



STATUTES
OF THE
YUKON TERRITORY

PASSED BY THE LEGISLATURE OF
THE YUKON TERRITORY
IN THE YEAR
1983

IN THE THIRD SESSION OF THE TWENTY-FIFTH
LEGISLATIVE ASSEMBLY

CHAPTERS 12 - 30

VOLUME 1

TABLE OF CONTENTS
STATUTES OF THE YUKON TERRITORY
1983

<u>BILL No.</u>	<u>CHAPTER No.</u>	<u>TITLE</u>	<u>Page. No.</u>
19	12	Access to Information Act	70
22	13	The Business Corporations Act (Act published in separate volume)	76
20	14	Certified General Accountants Act	77
25	15	An Act to Amend the Compensation for Victims of Crime Act	84
26	16	Constitutional Questions Act	86
15	17	Economic and Regional Development Agreement Act, 1983	90
32	18	An Act to Amend the Elections Act	91
14	19	Financial Administration Act	117
28	20	First Appropriation Act, 1984-5	167
29	21	Fourth Appropriation Act, 1983-84	169
21	22	An Act to Amend the Legislative Assembly Act	172
36	23	An Act to Amend the Legislative Assembly Act (No.2)	173
31	24	An Act to Amend the Motor Vehicles Act	175
30	25	An Act to Amend the Municipal Act	182
24	26	Public Lotteries Act	223
23	27	Recreation Act	228
16	28	An Act to Amend the Society of Management Accountants Act	236
17	29	An Act to Amend the Workers' Compensation Act	238
10	30	An Act to Amend the Yukon River Basin Study Agreement Act	239

STATUTES OF THE YUKON TERRITORY

1983, Chapter 12

ACCESS TO INFORMATION ACT

(Assented to November 3, 1983)

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

- 1 (1) This Act may be cited as the Access to Information Act.
- 2 (1) In this Act,
 - "Archivist" means the person appointed as the Archivist under the Archives Act;
 - "department" means
 - (a) any department, branch, or unit of the public service of the Government of Yukon, and
 - (b) any board, commission, foundation, corporation or other similar agency established as an agent of the Commissioner of Yukon;
 - "information" means information in any form including information that is written, photographed, recorded or stored in any manner whatsoever;
 - "public business" means any activity or function carried on or performed by a department;
 - "record" means the form in which information is kept.
- 3 (1) The purpose of this Act is to provide reasonable access by the public to information in records of departments and to subject that right only to specific and limited exceptions necessary for the effective operation of departments in the public interest.
- 4 (1) Subject to this Act, every person shall have access to information relating to the public business of the Government of Yukon.

- 5 (1) Any person may request information in a record of a department by applying to the Archivist.
- (2) The request may be made orally or in writing, and if the request is made orally the person who receives it shall make a written record of the relevant particulars of the request.
- (3) The person who makes the request shall describe the record or the subject matter of the information he wants with enough detail about time, place, person, or event to enable a person familiar with the subject matter to identify the relevant record.
- (4) If the record containing the requested information cannot be identified, the Archivist shall, in writing, tell the person who made the request that the record cannot be identified and ask him to give more details that might help a departmental official identify the relevant record.
- (5) If the record containing the requested information can be identified but the information cannot be supplied immediately or the record cannot be located, the Archivist official shall, in writing, tell the person who made the request when he can return for the information..
- (6) If the record that contained the information no longer exists the Archivist shall, in writing, tell the person who made the request that the record no longer exists and, if possible, when it was destroyed.
- (7) A request for information shall be made during the regular working hours of the office of the Archivist.
- 6 (1) A request for information shall be granted or denied within 30 days after the day on which the request is made.
- (2) A request for information that is not granted within 30 days of the day on which the request was made or within the extended time allowed under subsection (3), shall be deemed to have been denied and the reasons for the denial shall be provided.

- (3) If the record containing the requested information cannot be identified and the person who requested it has been asked to give more details to help identify the relevant record, the request shall be granted or denied within 30 days after enough additional details are given to enable the record to be identified.
- 7 (1) If the request for information is granted and the prescribed fee has been paid the Archivist shall make the information available and provide copies of the record upon request.
- 8 (1) There is no right to information under this Act where access to it or its release
- (a) would disclose information the confidentiality of which is protected by law;
 - (b) would reveal information concerning another person's identity, residence, dependents, marital status, employment, financial transactions, income, assets and liabilities, credit worthiness, education, character, reputation, health, physical or personal characteristics, or mode of living, where that information was given in the reasonable expectation that its confidentiality would be protected;
 - (c) would violate the confidentiality of information that was given by another government;
 - (d) would violate the confidentiality of information that was given by another person and is of a kind consistently treated as confidential by that person;
 - (e) would likely cause a financial loss to or gain for a person or department, or affect the competitive position of a person or department;
 - (f) would jeopardize negotiations in relation to an existing or proposed agreement or contract;
 - (g) would disclose the substance of proposed legislation or regulations;
 - (h) would disclose the existence or content of opinions or recommendations communicated to, between, or from members of the Executive Council on matters relating to the formulation of government policy and the making of government decisions;
 - (i) would disclose any agenda for or record of the deliberations of the Executive Council;

- (j) would disclose legal opinions or advice given to a person or department, or privileged communications as between solicitor and client in a matter of departmental business;
 - (k) would be detrimental to the proper enforcement of any law of Canada or of the Territory, the conduct of lawful investigations in respect of such laws, the administration of justice, or the proper custody, control or supervision of persons under sentence;
 - (l) would violate any right respecting intellectual property, including any copyright, patent right or trade mark right;
 - (m) would hamper an audit in progress or reveal an auditing program or auditing operation plan;
 - (n) would likely prejudice the outcome of judicial proceedings in progress.
- 9 (1) If a record contains some information that cannot be disclosed, that portion of the record shall not be disclosed and the remainder shall be disclosed.
- (2) If it is not practical to separate the portion of the record that can be disclosed from the portion that cannot be disclosed, the portion that can be disclosed shall, if the prescribed fee is paid, be transcribed into a form that can be disclosed to and used by the person who requests the information.
- 10 (1) A request for information may only be denied
- (a) where the record of the information does not exist, or
 - (b) in accordance with section 8.
- (2) If a request for information is denied the Archivist shall give to the person who made the request
- (a) written reasons for the denial, and
 - (b) a written description of the right and procedure for appealing against the denial.

- 11 (1) If the request for information is denied, the person who made the request may appeal the denial by delivering to the Archivist a written notice of appeal within 15 days after the day his request was denied.
 - (2) The appeal shall be considered and decided by the Executive Council member charged with responsibility for the department to whose operation the information relates.
 - (3) The appeal to the Executive Council Member is not a judicial proceeding and he may review the request and the denial in any manner and consult with any person and hear any representations and receive any recommendations as he thinks appropriate.
 - (4) The Executive Council Member shall, within 30 days after the notice of appeal is delivered to the Archivist, uphold, vary or overrule the denial and shall give reasons for the decision.
 - (5) If the Executive Council Member overrules or varies the denial, he shall issue appropriate instructions to ensure that the requested information, or the portion that he decides can be released, is made available to the person who made the request.
- 12 (1) If the request for information has been denied by the Executive Council Member, the person who requested the information may appeal by means of a petition to a judge of the Supreme Court.
 - (2) On the appeal to him the Supreme Court judge may require the production of and may inspect the information that is the subject of the appeal, if the information exists, but that inspection shall be conducted without the presence of any person and the confidentiality of the information shall be preserved pending the judge's decision about whether the person who requests the information has a right to it.
 - (3) Upon hearing the appeal, the Supreme Court judge may
 - (a) order that the Archivist grant the request for some or all of the requested information,

- (b) order that the denial of the request be upheld in relation to some or all of the information, or
 - (c) make any order in consequence of, or to implement, an order under paragraph (a) and (b) that seems necessary and just in the circumstances.
 - (4) If under section 8 there is no right to the requested information the Supreme Court judge shall not order the Archivist to grant the request.
 - 13 (1) The Commissioner in Executive Council may make regulations
 - (a) prescribing fees for the purposes of this Act,
 - (b) without requiring the use of any particular form, prescribing forms that may be used under this Act, and
 - (c) prescribing such procedures as are not established by the Act as may be necessary to carry out the purposes of the Act.
 - 14 (1) This Act comes into force on a date to be fixed by the Commissioner in Executive Council.
-

STATUTES OF THE YUKON TERRITORY
1983, Chapter 13

THE BUSINESS CORPORATIONS ACT

(Assented to November 3, 1983)

This Act is printed in a separate volume.

STATUTES OF THE YUKON TERRITORY
1983, Chapter 14

CERTIFIED GENERAL ACCOUNTANTS ACT

(Assented to November 3, 1983)

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

- 1(1) This Act may be cited as the Certified General Accountants Act.
- 2(1) There is hereby established a corporation to be known as the Certified General Accountants Association of Yukon, in this Act referred to as the "Association".
- (2) The head office of the Association shall be in the City of Whitehorse or such other place as may be determined by the Board.
- 3(1) The general objects of the Association are
- (a) to furnish means and facilities by which its members may increase their knowledge, skill, and proficiency in all things relating to the business or profession of an accountant or an auditor;
 - (b) to hold examinations and establish tests of competency for admission to membership in the Association; and
 - (c) to discipline a member guilty of misconduct in the practice of his business or profession.
- 4(1) The affairs and business of the Association shall be managed by a Board of Governors, in this Act referred to as the "Board", comprising three or, if the by-laws so provide, more than three members elected by and from among the members of the Association.
- (2) The Board shall elect from its members a president and at least one vice-president.

