd)c.1

TITLE OF ORDINANCE	CHAPTER NO.	AMENDMENTS
Fire Investigation	44	Repealed - 1962(5th)c.3
Fire Prevention	45	Re-enacted - 1962(5th)c.3
Fire Prevention	-	1962(5th)c.3 s. 6 - 1966(2nd)c.12 s.24 - 1967(2nd)c.7
Fitness & Amateur Sport	-	1962(5th)c.1
Flag	-	1967(2nd)c.3
Floral Emblem	46	
Forest Protection	47	s. 10 - 1969(3rd)c.4 s. 11 - 1963(1st)c.11 s. 16 - 1963(1st)c.11
Franchises:		
Mayo	-	1952(1st)c.6 s. 1 - 1953(1st)c.11 s. 2 - 1953(1st)c.11
Whitehorse	-	1954(2nd)c.2
Haines Junction	-	1958(1st)c.3
Watson Lake	-	1959(2nd)c.3
Carcross	-	1960(3rd)c.1 s. 2 - new, 1964(2nd)c.5
Carmacks	-	1961(1st)c.1 s. 2 - new, 1964(2nd)c.4
Teslin	-	1963(1st)c.1 s. 2 - 1963(2nd)c.11 s. 3 - new, 1963(2nd)c.11
Friendship Centres Agreement	-	1970(2nd)c.2
Frustrated Contracts	48	
Fuel Oil Tax	-	1962(1st)c.6 s. 3 - 1962(5th)c.15; 1964(2nd)c.6; 1968(1st) c.1 s. 4 - 1968(1st)c.1 Re-enacted - 1968(4th)c.2

TITLE OF ORDINANCE	CHAPTER NO.	AMENDMENTS
Fuel Oil Tax	-	1968(4th)c.2 s. 2 - 1969(3rd)c.1 s. 3 - 1971(1st)c.21 s. 4 - 1971(1st)c.21 s.12 - 1971(1st)c.21 s.13 - 1969(3rd)c.1 s.17 - 1969(2nd)c.10
Fur Export	49	s.15 - new, 1971(1st)c.22 Schedule A - 1961(2nd)c.11; 1968 (2nd)c.5; 1971(1st)c.22 Schedule B - repealed, 1971(1st)c.22
Game	50	s. 2 - 1959(1st)c.3; 1967(1st)c.11; 1971 (1st)c.23 s. 4 - 1970(2nd)c.5 s. 6 - 1971(1st)c.23 s. 7 - 1967(1st)c.11 s. 8 - 1959(1st)c.3; 1967(1st)c.11; 1971 (1st)c.23 s. 9A- new, 1959(1st)c.3 s. 9B- new, 1959(1st)c.3 s.10 - 1967(1st)c.11 s.10A- new, 1967(1st)c.11 s.12 - 1967(1st)c.11; 1971(1st)c.23 s.13 - 1967(1st)c.11; 1971(1st)c.23 s.13A- new, 1967(1st)c.11 s.13B- new, 1967(1st)c.11 s.14 - 1967(1st)c.11 s.14A- new, 1959(1st)c.3 s.15 - 1967(1st)c.11 s.16 - 1967(1st)c.11 s.17 - 1971(1st)c.23 s.19 1967(1st)c.11 s.19A- new, 1967(1st)c.11; 1971(1st)c.23 s.20 - 1967(1st)c.11; 1971(1st)c.23 s.21 - 1971(1st)c.23 s.25 - 1959(1st)c.3 s.26 - 1967(1st)c.11; 1971(1st)c.23 s.27 - 1959(1st)c.3 s.34 - 1959(1st)c.3 s.36 - 1959(1st)c.3 s.38A- new, 1967(1st)c.11 s.38B- new, 1967(1st)c.11 s.39 - 1959(2nd)c.4; 1971(1st)c.23 s.40 - 1971(1st)c.23 s.41 - 1971(1st)c.23 s.42 - 1959(1st)c.3; 1965(1st)c.5; 1967 (1st)c.11 s.43 1971(1st)c.23 s.49 - 1959(1st)c.3 s.57 - 1971(1st)c.23 s.62 - 1971(1st)c.23 s.65 - 1967(1st)c.11 s.66 - 1967(1st)c.11 s.67 - 1967(1st)c.11 s.68 - 1967(1st)c.11; 1971(1st)c.23 s.69 - 1971(1st)c.23 s.71 - 1971(1st)c.23 s.72 - 1967(1st)c.11 s.74 - 1959(1st)c.3 s.78 - 1961(2nd)c.10; 1971(1st)c.23; 1971(3rd)c.5 s.78A- new, 1971(1st)c.23 s.80 - 1967(1st)c.11; 1969(2nd)c.9; 1971 (1st)c.23