- (3) The Board shall appoint a secretary-treasurer or a secretary and a treasurer, who need not be a member of the Board.
 - (4) When there is a vacancy in the membership of the Board, the Board shall appoint some other member of the Association to fill the vacancy.
 - (5) A vacancy in the membership of the Board does not impair the right of the remaining members of the Board to act.
- 5(1) The following persons are entitled to be admitted to membership in the Association:
- (a) a member of any incorporated association of certified general accountants in Canada that has objects and purposes similar to those of the Association;
 - (b) a member of any association of accountants or auditors within or outside of Canada that has objects and purposes similar to those of the Association and who has training and experience similar to that of persons eligible to be admitted to membership in the Association under paragraph (a) and who passes such examinations as may be prescribed by a by-law; and
 - (c) any candidate or any registered student who has passed the examinations and met any other requirements for enrollment as members that have been prescribed by bylaw.
- 6(1) In addition to the powers vested in it by the Interpretation Act, the Association has, for the attainment of its objects, power to
- (a) acquire and dispose of real property;
 - (b) to borrow money and mortgage or otherwise charge or encumber its property;
 - (c) employ persons, including members, in pursuit of its objects;
 - (d) establish branches or chapters in various parts of Yukon;

- (e) establish educational programs for members and students and, for that purpose, make agreements with the Government of Yukon, or with any university, college, or school in Yukon or a province, or with any incorporated association of accountants;
 - (f) establish and administer a benevolent fund for the benefit of members or the dependents of deceased members, and for that purpose may make and receive contributions and donations;
 - (g) contract or arrange for insurance for the benefit of members and the dependents of deceased members; and
 - (h) affiliate with any incorporated association of accountants for the mutual benefit of members, for the establishment of uniform qualifications or examinations, and for the recognition of qualifications and examinations.
- 7(1) The objects and powers of the Association may be carried out and exercised by bylaws or by resolutions passed by the Board, but the Board shall not exercise any power or do any act that is directed or required by this Act or by a by-law to be exercised or done by the Association in a general meeting.
- 8(1) The Board may pass bylaws to carry out the objects of the Association and without limiting the generality of the foregoing the Board may pass bylaws respecting
- (a) membership fees and the termination of membership;
 - (b) nomination, election or appointment, terms of office and remuneration of members of the Board or employees of the Association;
 - (c) the election or appointment, and the replacement of officers of the Association and the duties and powers of those officers;
 - (d) the time, place, calling and conduct of general meetings of the members of the Association;
 - (e) the management of the property and financial affairs of the Association;

- (f) rules of professional conduct and the reprimanding of members, and the suspension or termination of membership for breach of the rules of professional conduct;
 - (g) a student class of membership and the rights and privileges thereof and the conditions upon which persons wishing to become members of the Association may be registered as students;
 - (h) a non-practicing class of membership and the rights and privileges thereof and the conditions upon which persons may maintain non-practicing membership and change to practicing membership.
 - (i) the enrollment of members and registration of students;
 - (j) the curriculum of studies and examinations to test the competence of registered students or of candidates for enrollment as members;
 - (k) the granting, suspension, revocation and renewals of certificates of registration; and
 - (l) other matters that are necessary for the management of the Association and the attainment of its objects.
- (2) No such bylaw or any repeal thereof or amendment thereto shall take effect until it has been approved by the members of the Association in a general meeting.
- (3) Any bylaw passed by the Board may be amended or rejected by the members of the Association in a general meeting, and the members may propose and pass a by-law in a general meeting whether or not it has already been passed by the Board.
- (4) The Board shall file with the Executive Council Member a copy of each bylaw within two weeks after the bylaw has been approved by the members of the Association.
- (5) The Commissioner in Executive Council may annul any bylaw of the Association.

- 9(1) At least one general meeting of the members of the Association shall be held in each year for the transaction of such business as may be brought before the meeting.
- (2) The Board may convene other general meetings of the members of the Association at its discretion and shall convene such other general meetings as are required pursuant to a bylaw.
- 10(1) Every member of the Association, other than a student member, may use the designation "certified general accountant" and the initials "C.G.A." to indicate that he is a certified general accountant.
- (2) No person shall use the designation "certified general accountant" or the initials "C.G.A." alone or in combination with any other words or initials as his occupational, business or professional designation, where he is not a member of the Association and no person shall in any other way represent or imply that he is a certified general accountant, unless he is a member of the Association.
- (3) Any firm of certified general accountants whose members are entitled to practice as certified general accountants outside Yukon and whose head office is outside Yukon, but which maintains a practice within Yukon, may describe themselves in Yukon as certified general accountants, or C.G.A.'s, if at least one member of the firm is a member, other than a student or non-practicing member, of the Association.
- (4) Each day's continuance of any contravention of this section constitutes and is deemed to be a new and distinct offence.
- 11(1) Nothing in the Act affects or interferes with the right of a person who is not a member of the Association to practice as an accountant or auditor in Yukon.

- 12(1) Any person of the age of majority, upon making application for membership and paying examination fees as required by a bylaw, has the right to try the examination set by the Board as the test of competency for membership in the Association.
- 13(1) The Board shall keep a register in which shall be entered in alphabetical order the names of all members and their class of membership.
- (2) The register of members shall be open to any person for inspection free of charge during reasonable business hours.
- (3) The register, or a copy of it or of an extract from it certified true by an officer of the Association, shall be received in evidence as prima facie proof of the facts stated in the register or extract produced.
- (4) The certificate of an officer of the Association certifying that he has examined the register and that a person is not shown on the register as a member of the Association shall be received in evidence as prima facie proof that the person is not a member.
- 14(1) Any surplus derived from carrying on the affairs and business of the Association shall be applied solely in promoting and carrying out the objects and purposes of the Association, and shall not be divided among the members of the Association.
- (2) No person who ceases to be a member of the Association, and no representative of any member who dies, shall, by reason of the membership, have any interest in or claim against the funds and property of the Association.
- (3) The Association may be wound up in the same way as if it were incorporated under the Companies Act but dissolution of the Association in consequence of the winding up may occur only by repeal of this Act.

- 15(1) A member who has been reprimanded or whose membership in the Association has been suspended or expelled may, after exhausting all other rights of appeal provided by a bylaw, appeal to the Supreme Court of Yukon against the decision imposing the reprimand, suspension or termination.
- (2) The appeal shall be taken within 30 days of the decision appealed against or such longer time as a judge of the Court may allow.
- (3) The procedure for the conduct of an appeal to the Court under this section shall be, with such reasonable modifications directed by the Court as may be necessary, the same as for an appeal in the Court of Appeal.
- (4) Upon hearing the appeal, the Court may affirm, reverse, or modify the decision appealed against, and make such other order as seems proper to the Court.
- 16(1) The first general meeting of the Association shall be held within six months after the date on which this Act comes into force and may be called by notice given by any three persons entitled to be members of the Association.
- (2) The notice of the first general meeting may be given or published by any method likely to give reasonable notice to persons who are practicing accountancy in Yukon and who would likely qualify as certified general accountants under this Act and are not members of the Institute of Chartered Accountants or of the Society of Management Accountants.
-

STATUTES OF THE YUKON TERRITORY
1983, Chapter 15

AN ACT TO AMEND
THE COMPENSATION FOR VICTIMS OF CRIME ACT

(Assented to November 21, 1983)

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

- 1 (1) This Act amends the Compensation for Victims of Crime Act.
- 2 (1) In subsection 21(1), "section 19" is substituted for "subsection (19)".
- 3 (1) The following is substituted for section 26:
 - "26 (1) Subject to subsections (2), (3), (4) and (5), nothing in this Act affects the rights of any person to recover from any other person, by civil proceedings, damages as a result of an occurrence.
 - (2) The Executive Council Member has the right to recover from the person whose act or omission caused the injury or death the amount of compensation awarded in respect of the occurrence and that amount shall be deemed to be a debt owing to the Government of Yukon.
 - (3) In an action taken by the Executive Council Member under subsection (2), the defendant may have the benefit of any defence he would have in an action by the victim, or his heirs, successors or assigns, for damages resulting from the occurrence.
 - (4) Notwithstanding subsection (3), in an action taken by the Executive Council Member under subsection (2), evidence that the Board has found the defendant responsible for the occurrence or that he has been convicted of a crime arising out of the occurrence shall be prima facie proof that it was his act or omission which caused the injury or death.

- (5) In an action against any other person for damages arising out of the occurrence, a person who has received an award under this Act has no right to recover the amount of the award from the other person and the amount of the award shall be deducted from the damages that would otherwise be granted."
- 4 (1) In section 27, "Commissioner in Executive Council" is substituted for "Commissioner".
- 5 (1) In section 29, "Executive Council Member" is substituted for "Commissioner".
-

STATUTES OF THE YUKON TERRITORY
1983, Chapter 16

CONSTITUTIONAL QUESTIONS ACT

(Assented to November 21, 1983)

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

- 1 (1) This Act may be cited as the Constitutional Questions Act.

- 2 (1) In this Act,
"enactment" includes an Act, a regulation, and any other statutory instrument of a legislative nature, such as an order, order-in-council, or Ordinance, that is made by or under the authority of the Parliament of Canada, the Parliament of the United Kingdom, the Legislature, Her Majesty, the Governor General, the Governor-in-Council, a Minister of the Government of Canada, the Commissioner, the Commissioner in Executive Council, or an Executive Council Member;

"enactment of Canada" includes all enactments other than those made by or under the authority of the Legislature, the Commissioner, the Commissioner in Executive Council, or an Executive Council Member;

"Yukon enactment" means any enactment made by or under the authority of the Legislature, the Commissioner, the Commissioner in Executive Council, or an Executive Council Member.

- 3 (1) When in a proceeding in any Yukon court or before any judge or justice in Yukon the constitutional validity of an enactment of Canada or of a Yukon enactment is brought in question, the enactment shall not be held to be invalid unless
 - (a) in the case of an enactment of Canada, notice has been given to the Attorney General for Canada, and

- (b) in the case of a Yukon enactment, notice has been given to the Executive Council Member.
- (2) When in a proceeding in any Yukon court or before any judge or justice in Yukon a question arises as to whether an enactment is the appropriate legislation applying to or governing any matter or issue, no decision may be made on it unless notice has been given to both the Attorney General for Canada and the Executive Council Member.
- (3) The notice referred to in subsection (1) and (2) shall specify the enactment, and what part thereof, that is in question, shall give such other particulars as are necessary to show the constitutional issue proposed to be argued, and shall be served at least 30 days before the day proposed for argument of the issue.
- (4) The Attorney General for Canada and the Executive Council Member are entitled to be heard on the constitutional question notwithstanding that the Crown is not a party to the proceeding in which the question arises.
- 4 (1) The Supreme Court has jurisdiction to hear an action at the instance of either the Attorney General for Canada or the Executive Council Member for a declaration as to the constitutional validity of a Yukon enactment, even though no other remedy is sought.
- (2) An action under this section is sufficiently constituted if both the Attorney General for Canada and the Executive Council Member are parties to it.
- (3) A judgment in an action under this section may be appealed as other judgments of the Court in an action.

- 5 (1) The Commissioner in Executive Council may refer to the Court of Appeal for hearing or consideration any matter he thinks fit to refer, other than the constitutional validity of an enactment of Canada, and the Court of Appeal shall thereupon hear or consider the matter.
- (2) Where the matter referred to the Court of Appeal relates to the constitutional validity of a Yukon enactment the Attorney General for Canada shall be notified of the hearing and is entitled to be heard in the hearing.
- (3) Where any matter relating to an agreement between the Government of Canada and the Government of Yukon is referred to the Court of Appeal under this section, the Attorney General for any province that has made an agreement of like nature and having like purposes may be heard in the Court of Appeal on the reference.
- (4) The Court of Appeal or any judge thereof may direct that a person interested in the matter referred to it or that any one or more persons representative of a class of persons interested in the matter referred to it be notified of the hearing and be entitled to be heard in the hearing.
- (5) The Court of Appeal or a judge thereof may grant to any person interested in the matter referred to it or to any person representative of a class of persons interested in the matter leave to appear and be heard in the hearing.
- (6) When any interest affected in the matter referred to the Court of Appeal is not represented by counsel, the Court of Appeal may permit counsel to argue the case for that interest.

(7) The Court of Appeal shall certify the Court's opinion on the matter, with reasons, and the opinion shall be given in the same manner as a judgment in an ordinary action and a judge who differs from the opinion or reasons of the majority or of another judge may in like manner certify his opinion and reasons.

(8) The opinion of the Court of Appeal shall be deemed a judgment of the Court of Appeal and may be appealed against as other judgments of the Court of Appeal in an action.

6 (1) Section 9 of the Supreme Court Act is repealed.

STATUTES OF THE YUKON TERRITORY
1983, Chapter 17

ECONOMIC AND REGIONAL DEVELOPMENT AGREEMENT ACT, 1983

(Assented to November 21, 1983)

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

- 1 (1) This Act may be cited as the Economic and Regional Development Agreement Act, 1983.

- 2 (1) The Commissioner in Executive Council may make on behalf of the Government of Yukon an agreement with the Government of Canada providing for the creation and implementation of programs, the cost of which will be shared by the Government of Yukon and the Government of Canada, for economic and socio-economic planning and development of the Yukon Territory.
 - (2) The agreement authorized by subsection (1).
 - (a) may provide for subsidiary agreements between the Government of Yukon and the Government of Canada or between the Government of Yukon and any person for the purpose of implementing a plan, program or development,
 - (b) shall provide that no expenditure of money under its terms shall be made by the Government of Yukon unless the Legislative Assembly has appropriated money for the purpose, and
 - (c) may be executed on behalf of the Commissioner in Executive Council by the Executive Council Member.

- 3 (1) The Commissioner in Executive Council may do every act and exercise every power, including delegation to the Executive Council Member, necessary for the purpose of fulfilling every obligation assumed by the Government of Yukon under this Act.

STATUTES OF THE YUKON TERRITORY
1983, Chapter 18

AN ACT TO AMEND THE ELECTIONS ACT

(Assented to November 21, 1983)

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

- 1 (1) This Act amends the Elections Act.
- 2 (1) In the definition of "Administrator" in subsection 2(1), "appointed by the Chief Electoral Officer" is substituted for "employed by the Board".

(2) In subsection 2(1), the definition of "Board" is repealed.

(3) The following new definition is added to subsection 2(1):
"Chief Electoral Officer" means the Chief Electoral Officer appointed pursuant to section 4."

(4) The definition of "election officer" in subsection 2(1) is amended by adding "the Chief Electoral Officer" immediately before "the Administrator".
- 3 (1) Except as otherwise provided in this Act, in every provision of the Elections Act containing the word "Board"
 - (a) "Chief Electoral Officer" is substituted for "Board", and
 - (b) in order to give effect to paragraph (a), "he", "him" and "his" are substituted for "it" and "its", as the case may require, wherever they refer to the "Board".
- 4 (1) The following is substituted for the heading immediately preceding section 4: "Chief Electoral Officer".

(2) The following is substituted for section 4:
 - "4(1) The Commissioner in Executive Council shall appoint a Chief Electoral Officer.
 - (2) The Chief Electoral Officer shall refrain from any active or public support or criticism of any candidate or any political party endorsing a candidate."

- 5 (1) The following is substituted for subsection 6(1):
"6(1) The Chief Electoral Officer shall appoint an Administrator of Elections who shall be his assistant."
- (2) In subsection 6(2), "during his employment" is struck out.
- (3) The following new subsections are added to section 6:
"(3) The Administrator shall assist the Chief Electoral Officer in the performance of the duties of his office and, where the Chief Electoral Officer fails to perform his duties or is unable at any time for any reason to perform his duties, the Administrator shall act in his place.

(4) The Chief Electoral Officer may authorize the Administrator or any other officer on the staff of the Chief Electoral Officer to exercise any of the powers, or perform any of the duties, assigned to the Chief Electoral Officer by this Act."
- 6 (1) The following new section is added immediately after section 6:
"6.1(1) The Chief Electoral Officer and the Administrator shall, upon their respective appointments, take an oath to perform their duties without partiality, fear, favour or affection."
- 7 (1) In subsection 7(1), "Chief Electoral Officer" is substituted for "Board or the Administrator".
- 8 (1) In subsection 9(4), "Chief Electoral Officer" is substituted for "Administrator".
- 9 (1) In subsection 12(1), "the person" is substituted for "him".
- 10 (1) In subsection 14(2), "the returning officer's electoral district" is substituted for "his electoral district".

(2) In paragraph 14(4)(b), "300" is substituted for "two hundred and fifty".

(3) In subsection 14(5), "300" is substituted for "two hundred and fifty".

- 11 (1) The following is substituted for subsection 15(1):
"15(1) Every election shall be instituted by a writ of election in Form 1, issued by the Commissioner and transmitted to the Chief Electoral Officer."
- 12 (1) The following new paragraph is added to subsection 18(2):
"(a.1) the Chief Electoral Officer and the Administrator;"
- (2) In paragraph 18(2)(c), "trial" is struck out.
- 13 (1) In subsection 20(5), "or receiving care or treatment in a hospital or home for the aged" is struck out.
- (2) The following new subsections are added to section 20:
"(9) A person who has his residence outside of Yukon in order to pursue his ordinary occupation with the Government of Yukon and who is otherwise qualified as an elector is deemed to be ordinarily resident in Yukon.
(10) A person who has his residence outside of Yukon in order to attend an educational institution who is otherwise qualified as an elector is deemed to be ordinarily resident in Yukon.
(11) The spouse or any dependent of a person mentioned in subsection (9) or (10), if otherwise qualified as an elector, is deemed to be ordinarily resident in Yukon."
- 14 (1) In subsections 21(5), (6) and (7), "17th" is substituted for "twenty-ninth".
- (2) In subsection 21(8.1), "those lists" is substituted for "the appropriate list of electors".
- 15 (1) The following new subsections are substituted for subsection 22(1.1):
"(1.1) Where 50 or less electors are known to reside in a polling division, only one enumerator shall be appointed for that polling division."

- (1.2) Where only one person is appointed under subsection (1) or subsection (1.1) to enumerate the electors in any polling division, the returning officer for the polling division shall forthwith report the fact to the Chief Electoral Officer."
- (2) In subsection 22(2), "subsection (1) or (1.1)" is substituted for "subsection (1)".
- (3) In paragraph 22(7)(a), "residence address" is substituted for "address".
- (4) In paragraph 22(14)(b), "residence address" is substituted for "address".
- (5) In subsection 22(16),
- (a) "13th" is substituted for "twenty-sixth",
 - (b) "residence addresses" is substituted for "addresses", and
 - (c) "he has" is substituted for "they have".
- (6) The following new subsection is added to section 22:
- "(16.1) For the purposes of paragraphs (7)(a) and (14)(b), and subsection (16), "residence address" means the numbers or letters, and the street name, designating the location of a residence, but where there is no such number, letter or street name, a mailing address may be provided."
- (7) In subsection 22(20), "13th" is substituted for "twenty-sixth".
- (8) The following is substituted for subsection 22(23):
- "(23) The times and dates endorsed pursuant to subsection (22) shall be six o'clock to nine o'clock in the afternoon on the 18th and 19th days after the issuance of the writ."
- 16 (1) In subsection 23(2), "sufficient" is substituted for "three".

- 17 (1) In subsection 24(3), "verified by a statutory declaration in the prescribed form" is substituted for "and by independent inquiry".
- (2) In subsection 24(4), "and by independent inquiry" is struck out.
- (3) The following new subsections are added to section 24:
- "(3.1) A person shall not make more than two declarations under this section at revision hearings.
- (4.2) The returning officer shall, in the prescribed manner, within three days of the close of revision hearings, transmit to each candidate a list of changes and additions to the list of electors."
- 18 (1) In subsection 25(3)
- (a) "nine o'clock" is substituted for "five o'clock",
- (b) "certify as many copies of the revised preliminary list as the returning officer may require" is substituted for "certify the revised preliminary list",
- (c) "to each copy of" is added immediately before "the revised preliminary list" in paragraph (b), and
- (d) "lists" is substituted for "list" in paragraph (d).
- (2) In subsection 25(3.1), "lists" is substituted for "list".
- (3) In subsection 25(4.1), "lists of electors and the copies of the" is substituted for "list of electors and the".
- 19 (1) In subsection 27(1), the following new paragraph is added:
- "(b.1) the days on which an advance poll is to be held and the hours between which ballots may be cast;".
- (2) In subsection 27(5), "transmit a copy of the proclamation to the Chief Electoral Officer and" is added immediately after "every returning officer shall".

- 20 (1) In subsection 30(1), "31st" is substituted for "forty-fifth".
- 21 (1) In subsection 31(1), "tenth" is substituted for "twenty-sixth".
- 22 (1) In subsection 33(2), "21st" is substituted for "sixteenth".
- 23 (1) In subsection 37(1), "seven days" is substituted for "three days".
- 24 (1) In subsection 38(1), "13th" is substituted for "twenty-ninth".
- 25 (1) In paragraph 40(2)(b),
(a) "shall not comprise more than ten polling divisions unless the Chief Electoral Officer has given his prior permission" is substituted for "shall not comprise more than five polling divisions unless the Board has given its prior permission", and
(b) "comprising more than ten" is substituted for "comprising more than five".
- 26 (1) In subsection 41(1), "by writing" and "executed under his hand" are struck out.
- (2) In subsection 41(4), "as deputy returning officer" is substituted for "and in such case the returning officer shall forthwith report the appointment to the Board".
- (3) In subsection 41(8), "by writing under his hand" is struck out.
- (4) In subsection 41(13), "who shall report it forthwith to the Board" is struck out.
- 27 (1) In paragraph 43(2)(a), "arranged in the order established pursuant to subsection 31(15)" is struck out.

(2) The following new subsection is added to section 43:

- "(2.1) The order of the names on the ballot paper shall be as follows:
- (a) the name of the candidate of the political party represented by the Government Leader shall be placed at the top of the ballot paper;
 - (b) the name of the candidate of the political party represented by the Leader of the Official Opposition at the time of dissolution of the last Legislative Assembly shall be placed next on the ballot paper;
 - (c) the names of all other candidates shall be placed next on the ballot paper in alphabetical order."

28 (1) The following new section is added immediately after section 43:

- "43.1(1) Every ballot paper for a mail-in poll shall be in Form 4A.
- (2) All ballot papers for a mail-in poll shall be in the same form and as nearly as possible identical, and each ballot paper shall be a printed paper on which shall appear a space for writing the name of one candidate.
 - (3) The ballot paper shall be printed upon paper of the prescribed dimensions, colour, weight and quality.
 - (4) The ballot papers shall bear the name of the printer who shall upon delivering the ballot papers to the Administrator, deliver therewith an affidavit in the prescribed form setting forth the description of the ballot papers so printed by him and the number of ballot papers supplied to the Administrator, and stating that no other ballot papers relating to a mail-in poll for that electoral district have been supplied by him to any other person or retained by him.
 - (5) Upon receipt of ballot papers from the Administrator, the returning officer shall forthwith mail or deliver to the Administrator a receipt in the prescribed form for the number of ballot papers received."