TITLE OF ORDINANCE	CHAPTER NO.	AMENDMENTS
Game (cont'd)	50	s.81 - 1959(1st)c.3; 1967(1st)c.11 s.82 - 1967(1st)c.11 s.84 - 1967(1st)c.11 s.86 - 1967(1st)c.11 s.86A- new, 1967(1st)c.11 s.86B- new, 1967(1st)c.11 s.86C- new, 1967(1st)c.11 s.86D- new, 1967(1st)c.11 s.87 - 1967(1st)c.11 s.88 - 1967(1st)c.11 Schedule A - 1961(2nd)c.10; 1964(1st)c.10; 1967(1st)c.11; repealed, 1971(1st)c.23 Schedule C - 1971(1st)c.23 Schedule D - new, 1967(1st)c.11
Gaols (Territorial)	-	1966(2nd)c.2 s. 2 - 1968(4th)c.9
Garage Keepers	51	
Garnishee	52	s.10 - 1969(2nd)c.2 s.17 - 1965(2nd)c.6 s.18 - 1969(2nd)c.2 s.19 - new, 1965(2nd)c.6 Form B - new, 1965(2nd)c.6 Form C - new, 1965(2nd)c.6
Hairdressers*	-	1967(1st)c.4 NOT PROCLAIMED IN FORCE
Health Care Insurance Plan, Yukon	-	1971(1st)c.15
Historic Sites & Monuments	-	1968(4th)c.3
Hospital	-	1959(1st)c.1 s. 2 - 1960(1st)c.4 s. 4 - 1960(1st)c.4 Repealed - 1964(2nd)c.13
Hospital Aid	53	Repealed - 1959(1st)c.1
Hospital Insurance Services, Yukon	-	1960(1st)c.2
Hotel Keepers	54	Repealed - 1963(4th)c.4
Hotels & Tourist Establishments	-	1968(4th)c.4
Housing Development	-	1967(1st)c.6