- 29 (1) In paragraph 44(1)(f) and subsection 44(2), "lists" is substituted for list.
- 30 (1) In subsection 45(2), "for each polling division in the electoral district" is substituted for "for his polling station".
- (2) In subsection 45(3), "to each deputy returning officer, and they shall use the list for the taking of the poll" is substituted for "to the deputy returning officer concerned, and in such case the deputy returning officer shall, for the taking of the poll, use the certified revised preliminary list of electors as though he had received it from the returning officer".
- 31 (1) In paragraph 46(2)(e), "or in the absence of agents, two electors to represent each candidate" is struck out.
- (2) In subsection 46(3), "or if there be no agent present, one elector, for each candidate" is struck out.
- (3) In subsection 46(5), "and, in the absence of agents, each of the electors representing the candidate" is struck out.
- (4) In subsection 46(6), "in preference to, and to the exclusion of, and elector who might otherwise claim the right of representing the candidate" is struck out.
- (5) In subsection 46(10), "or agent" is substituted for "agent or elector".
- 32 (1) In subsection 47(1), "and electors" is struck out.
- (2) In subsection 47(3),
- (a) "or agent" is substituted for "agent or elector", and
- (b) "or agents" is substituted for "agents or electors".
- 33 (1) In subsection 48(2), "or electors representing candidates" is struck out.
- (2) In subsection 48(10),
- (a) "certificate" is substituted for "application", and

(b) "an official list of electors for the electoral district" is substituted for "the official list of electors for the polling station".

34 (1) Subsection 49(2) is repealed.

35 (1) In subsection 50(1), "or an agent of a candidate" is substituted for "an agent of a candidate or any elector present".

36 (1) In paragraph 52(1)(e), "deputy" is struck out.

37 (1) In subsection 54(4), "or an agent representing a candidate" is struck out.

(2) In subsection 54(5), "or agents of candidates" is substituted for "agents of candidates or electors representing candidates".

(3) The following new subsections are substituted for subsections 54(13) to (16):

"(13) The deputy returning officer, on the application of anyone who is blind, unable to read or so physically incapacitated as to be unable to vote in the manner prescribed by this Act, shall

(a) require the elector to take an oath in the prescribed form of his incapacity to vote without assistance,

(b) assist the elector in the presence of no other persons by marking his ballot paper in the manner directed by him, and

(c) place the ballot paper in the ballot box.

(14) Where a physically handicapped elector is unable to enter the polling place without undue difficulty and so requests, the deputy returning officer may remove the ballot box, together with all unused or spoiled ballot papers in the polling station, the poll book and other documents from the polling place to a place, either within the same building or outside the building but not further than fifty metres from an entrance to the building.

- (15) A deputy returning officer who removes a ballot box from a polling station as provided in subsection (14) shall be accompanied by the poll clerk and any candidate or candidate's agent may accompany the deputy returning officer.
 - (16) A deputy returning officer who removes a ballot box from a polling station as provided in subsection (14) shall ensure that the elector may mark his ballot paper without being observed and cast the ballot paper without interference or interruption."
- (4) In subsection 54(17), "subsection (13)" is substituted for "subsections (13) to (16)".
- 38 (1) The following is substituted for section 55:
- "55(1) Where an elector whose name appears on a list of electors for an electoral district is qualified to vote in the electoral district and has reason to believe that he will be unable to vote at the election by reason of his absence from Yukon, he may by proxy application in the prescribed form, appoint another elector whose name appears on a list of electors for, and who is qualified to vote in, the electoral district to be his proxy voter to vote for him and in his place at the election.
 - (2) A proxy application shall be consented to in the prescribed form by the elector who is appointed by another elector to be his proxy voter.
 - (3) Any elector who has signed a proxy application pursuant to subsection (1) or any proxy voter named in such application may apply in person for a proxy certificate
 - (a) at any time prior to polling day, to the returning officer, or
 - (b) at a revision hearing, to be the revising officer.
 - (4) A returning officer shall issue a proxy certificate in the prescribed form where
 - (a) he receives a completed proxy application and consent in the prescribed form prior to polling day, and

- (b) he is satisfied that
 - (i) the elector is entitled to appoint a proxy voter under subsection (1), and
 - (ii) the names of the elector and the proxy voter both appear on a list of electors for the electoral district in which the elector is qualified to vote.
- (5) A revising officer shall issue a proxy certificate in the prescribed form where
 - (a) he receives a completed proxy application and consent in the prescribed form at a revision hearing, and
 - (b) he is satisfied as to the matters referred to in clauses 4(b)(i) and (ii).
- (6) Upon the completion of a proxy certificate pursuant to subsection (4) or (5) the returning officer or revising officer shall
 - (a) deliver the original copy of the certificate to the elector or proxy voter who has applied to him,
 - (b) transmit a copy of the proxy certificate to the deputy returning officer for the polling division in which the elector is qualified to vote, and
 - (c) retain a copy of the certificate together with the application.
- (7) Where a proxy certificate has been issued for an elector, he may withdraw the certificate by mailing or delivering a statement in the prescribed form to the returning officer for his electoral district or the deputy returning officer for his polling division, but the withdrawal is of no effect if the proxy has been exercised.
- (8) Where a returning officer receives a withdrawal of proxy he shall:
 - (a) transmit one copy to the elector,
 - (b) transmit one copy to each of the deputy returning officers for the polling division in which the elector is qualified to vote, and
 - (c) retain one copy.
- (9) Where a deputy returning officer receives a withdrawal of proxy, he shall give one copy to the elector and retain one copy.

- (10) Notwithstanding subsection 49(5), but subject to the other provisions of this Act, a proxy voter is entitled to vote at the election for and in the place of the elector who appointed him where the elector has not voted and the proxy voter
- (a) delivers to the deputy returning officer of the polling division in which the elector who appointed him to be his proxy voter is qualified to vote, a proxy certificate under this section, and
 - (b) verifies by statutory declaration made before the deputy returning officer that he has not already voted in the election as a proxy voter, and that, to the best of his knowledge the elector who appointed him is absent from Yukon.
- (11) Where a proxy voter is allowed to vote at an election as provided under subsection (10);
- (a) the poll clerk shall enter in the poll book opposite the elector's name, in addition to any other required entry, the fact that the elector voted by proxy, together with the name of the proxy voter, and
 - (b) the deputy returning officer shall retain the proxy certificate and, in accordance with section 59.1, transmit it to the returning officer.
- (12) An elector who has been appointed, in accordance with this section, to be a proxy voter at an election, and who votes as a proxy voter at the election, is, notwithstanding subsection 49(5), but subject to any other provision of this Act, entitled to vote in his own right at the election.
- (13) Every person commits an offence who, at an election,
- (a) appoints more than one proxy voter,
 - (b) being ineligible to vote by proxy, fraudulently appoints a proxy voter,
 - (c) having appointed a proxy voter and not having withdrawn the appointment in accordance with this section, himself votes,
 - (d) applies to vote as a proxy voter for more than one elector, or
 - (e) except in accordance with this section, makes a proxy application or votes as a proxy at an election."

- 39 (1) The following heading is added immediately after section 55:
"Advance Polls".
- (2) The following is substituted for section 55.1:
"55.1(1) For the purpose of polling the vote of an elector or a proxy voter who has reason to believe that he will be absent from the polling division on polling day, or an elector who is physically incapacitated, the Chief Electoral Officer shall direct the returning officer to establish an advance poll in a polling place either within the electoral district or in another electoral district.
- (2) The Chief Electoral Officer may direct that one or more advance polling stations be established for an electoral district.
- (3) Advance polls shall be the 23rd and 24th days after the issue of the writ between the hours of two and eight o'clock in the afternoon.
- (4) Except as otherwise provided herein, an advance poll shall be conducted in the same manner as is provided for in this Act for the conduct of a poll and counting of the ballots on the polling day of an election.
- (5) Every returning officer shall, in the prescribed form, appoint a deputy returning officer for one or more polling stations, who shall take an oath in the prescribed form.
- (6) The returning officer shall furnish to the deputy returning officer of an advance poll,
- (a) for each polling division in the electoral district a copy of the certified revised preliminary list of electors marked "ADVANCE POLL", and
- (b) for each polling division for which the deputy returning officer is responsible, copies of issued proxy certificates.
- (7) At an advance poll each elector shall declare his name and address, whereupon the poll clerk shall ascertain if the name of the elector appears on the list of electors for that polling division.

- (8) Where it has been ascertained that an applicant elector is qualified to vote or to exercise a proxy,
- (a) his name and address shall be entered in the poll book in the prescribed form to be kept by the poll clerk, a consecutive number being prefixed to the elector's name in the appropriate column of the poll book,
 - (b) he shall take an oath or affirmation in the prescribed form, and
 - (c) subject to section 50, he shall be allowed to vote.
- (9) The poll clerk shall enter in the poll book opposite the name of each elector, as soon as the elector's ballot paper has been deposited in the ballot box, the words " VOTED" and "ADVANCE POLL".
- (10) At the close of the advance poll each day the deputy returning officer shall
- (a) affix a seal in the prescribed form across the slit in the ballot box,
 - (b) place the poll book, the oaths of electors in the envelope provided for that purpose, the unused ballot papers and stubs in the envelope provided for that purpose, the spoiled ballot papers, if any, in the envelope provided for that purpose and the other election materials into a document envelope provided for that purpose and seal it in the prescribed form, and
 - (c) prevent any person from having unlawful access to the ballot box and other election materials.
- (11) At the close of the advance poll the deputy returning officer shall
- (a) count the number of electors whose names appear in the poll book as having voted, and make an entry thereof on the line immediately below the name of the elector who voted last, thus: "The number of electors who voted at this election in this polling station is (stating the number), and sign his name thereto,

- (b) prepare in the prescribed form a list of all electors who voted at the advance poll including the name, address, number on the official list of electors and polling division number of each elector, and
 - (c) transmit it to the returning officer for the electoral district.
- (12) Upon receiving the list of electors referred to in paragraph (11)(b) of an advance poll, the returning officer shall
- (a) draw a line through the name of each advance elector on the list of electors to be used on polling day and enter the words "ADVANCE POLL", and
 - (b) transmit to each candidate, not later than three days prior to polling day, a copy of the list of electors who voted at the advance poll.
- (13) Immediately after the close of the poll on polling day, the deputy returning officer and the poll clerk shall, and one witness for each candidate may, attend at the returning office or the place to which they may be directed by the returning officer and count the ballots pursuant to section 59."
- 40 (1) The following new headings and sections are added immediately after section 55.1:

"Institution Polls

- 55.2 (1) For the purpose of a general election or a by-election, where a person is a resident in a nursing or retirement home and is qualified as an elector, he shall vote in the electoral district in which the home is located.
- (2) The returning officer of an electoral district containing any nursing or retirement home shall determine the need for an institution poll to be held in the home.

- (3) The returning officer for the electoral district in which a nursing or retirement home is situated shall appoint in the prescribed form, for each institution poll under this section, one enumerator, who shall take an oath in the prescribed form.
- (4) Enumeration for an institution poll under this section shall be conducted in the same manner as provided elsewhere in this Act for the conduct of enumeration.
- (5) Immediately after the preliminary lists of electors have been reproduced for an institution poll under this section, and not later than the 17th day after the issue of the writ, the returning officer shall
 - (a) deliver or mail three copies of the list to each candidate,
 - (b) post one copy of the list in the nursing or retirement home, and
 - (c) deliver or mail one copy of the list to the Chief Electoral Officer.
- (6) The returning officer for the electoral district in which an institution poll under this section is to be held shall appoint in the prescribed form a deputy returning officer for the polling station, who shall take an oath in the prescribed form.
- (7) Polling at an institution poll under this section shall be between ten o'clock in the forenoon and four o'clock in the afternoon on polling day.
- (8) Polling at an institution poll under this section shall be conducted in a polling station located in the nursing or retirement home.
- (9) Except as otherwise provided in this section, polling at an institution poll under this section shall be conducted in the same manner as provided elsewhere in this Act for the conduct of a poll and counting of the ballots on the polling day of an election.
- (10) The deputy returning officer shall prevent any person from having unlawful access to the ballot box and any other election materials at an institution poll under this section.

(1) Immediately after eight o'clock in the afternoon on polling day, the deputy returning officer and the poll clerk shall, and one witness for each candidate may, attend at the returning office or the place to which they may be directed by the returning officer and count the ballots for each candidate in the electoral district.

55.3 (1) A person who is qualified to vote in an electoral district is entitled to be enumerated to vote by mail-in ballot in that district where, at the time of enumeration,

(a) he is in a hospital in Yukon to which he has been admitted as a patient, or

(b) he is in a corrections centre in Yukon where he is being held on remand.

(2) The returning officer for an electoral district in which a hospital or corrections centre is situated shall appoint in the prescribed form one enumerator for each such institution, who shall take an oath in the prescribed form.

(3) Where a person is enumerated under subsection (1),

(a) he shall advise the enumerator if he knows he has been enumerated to vote at a polling station,

(b) he shall not vote by proxy, and

(c) he shall not vote as a proxy voter for any other person.

(4) Where a person referred to in subsection (1) chooses not to be enumerated to vote by mail-in ballot,

(a) the enumerator shall advise him of the date, time and place of revision hearings in his electoral district, and

(b) this section does not affect his entitlement to vote in person, to vote by proxy, or to vote as a proxy voter for another person.

(5) Except as otherwise provided in this section, enumeration under this section shall be conducted in the same manner as provided elsewhere in this Act for the conduct of enumeration.

- (6) For each hospital or corrections centre, one list of electors for each electoral district for which electors have been enumerated shall be prepared in alphabetical order of surnames, showing
 - (a) the number or letters and street name designating the location of the residence of each elector in his electoral district, or
 - (b) where there is no such number, letter or street name, the mailing address of the elector.
- (7) Immediately after the preliminary lists of electors enumerated under subsection (1) have been reproduced, and not later than the 17th day after the issue of the writ, the returning officer shall
 - (a) deliver or mail one copy of the list to each relevant candidate,
 - (b) post one copy of the list in the hospital or corrections centre, and
 - (c) deliver or mail one copy of the list to the Chief Electoral Officer.
- (8) The returning officer of an electoral district containing a hospital or corrections centre shall, not later than nine days prior to polling day, mail or cause to be delivered to each elector enumerated under subsection (1) a mail-in ballot paper initialled by the returning officer and envelopes in the prescribed forms, and instructions for marking the mail-in ballot paper.
- (9) Where the returning officer is not satisfied as to the identity of an elector enumerated under subsection (1), upon receipt of the elector's ballot paper, he shall retain the certificate envelope unopened and mark it "NOT IDENTIFIED", and the envelope shall be placed in a spoiled ballot paper envelope.
- (10) Immediately after the close of the poll, the returning officer shall
 - (a) place all the rejected ballots in separate special envelopes for any electoral district, and seal each envelope in the prescribed form, and

- (b) place all the ballots counted for candidates in the same electoral district in a special envelope for each electoral district, indicate thereon the number of ballots for each candidate, and seal each of the envelopes in the prescribed form.
- (11) The returning officer shall make the necessary number of copies of the statement of the poll in the prescribed form as follows:
- (a) one copy for each electoral district, which shall remain in the poll book;
 - (b) one copy for the returning officer of each electoral district sealed in the prescribed form in the special envelope provided for that purpose, which shall be immediately delivered or mailed to the returning officer of each electoral district;
 - (c) one copy for each candidate in each electoral district, which shall be mailed in a special envelope provided for that purpose; and
 - (d) one copy for each electoral district for the returning officer of the electoral district in which the hospital or corrections centre is located.
- (12) Except as otherwise provided in this section, the polling of electors in a hospital or corrections centre shall be done in the same manner as provided in section 55.4 for the conduct of mail-in polls.
- (13) This section applies only during the conduct of a general election and does not apply during any by-election.

Mail-in Polls

- 55.4 (1) Where in an electoral district after enumeration it is found by the returning officer that 15 or less electors are resident in a polling division, the returning officer may direct the electors to vote by a mail-in poll.

- (2) The returning officer shall, not later than nine days prior to polling day, mail or cause to be delivered to each qualified elector in the polling division
 - (a) a ballot paper in the prescribed form pursuant to section 43.1, which has been initialled by the returning officer,
 - (b) a ballot paper envelope in the prescribed form for the marked ballot paper,
 - (c) a certificate envelope in the prescribed form,
 - (d) an outer envelope in the prescribed form for transmission to the returning officer,
 - (e) a list of the candidates and the name of the registered political party endorsing each candidate or the word "Independent", and
 - (f) instructions for marking the mail-in ballot paper.
- (3) The returning officer shall draw a line through the name of the elector on the preliminary list of electors and enter opposite the elector's name the words "MAIL-IN BALLOT".
- (4) The returning officer shall keep a record in a separate poll book in the prescribed form of the name of each elector to whom he has mailed or delivered a mail-in ballot paper.
- (5) Where a revising officer removes a name from the list of electors for a polling division designated under subsection (1), he shall immediately advise the returning officer, who shall
 - (a) draw a line through the name of the elector in the poll book prescribed under subsection (4), and
 - (b) enter opposite the elector's name "NAME REMOVED" and initial the entry.
- (6) Where a revising officer enters a name on the list of electors for a polling division designated under subsection (1), he shall immediately advise the returning officer, who shall mail or cause to be delivered a mail-in ballot to that elector.

- (7) An elector to whom a ballot paper has been mailed or delivered under this section shall, in order to vote,
 - (a) mark the ballot paper, and
 - (b) deliver, cause to be delivered or mail the outer envelope containing the ballot paper, the ballot paper envelope and the certificate envelope to the returning officer.
- (8) A ballot paper under this section not in fact received by the returning officer by the close of polls on polling day shall not be counted.
- (9) Upon receipt of a mail-in ballot paper, the returning officer shall remove the certificate envelope from the outer envelope and
 - (a) if fully satisfied as to the identity of the elector whose ballot paper is enclosed he shall
 - (i) place the certificate envelope in a ballot box kept by him for that purpose, and
 - (ii) make a note in the poll book opposite the name of the elector that the mail-in ballot paper has been returned, or
 - (b) if he is not satisfied as to the identity of the elector he shall retain the certificate envelope unopened, mark it "NOT IDENTIFIED", and place the envelope unopened in the envelope for spoiled ballot papers.
- (10) Immediately after the close of the poll the returning officer shall
 - (a) proceed pursuant to paragraphs 59(1)(a) to (c),
 - (b) open the ballot box and remove the certificate envelopes,
 - (c) open the certificate envelopes, remove the ballot envelopes and place the certificate envelopes in the special envelope provided for that purpose,
 - (d) ensuring that any elector's identity shall not be recognized, open the ballot envelopes and remove the ballots,
 - (e) count the ballots pursuant to section 59, otherwise following procedures required for an ordinary poll.

- (11) In the event of a communications disruption during an election the returning officer shall
- (a) direct that polling stations and ordinary polling procedures be used,
 - (b) cancel all mail-in ballots, and
 - (c) publish the location of the polling place for the polling division.
- (12) Where an envelope referred to in paragraph (7)(b) is received by a returning officer after the close of polls on polling day, he shall transmit it, unopened, to the Chief Electoral Officer, who shall destroy it without opening it."
- 41 (1) In subsection 56(4), "enable the employee to vote at an advance poll" is substituted for "enable the employee to appoint a proxy voter".
- 42 (1) The following is substituted for subsection 58(4):
- "(4) No person shall use, wear, or display any flag, ribbon, label, poster, or badge in a polling station or within 100 metres of a polling station on polling day, if the item appears to support any candidate or the political or other opinions entertained or supposed to be entertained by a candidate."
- 43 (1) In paragraph 59(15)(d), "or the electors present representing the candidates" is struck out.
- 44 (1) In paragraph 59.1(1)(c), "certificates" is substituted for "applications".
- (2) Paragraph 59.1(1)(d) is repealed.
- 45 (1) In subsection 60(1), "or agent" is substituted for "agent, or elector representing a candidate in the absence of an agent".
- 46 (1) In subsection 61(1),
- (a) "and each unopened envelope containing the statement of the poll for a hospital or corrections centre" is added immediately after "receipt of each ballot box", and
 - (b) "their" is substituted for "its" in paragraph (a).

- (2) The following is substituted for subsection 61(2):
- "(2) After all the ballot boxes and each envelope containing the statement of the poll for a hospital or corrections centre have been received, the returning officer shall, at ten o'clock in the forenoon, at the place and day fixed in the proclamation issued by him pursuant to section 27 for the official addition and in the presence of such of the candidates or their official agents as attend the proceedings, open the ballot boxes and each envelope containing the statement of the poll for a hospital or corrections centre and, from statements of the poll contained in the ballot boxes and each envelope, officially add up the number of ballots cast for each candidate and the number of rejected ballots."
- 47 (1) The following new subsection is added to section 64:
- "(5.1) The judge to whom an application for a recount is made shall issue a summons directing a returning officer of an electoral district in which ballots were cast under section 55.3 for any candidate in the electoral district for which a recount is to take place to attend at the time and place appointed pursuant to subsection (3) with the envelopes containing all the ballot papers and ballots for that electoral district."
- (2) In subsection 64(6), "or (5.1)" is added immediately after "subsection (5)".
- (3) In subsection 64(7), "but where any candidate is not present or represented at a recount held pursuant to this section, any three electors who may demand to attend in his behalf are entitled to attend," is struck out.
- 48 (1) In paragraph 65(2)(h), "proxy certificates" is substituted for "proxy applications".