TITLE OF ORDINANCE	CHAPTER NO.	AMENDMENTS
Housing Loan, Yukon	-	1960(3rd)c.2
Housing, Yukon	-	1961(2nd)c.3 s. 3 - 1962(1st)c.12; 1964(1st)c.2; 1966(1st)c.9; 1967(1st)c.13 s. 5 - repealed, 1965(2nd)c.8 s. 6 - repealed, 1965(2nd)c.8
Illegitimate Children	55	Repealed - 1970(1st)c.2
Immunity of Members	-	1966(1st)c.1
Insane Persons	56	Repealed - 1971(1st)c.11
Insurance	57	s. 2 - 1967(1st)c.15; 1969(3rd)c.2 s. 2A- new, 1967(1st)c.15 s. 3 - 1971(1st)c.20 s. 4 - 1971(1st)c.20 s.19A- new, 1971(1st)c.20 s.39 - 1959(1st)c.4 s.40 - 1959(1st)c.4 s.41 - 1959(1st)c.4 s.42 - 1959(1st)c.4 s.43 - 1959(1st)c.4 s.44 - 1959(1st)c.4 s.45 - 1959(1st)c.4 s.46 - 1959(1st)c.4 s.47 - 1959(1st)c.4 s.48 - 1959(1st)c.4; 1962(5th)c.7 s.49 - 1959(1st)c.4 s.50 - 1959(1st)c.4 s.51 - 1959(1st)c.4 s.52 - 1959(1st)c.4 s.52A- new, 1959(1st)c.4 s.52B- new, 1959(1st)c.4 s.53 - 1967(1st)c.15 s.54 - 1967(1st)c.15 s.55 - 1967(1st)c.15 s.56 - 1967(1st)c.15 s.57 - 1967(1st)c.15 s.58 - 1967(1st)c.15 s.59 - 1967(1st)c.15 s.60 - 1967(1st)c.15 s.61 - 1967(1st)c.15 s.62 - 1967(1st)c.15 s.63 - 1967(1st)c.15 s.64 - 1967(1st)c.15 s.65 - 1967(1st)c.15 s.66 - 1967(1st)c.15 s.67 - 1967(1st)c.15 s.68 - 1967(1st)c.15 s.69 - 1967(1st)c.15 s.70 - 1967(1st)c.15 s.71 - 1967(1st)c.15 s.72 - 1967(1st)c.15 s.73 - 1967(1st)c.15 s.74 - 1967(1st)c.15 s.75 - 1967(1st)c.15 s.76 - 1967(1st)c.15 s.77 - 1967(1st)c.15

TITLE OF ORDINANCE	CHAPTER NO.	AMENDMENTS
Insurance (cont'd)	57	s.78 - 1967(1st)c.15 s.79 - 1967(1st)c.15 s.80 - 1967(1st)c.15 s.81 - 1967(1st)c.15 s.82 - 1967(1st)c.15 s.83 - 1967(1st)c.15 s.84 - 1967(1st)c.15 s.85 - 1967(1st)c.15 s.86 - 1967(1st)c.15 s.87 - 1967(1st)c.15 s.88 - 1967(1st)c.15 s.89 - 1967(1st)c.15 s.90 - 1967(1st)c.15 s.91 - 1967(1st)c.15 s.92 - 1967(1st)c.15 s.93 - 1967(1st)c.15 s.94 - 1967(1st)c.15 s.95 - 1967(1st)c.15 s.96 - 1967(1st)c.15 s.97 - 1967(1st)c.15 s.98 - 1967(1st)c.15 s.99 - 1967(1st)c.15 s.100- 1967(1st)c.15 s.101- 1967(1st)c.15 s.102- 1967(1st)c.15 s.103- 1967(1st)c.15 s.104- 1967(1st)c.15 s.105- 1967(1st)c.15 s.106- 1967(1st)c.15 s.107- 1967(1st)c.15 s.131A- new, 1963(2nd)c.5 s.132- 1969(3rd)c.2 Schedule - 1959(1st)c.4
Interpretation	58	s.20 - 1967(2nd)c.8; 1968(4th)c.10 s.35 - 1971(1st)c.20 s.37 - 1959(1st)c.5
Intestate Succession	59	s. 3 - 1965(2nd)c.7 s. 5 - 1962(1st)c.19 Part II - 1965(2nd)c.7
Judicature	60	s.14 - 1960(3rd)c.5 s.17 - 1964(2nd)c.8; 1968(2nd)c.6; 1968(4th)c.11 s.32 - 1969(3rd)c.3 s.37 - 1964(2nd)c.8 s.51 - 1960(3rd)c.5; 1961(1st)c.7; 1969 (2nd)c.7 s.54 - 1969(2nd)c.7
Jury	61	s. 7 - 1968(2nd)c.7 s. 9 - repealed, 1961(3rd)c.1 s.14 - 1961(3rd)c.1 s.19 - 1961(3rd)c.1
Justice of the Peace	-	1971(1st)c.8

TITLE OF ORDINANCE	CHAPTER NO.	AMENDMENTS
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