- (2) The following is substituted for subsection 65(7):
- "(7) The Chief Electoral Officer, on receiving the return to the writ for any member elected to serve in the Legislative Assembly, shall advise the Commissioner of the return to the writ forthwith and immediately publish, in the prescribed manner, the name of the candidate so elected."
- 49 (1) In subsection 67(3), "the Chief Electoral Officer" is substituted for a "member of the Board".
- (2) In subsection 67(8), "at the prescribed rate" is substituted for "at the rate of twenty cents per page".
- 50 (1) The following new subsection is added to section 72:
- "(1.1) Subsection (1) does not apply to any day on which an advance poll is held."
- 51 (1) The following is substituted for section 74:
- "74(1) Every printed advertisement, poster or banner having reference to an election shall include the name and address of its sponsor.
- (2) Subsection (1) does not apply to any printed advertisement, poster or banner bearing only one or more of the following:
- (a) the colours or logo of a registered political party,
- (b) the name of a registered political party, or
- (c) the name of a candidate."
- 52 (1) In subsection 79(1), "The Chief Electoral Officer or any person nominated by him" is substituted for "the Board or any person nominated by it".
- 53 (1) In paragraph 90(1)(c), "police officers or" is struck out.
- 54 (1) The following new paragraph is added immediately after the third paragraph of Form 2:
- "And in case a poll is demanded and granted in the manner by law prescribed, an advance poll will be held on the _____ and _____ days of _____, 19____, between the hours of two and eight o'clock in the afternoon."

(2) In Form 2 "during the hours from six o'clock to nine o'clock in the afternoon of Tuesday and Wednesday the ____ and ____ days of ____, 19__" is substituted for "during the hours from seven o'clock to nine o'clock in the afternoon of Wednesday, the ____ day of ____, 19__, (inclusive) and from one o'clock to five o'clock in the afternoon on Saturday, the ____ day of ____, 19__".

55 (1) The following is substituted for the reverse of Form 4:

"

Initials of DRO	

Electoral District of	
Logo	Yukon Date
Returning Officer	
Printed by	

"

56 (1) The following is Form 4A for the purposes of section 43.1:

" FRONT

A diagram of the front of Form 4A. It is a vertical rectangle. Near the top, there are two horizontal dashed lines. At the bottom, there is a horizontal rectangle on the left and a circle on the right.

REVERSE

A diagram of the reverse of Form 4A. It is a vertical rectangle. Near the top, there are two horizontal dashed lines. Below the lines, there are labels for "Initials of DRO", "Logo", "Printed by", "Electoral District of", "Yukon", "Date", and "Returning Officer".

STATUTES OF THE YUKON TERRITORY
1983, Chapter 19

FINANCIAL ADMINISTRATION ACT

(Assented to November 3, 1983)

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

- 1 (1) This Act may be cited as the Financial Administration Act.

Interpretation

- 2 (1) In this Act,

"Appropriation Act" means an Act, entitled as an Appropriation Act, authorizing payments to be made from the Consolidated Revenue Fund in respect only of a fiscal year specified in the Act, and only for the purposes specified in the Act;

"Consolidated Revenue Fund" means the Yukon Consolidated Revenue Fund established by the Yukon Act;

"contract" means any agreement or undertaking providing for the expenditure of public money in exchange for goods or services, and includes purchase orders, service contracts, construction contracts, employment contracts, and any agreement or undertaking providing for the payment of money by the government;

"court" means the Court of Appeal, the Supreme Court of the Yukon Territory, the Territorial Court or the Justice of the Peace Court;

"department" means any department or agency of the government and includes any corporation, board, commission or committee established under any Act;

"Deputy Head" means a person who is a Deputy Head within the meaning of the Public Service Commission Act;

"fiscal year" means the fiscal year of the government under subsection (2);

"fund" means a fund within the Consolidated Revenue Fund, and includes a trust fund, special fund, revolving fund, pension fund, sinking fund, or any other fund called by any other name;

"government" means the Government of Yukon and includes every department of the government;

"Management Board" means the Management Board established by this Act;

"money in court" means money paid to or held by a court or its registry otherwise than as payment of a fee or as payment of a fine, costs or other penalty imposed in respect of an offence under an Act of Parliament or the Legislature, or a by-law of a municipality, and includes such money paid to the Treasurer or held in a trust fund;

"negotiable instrument" includes any cheque, draft, traveller's cheque, bill of exchange, postal note, money order, postal remittance or other similar instrument;

"public money" means all money and negotiable instruments received, held or collected by, for or on behalf of the government, and includes

- (a) revenues of the government including interest on investments,
- (b) money in funds designated as special funds under this Act or by the Commissioner in Executive Council,
- (c) money borrowed by the government or received through the issue and sale of securities,
- (d) money in sinking funds,
- (e) money paid to or held by a court or its registry as payment of a fee or as payment of a fine, costs or other penalty imposed in respect of an offence under an Act of Parliament or the Legislature, or a by-law of a municipality,
- (f) money in revolving funds, and
- (g) money in trust funds;

"public officer" means a person who is an employee, casual employee or part-time employee within the meaning of the Public Service Commission Act, and includes a person who is a Member of the Executive Council, a teacher within the meaning of the School Act or an employee under a contract;

"public property" means all property, other than public money, belonging to the government;

"securities" means bonds, debentures, deposit certificates, promissory notes, treasury bills or other evidences of indebtedness, shares and stocks, and includes any documents commonly known as securities;

"Treasurer" means the Deputy Head of the Department of Finance;

"trust fund" means a fund established for trust money under section 12 or by any other Act;

"trust money" means

- (a) money held in trust by the government or a public officer,
- (b) money in pension funds maintained by the government,
- (c) money paid to the government as a deposit to ensure the doing of any act or thing,
- (d) money in court, and
- (e) money that is paid to the government or a public officer under an agreement or other undertaking, or by way of a gift or bequest, and that is to be paid to another person specified in the agreement or undertaking or by the donor of the gift or bequest, except money received as reimbursement for or as a contribution or grant towards expenditures made or to be made by the government;

"vote" means that part of an Appropriation Act identified as a vote and authorizing the payment of a specified amount from the Consolidated Revenue Fund for specified purposes.

- (2) The fiscal year of the government shall be the period from April 1 in one year to March 31 in the next year, inclusive.

- (3) The headings in this Act, other than the headings identifying the Parts into which this Act is divided, form no part of this Act and have been inserted for convenience of reference only.

APPLICATION

- 3 (1) If there is a conflict between this Act and any other Act of the Legislature enacted before or after this section comes into force, this Act prevails unless the other Act contains an express provision that it, or the relevant provision of it, applies notwithstanding the Financial Administration Act.
- (2) This Act does not affect the jurisdiction of a court to make an order appointing a person other than a judge or public officer as a trustee, and money held by such a trustee pursuant to an order of a court is not "trust money" for the purposes of this Act.

PART I

ORGANIZATION

Management Board

- 4 (1) There shall be a committee of the Executive Council called the Management Board which shall consist of the Executive Council Member as chairman and two other members of the Executive Council appointed by the Commissioner in Executive Council.
- (2) The Treasurer shall be the secretary of the Management Board.
- (3) Subject to this Act and the direction of the Executive Council, the Management Board may determine its rules and methods of procedure.
- 5 (1) The Management Board shall act as a committee of the Executive Council in matters relating to
- (a) accounting policies and practices of the government, including the form and content of the Public Accounts,
 - (b) government management practices and systems,

- (c) government financial management and control of revenue, disbursements and assets,
 - (d) evaluation of government programs as to economy, efficiency and effectiveness,
 - (e) the management, control and direction of the public service, including organization and staff establishments,
 - (f) internal audit, and
 - (g) other matters referred to it by the Executive Council.
- (2) The estimates of revenue and expenditure for the government for each fiscal year shall be prepared in a form directed by the Management Board for presentation to the Legislative Assembly by the Executive Council Member.
- (3) The Management Board may, for the performance of its powers and duties under this or any other Act, issue directives.

Department of Finance

- 6 (1) There shall be a department of the government called the Department of Finance.
- (2) The Executive Council Member shall preside over the Department of Finance and be responsible to the Commissioner in Executive Council for its direction.
- (3) The Commissioner in Executive Council may authorize a seal for the department which shall be known as the Seal of the Department of Finance.
- (4) The Seal of the Department of Finance may be reproduced on securities issued by the government by engraving, lithographing, printing or any other method of reproduction, and when reproduced on them has the same effect as the Seal of Yukon.

Executive Council Member

- 7 (1) The Executive Council Member is responsible for
- (a) the management and administration of the Consolidated Revenue Fund,
 - (b) the supervision of the revenues and expenditures of the government,
 - (c) all matters relating to the fiscal policy of the government, and
 - (d) the direction of the financial affairs of the government that are not assigned by this or any other Act to the Commissioner in Executive Council, the Management Board or any other person.
- (2) Each Member of the Executive Council is responsible for the management of the financial affairs of his department under the general direction of the Executive Council Member and the Management Board.

Treasurer

- 8 (1) Subject to the direction of the Executive Council Member, the Treasurer shall
- (a) ensure the proper collection, receipt, recording and disposition of public money and ensure that proper authority exists for disbursements of public money,
 - (b) establish the method by which the accounts of the government are to be kept and the method by which any public officer or other person shall account for public money which comes into his hands,
 - (c) maintain the accounts of the government,
 - (d) evaluate accounting and financial management systems throughout the government and recommend improvements he considers necessary to the Executive Council Member,
 - (e) prepare any financial statements and reports required by the Executive Council Member, and
 - (f) perform other duties given to him by the Executive Council Member and any other Act.

- (2) Notwithstanding any other Act, the Treasurer shall at all times have access to all departments and to their records and may
- (a) require from any public officer information and explanations necessary for the performance of the duties of the Treasurer, and
 - (b) on the direction of the Management Board, require from any person who receives or is responsible for public money such information and explanations as may be necessary to enable the Treasurer to determine whether money paid from the Consolidated Revenue Fund has been or is being
 - (i) applied for the purpose for which it was authorized to be paid and applied, and
 - (ii) paid or dealt with in accordance with this or any other Act.
- (3) Every person who receives information under subsection (2) from a person whose right to disclose that information is restricted by law, holds that information under the same restrictions respecting disclosure as govern the person from whom the information is obtained.

Public Accounts

- 9 (1) A report, called the Public Accounts, shall be prepared by the Treasurer for each fiscal year.
- (2) On or before October 31 in each year, the Executive Council Member shall lay the Public Accounts for the immediately preceding fiscal year before the Legislative Assembly or distribute them to the members of the Assembly.
- (3) Where the Public Accounts are distributed to the members of the Legislative Assembly under subsection (2) on or before October 31 in any year, they shall be laid before the Legislative Assembly with 15 days thereafter, if the Assembly is sitting or, if not, within 15 days after the commencement of the next sitting.

- (4) The Public Accounts for each fiscal year shall be prepared by the Treasurer in accordance with the government's accounting policies as established by the Management Board, and shall contain
 - (a) statements of assets and liabilities showing the government's financial position at the end of the fiscal year,
 - (b) statements of the revenues and expenditures of the government showing the results of operations for the fiscal year,
 - (c) statements of changes in the financial position of the government for the fiscal year,
 - (d) statements of payments made from the Consolidated Revenue Fund, under sections 20 and 59, and paragraph 35(1)(c),
 - (e) The Auditor General's report on his examination of the government's accounts and financial transactions, and
 - (f) such other information as may be necessary to show the financial position of the government respecting the fiscal year.

- (5) In the Public Accounts, no money except money received or receivable for a fiscal year or a previous fiscal year shall be included in the annual revenues of a fiscal year.

Internal Audit

- 10 (1) The Commissioner in Executive Council shall appoint a person to be the Internal Auditor.

- (2) The Internal Auditor has the authority to audit
 - (a) public money, trust money and public property that are the responsibility of any department or public officer,
 - (b) the accounts and financial transactions of any department,
 - (c) securities belonging to the government,
 - (d) systems of financial management, control and reporting in the government,
 - (e) the organization, management and operations of any department, and

- (f) the compliance of any department with legislation and the directives of the Management Board.
- (3) The Internal Auditor shall report to the Management Board in such manner and at such times as the Management Board directs.

PART II

REVENUE

Public Money

- 11 (1) Every person who collects or receives public money shall pay or give all public money coming into his hands to the Treasurer or deposit it to the credit of the Consolidated Revenue Fund in a bank account authorized by the Commissioner in Executive Council.
- (2) The Treasurer shall deposit all public money he receives to the credit of the Consolidated Revenue Fund.
- (3) Every person who collects or receives public money shall keep a record thereof in such form and manner as the Treasurer directs.
- (4) The Commissioner in Executive Council may make regulations establishing
 - (a) rates for the payment of fees or commissions to persons collecting, managing or accounting for public money as remuneration for all services performed, and
 - (b) the methods by which fees or commissions may be paid.

Trust Money

- 12 (1) Trust money shall be paid into and shall be maintained in trust funds established by the Treasurer within the Consolidated Revenue Fund.
- (2) Where money in court is paid or received for payment into a trust fund under subsection (1), a receipt shall be issued setting out the amount received and the cause or matter in respect of which it is received.
- (3) A receipt purporting to be issued in compliance with subsection (2) and purporting to be signed by or on behalf of the Treasurer is
- (a) evidence of the facts stated in it without proof of the appointment, authority or signature of the person signing it, and
 - (b) binding on the government.
- (4) Where trust money under subsection (1) consists of money in court,
- (a) the Treasurer shall, as soon as practicable after the receipt of the request of a judge of the appropriate court, make a statement as to the amount of money paid into a trust fund in respect of the cause or matter for which the request is made, together with any income attributable to the money under paragraph 40(9)(c), and
 - (b) subject to subsection 19(3), the Treasurer is not otherwise subject to the supervision or direction of a court respecting the money.

Collection and Deposit of Money

- 13 (1) No person shall open or close a bank account for the receipt, deposit or transfer of public money or trust money except as authorized by the Commissioner in Executive Council.
- (2) The Commissioner in Executive Council may make regulations respecting the collection, receipt or deposit of public money or trust money.

Refunds

- 14 (1) Money that is received by the government under a mistake as to the entitlement of the government to receive or collect it, and money that is received by the government for any purpose that is not fulfilled shall be refunded from the Consolidated Revenue Fund in part or in full as circumstances require.
- (2) The Management Board may by directive authorize specified persons to make refunds under subsection (1).

Write-off of Uncollectable Debts

- 15 (1) The Management Board may by directive
- (a) write off all or part of a debt or an obligation that it considers to be unrealizable or uncollectable, and
 - (b) authorize specified persons to write off all or part of a debt or obligation that is due and owing to the government and that the authorized person considers to be uncollectable.
- (2) The write-off of all or part of a debt or obligation under this section does not extinguish the right of the government to collect the debt or obligation written off.
- (3) This section does not apply to a forfeiture, fine, pecuniary penalty, tax, royalty, fee or other sum imposed or authorized to be imposed by any Act.
- (4) Every account written off shall be reported in the Public Accounts for the fiscal year in which the account is written off.

Remissions

- 16 (1) Where the Commissioner in Executive Council considers it in the public interest to do so in a case or class of cases where great public inconvenience, great injustice, or great hardship to a person has occurred or is likely to occur, he may authorize the remission of
- (a) any tax, royalty, fee or other sum that is paid or payable to the government and that is imposed or authorized to be imposed by any Act, or
 - (b) any forfeiture, fine or pecuniary penalty imposed or authorized to be imposed by any Act.
- (2) A remission authorized under subsection (1) may be total or partial, conditional or unconditional.
- (3) A remission of an item referred to in paragraph (1)(a) may be granted before, during or after any proceeding for the recovery of the money, and either before or after any payment of it has been made or has been enforced by process or execution.
- (4) Where a condition of a remission authorized under subsection (1) is not performed, the authorization of the remission has no effect and all proceedings may be taken as if the remission had not been authorized.
- (5) No tax on any goods shall be remitted by reason only that after the payment of the tax the goods were lost or destroyed.
- (6) Money required to be paid by the government under this section may be paid from the Consolidated Revenue Fund.
- (7) Where an amount of not more than one dollar is owed to the government, the debtor is entitled to a remission under this section.
- (8) Every remission, other than under subsection (7), shall be reported in the Public Accounts for the fiscal year in which the remission is made.

- (9) Subject to the regulations, no provision of any other Act authorized a remission of public money.

Interest on Overdue Accounts

- 17 (1) The Commissioner in Executive Council may make regulations requiring persons who owe or are liable to pay money to the government to pay interest on the money at a rate prescribed in the regulations.
- (2) A rate prescribed under subsection (1) may be general or specific, and the interest is recoverable as a debt due to the government.
- (3) Regulations made under this section do not apply where another Act requires or authorizes the imposition of interest on money owed to the government.

PART III

EXPENDITURE

Statutory Authority

- 18 (1) No payment shall be made at any time from the Consolidated Revenue Fund for any purpose unless a provision of this or another Act authorizes the payment to be made for that purpose at that time.
- (2) A vote does not authorize any payment to be made
- (a) in excess of the amount specified in the vote,
 - (b) for any purpose not within the general purposes of the vote, or
 - (c) except as provided by sections 26 and 38, after the end of the fiscal year to which the vote applies.

Trust Funds

- 19 (1) Subject to any other Act, money may be paid from a trust fund if the payment is made in accordance with both
- (a) the provisions of this Act, and
 - (b) the provisions of the Act, trust, instrument or other authority under which the money is held in trust.
- (2) Notwithstanding subsection (1), money received by the government as a deposit to ensure the doing of anything shall be held or disposed of in accordance with the contract or agreement pursuant to which the deposit is held, but if there is no contract or agreement, or if the contract or agreement contains no provision or insufficient provision for the disposition of the deposit, it shall be disposed of in accordance with this Act and the directives of the Management Board.
- (3) Where money in a trust fund consists of money in Court, the Treasurer shall, as soon as practicable after receipt of an order of the appropriate court,
- (a) in accordance with the order, pay money from the fund or income attributable to the money under paragraph 40(9)(c), and
 - (b) if insufficient money has been received to enable compliance with the order, advise the court accordingly.

Special Warrants

- 20 (1) Money may be paid from the Consolidated Revenue Fund under the authority of a special warrant under this section.
- (2) The Commissioner in Executive Council may order a special warrant to be prepared for the signature of the Commissioner where
- (a) a report is received from the Management Board that no provision of an Act authorizes a payment from the Consolidated Revenue Fund that is urgently and immediately required for the public good, and

- (b) the Legislative Assembly is dissolved, prorogued, adjourned indefinitely, or adjourned with more than seven days remaining in its period of adjournment.
- (3) A special warrant shall be signed by the Commissioner, and it shall set out
 - (a) the amount that may be paid from the Consolidated Revenue Fund under the authority of the warrant,
 - (b) the purpose for which payments may be made, and
 - (c) the fiscal year in which payments may be made.
- (4) The amount paid from the Consolidated Revenue Fund under the authority of a special warrant shall be submitted to the Legislative Assembly as part of an Appropriation Bill at the next sitting of the Assembly, and the amount shall be identified as such in the Bill.
- (5) A special warrant shall be deemed to be a vote for the purposes of all of the provisions of this Act except subsections 2(1) and 40(6).

Contributions and Grants

- 21 (1) Except as provided by subsection (2), where money is payable to or received by the government under any Act or agreement for the purposes of or as a contribution toward expenditures to be made by the government, the Management Board may by directive authorize the payment of money from the Consolidated Revenue Fund for those expenditures in an amount not exceeding the amount payable to or received by the government.
- (2) Where money is received or receivable by the government from the government of Canada or a province under any Act, agreement or undertaking for the purposes of or as a contribution toward expenditures to be made by the government, the Management Board may by directive authorize the payment of money from the Consolidated Revenue Fund for those expenditures in an amount not exceeding the amount received or receivable by the government.

- (3) This section does not apply to money received or receivable under the Federal-Territorial Financial Agreement.
- (4) The amount paid from the Consolidated Revenue Fund under the authority of this section shall be submitted to the Legislative Assembly as part of an Appropriation Bill at the next sitting of the Assembly, and the amount shall be identified as such in the Bill.

Regulation of Expenditure

- 22 (1) The Management Board may by directive control or limit payments from votes, and for that purpose it may by directive
 - (a) identify allotments, programs or projects within a vote, and distribute money among programs and projects,
 - (b) transfer money between allotments, programs or projects within a vote,
 - (c) distribute money among activities within a program or project, or authorize a public officer to do so, and
 - (d) transfer money between activities within a program or project, or authorize a public officer to do so.
- (2) The Management Board may issue directives
 - (a) regulating the charging of expenditures to votes, funds, allotments, programs, projects and activities, and
 - (b) assigning responsibility for a vote or fund to a public officer.

Interest

- 23 (1) Subject to any other Act, the Commissioner in Executive Council may make regulations providing for the payment of interest on such debt obligations of the government, at such rate and subject to such conditions as he may specify in the order.

- (2) Where a regulation under subsection (1) provides for the payment of interest on a debt obligation of the government, the payment of interest shall be deemed to be authorized by the vote or other authority under which payment of the principal amount of the debt may be paid.

Contracts

- 24 (1) The Management Board may, by directive, authorize public officers to enter into contracts subject to such terms and conditions as the Management Board considers necessary.
- (2) Where the Management Board has authorized a public officer to enter into contracts, it may by directive authorize him to delegate all or part of his authority to another public officer, subject to such terms and conditions as the Management Board considers necessary.
- (3) Notwithstanding any other Act, a contract shall not be entered into, and is not enforceable against the government, unless entered into by a public officer authorized to do so under subsection (1) or (2).
- 25 (1) A contract shall not be entered into by a public officer, and is not enforceable against the government, unless the responsible Deputy Head or a public officer designated in writing by the Deputy Head has certified that
- (a) every payment out of the Consolidated Revenue Fund contemplated by the contract in the then current fiscal year is authorized by this or another Act, and
- (b) there is sufficient money in the vote or fund from which the payments are to be made.
- (2) It is a term of every contract that money that becomes due under the contract is not payable unless a provision of this or another Act authorizes the payment to be made in the fiscal year when the payment falls due.

- (3) The Commissioner in Executive Council may make regulations establishing terms and conditions that shall apply to contracts, or any class of contracts specified in the regulations.

Holdbacks

- 26 (1) Where a payment under a contract is withheld, the payment may, subject to this Act and the directives of the Management Board, be credited to a special fund established by the Treasurer in the Consolidated Revenue Fund for payments withheld under the contract to be dealt with in accordance with the contract.
- (2) Money credited to a special fund under subsection (1) shall remain available for the purposes of the contract after the end of the fiscal year in which it is credited.

Assignments

- 27 (1) Except as provided by the regulations, a debt obligation of the government is not assignable, and no transaction purporting to be an assignment confers on any person a right or remedy in respect of a debt obligation of the government.
- (2) The Commissioner in Executive Council may make regulations prescribing classes of debt obligations of the government and the conditions under which each class of debt obligation may be assigned.
- (3) An assignment of a debt obligation of the government is subject to all the claims that are entitled to priority over the right of the assignee, and is subject to all the terms and conditions that relate to the original debt.
- (4) This section does not apply to securities or negotiable instruments or to telegraphic or electronic transfers of money.

Advances

- 28 (1) Subject to directives of the Management Board, the regulations and any other Act, an advance may be made from the Consolidated Revenue Fund to any person to enable that person to pay expenses that are authorized to be paid by this or any other Act.

Record of Commitments

- 29 (1) Every public officer shall keep records of commitments for the expenditures chargeable to each vote or fund for which he has been assigned responsibility under paragraph 22(2)(b).
- (2) The Management Board may direct the form and manner in which records of commitments under subsection (1) shall be kept.

Certificate of Performance

- 30 (1) Notwithstanding any other Act, no payment shall be made from the Consolidated Revenue Fund unless a certificate as to the information required under subsection (2) is signed in accordance with this section by a public officer authorized to do so under this section.
- (2) A certificate shall contain such of the following statements as may be applicable:
- (a) in the case of a payment for goods that have been supplied, or services that have been performed, under a contract, a statement to that effect and a statement that the proposed payment is in accordance with the contract;
 - (b) in the case of a payment for goods that have yet to be supplied or services that have yet to be performed, a statement to that effect and a statement that the proposed payment is in accordance with a contract;

- (c) in the case of a payment not provided for in paragraphs (a) or (b), a statement as to the purpose of the proposed payment, and a statement that all conditions precedent to the making of the payment have been met;
 - (d) in any case, such further statements as the Management Board, by directive, may require.
- (3) The Management Board may by directive authorize public officers to sign certificates, subject to such terms and conditions as the Management Board considers necessary.
- (4) Where the Management Board has authorized a public officer to sign certificates, it may by directive authorize him to delegate all or part of his authority to another public officer subject to such terms and conditions as the Management Board considers necessary.
- (5) The authority of a public officer to sign certificates extends only to payments to be made from a vote or fund for which he or the public officer delegating authority to him has been assigned responsibility under paragraph 22(2)(b).

Requisition for Payment

- 31 (1) Notwithstanding any other Act, no payment shall be made from the Consolidated Revenue Fund unless a requisition for payment containing the statements required by subsection (2)
- (a) is signed in accordance with this section by a public officer authorized to do so under this section, and
 - (b) is accepted by the Treasurer or a person authorized by him.
- (2) A requisition for payment shall contain the following statements respecting the proposed payment and the vote or fund from which the payment is to be made:
- (a) a statement that the payment lawfully may be made from the vote or fund;
 - (b) a statement that the making of the payment does not contravene any directive of the Management Board;

- (c) a statement that there is sufficient money in the vote or fund to make the payment;
 - (d) a statement that the making of the payment will not reduce the balance of the vote or fund so that it would not be sufficient to meet commitments recorded under section 29 for other payments to be made from the vote or fund.
- (3) The Management Board may by directive authorize public officers to sign requisitions for payment subject to such terms and conditions as the Management Board considers necessary.
- (4) Where the Management Board has authorized a public officer to sign requisitions for payment, it may by directive authorize him to delegate all or part of his authority to another public officer, subject to such terms and conditions as the Management Board considers necessary.
- (5) The authority of a public officer to sign requisitions for payment extends only to payments to be made from a vote or fund for which he or the public officer delegating authority to him has been assigned responsibility under paragraph 22(2)(b).

Rejection of Requisitions

- 32 (1) The Treasurer shall reject a requisition for payment where he is of the opinion that the requirements of any Act have not been complied with.
- (2) Where the Treasurer rejects a requisition, he shall, at the request of the Deputy Head responsible for the relevant vote or fund, state his reasons in writing to the Deputy Head.

- (3) The Management Board may, on the written request of the responsible Deputy Head, confirm the Treasurer's decision under subsection (1) or, on the certificate of the Executive Council Member responsible for the Department of Justice that the requisition for payment would not contravene any enactment of Parliament or the Legislature, order that the payment be made subject to any conditions that the Management Board may specify.

Accounting for Public Money

- 33 (1) Every person authorized to spend public money shall account for it in the manner provided under this Act or the regulations, and the Act authorizing the expenditure.

Statement by Treasurer

- 34 (1) The Treasurer shall, by September 30 next following the end of each fiscal year, deliver to the Management Board a statement listing details of every case during the fiscal year in which a payment has been made that, in his opinion, is irregular or unlawful in any way.
- (2) The Treasurer shall supply to a Deputy Head a copy of the part of the statement referred to in subsection (1) that refers to payments from funds within the responsibility of the Deputy Head.

Money Not Applied

- 35 (1) Where a person has received money from the government to be applied to any purpose, and has not applied it to that purpose within the time or in the manner required,
- (a) the Executive Council Member may demand repayment under section 68,
- (b) the money may be recovered from the person as a debt due to the government, and

- (c) an equal sum may in the meantime be applied to the purpose to which the money ought to have been applied.

Set-off of Amounts Owed

- 36 (1) The Management Board may by directive authorize the Treasurer to retain money in specified circumstances by way of set-off from any money due or payable to a person from the Consolidated Revenue Fund where
 - (a) the person owes money to the government,
 - (b) an overpayment has been made by the government to the person, or
 - (c) an advance made to the person under subsection 28(1) has not been repaid or accounted for.
- (2) Notwithstanding subsection (1), the Treasurer may recover any overpayment made from the Consolidated Revenue Fund on account of salary, wages, pay or allowances out of any sum of money that may be due and payable by the government to the person to whom the overpayment was made.
- (3) No money shall be retained under this section by way of set-off from an amount due or payable as or on account of compensation under the Workers' Compensation Act.

Expenditure Refunds, Repayments and Recoveries

- 37 (1) Money received by the government as a refund or repayment of an expenditure or advance shall be included in the unexpended balance of the vote or fund from which it was paid.
- (2) Money received or receivable under any Act or agreement as the recovery of a sum authorized to be paid by any Act shall be reported in the Public Accounts for a fiscal year as an expenditure recovery of the year in respect of which the money was authorized to be paid.

Payments After a Fiscal Year End

- 38 (1) Subject to subsection (2), the balance of a vote that remains unexpended at the end of a fiscal year shall lapse.
- (2) Where debt obligations have been incurred by the government for goods supplied, or services performed, prior to the end of a fiscal year under a contract, payment of the obligations shall be made from a vote for that fiscal year.
- (3) Every Deputy Head shall at the end of each fiscal year send to the Treasurer a list of the payments to be made after the end of the fiscal year under this section from votes for which he is responsible together with the certificates required by section 30.

Payments

- 39 (1) The Management Board may issue directives respecting payments made from the Consolidated Revenue Fund providing for the form in which payments shall be made, the way in which payments shall be authenticated, and the places from which payments shall be issued.
- (2) The Commissioner in Executive Council may make regulations respecting the verification of debt obligations of the government prior to their payment.

PART IV

ASSETS

Power to Invest

- 40 (1) Where money in the Consolidated Revenue Fund, other than money in a trust fund, is not immediately required for payments, it may be invested in any of the following:
- (a) securities that are obligations of or guaranteed by Canada or a province;

- (b) fixed deposits, notes, certificates and other short term paper of or guaranteed by a bank including swapped deposit transactions in currency of the United States of America;
 - (c) commercial paper issued by a company incorporated under the laws of Canada or a province, the securities of which are rated in the highest rating category by at least two recognized security rating institutions.
- (2) Subject to any other Act, where money in a trust fund is not immediately required for payments, it may be invested in accordance with the Act or the trust, instrument or other authority by which the money is held in trust, in any investment permitted by the Trustee Act.
- (3) Where an Act authorizes the Commissioner in Executive Council to guarantee a debenture or other security, he may guarantee a debenture or other security issued to or held by the government, and a debenture or other security so guaranteed is eligible as an investment under this section.
- (4) An investment held under this section may be disposed of, or exchanged or traded for another investment authorized under this section.
- (5) Subject to any other Act, where money from a trust fund or money from a fund designated as a special fund by the Commissioner in Executive Council is invested, interest earnings or proceeds from an exchange, trade or disposition in respect of the trust fund or the special fund may, subject to the regulations, be paid into the appropriate trust fund or special fund.
- (6) Any net income resulting in any fiscal year from the purchase, holding or sale of securities pursuant to this section shall be credited to revenues of that fiscal year and any net loss resulting in any fiscal year from such purchase, holding or sale shall be charged to a vote established for that purpose.

- (7) For the purposes of subsection (6), the net income or loss in any fiscal year shall be determined by taking into account realized profits and losses on securities sold in the fiscal year, the amortization applicable to the fiscal year of premiums and discounts on securities, and accrued interest applicable to the fiscal year.
- (8) The Commissioner in Executive Council may, on the recommendation of the Executive Council Member, appoint a committee to provide advice on the exercise of the power of investment and on other matters related to investments.
- (9) Notwithstanding any other provision of this section, where money in a trust fund consists of money in Court,
- (a) the Executive Council Member may invest the money in any investment permitted by the Trustee Act,
 - (b) where any net loss results from an investment under paragraph (a), any amount required to make up the deficiency shall be paid from the Consolidated Revenue Fund so that payment out of the amount received may be made pursuant to subsection 19(3),
 - (c) there shall be attributed to the money in the fund income at such rate as may be prescribed, and
 - (d) reasonable costs of making or managing the investments may be charged only against the net income or profits of the investments.

Loans, Advances and Equity Investment

- 41 (1) No loan of public money shall be made without the authority of an Act.
- (2) Notwithstanding any other Act, the power to make loans, advances or direct equity investments from the Consolidated Revenue Fund shall not be exercised except in accordance with the regulations.

Public Property

- 42 (1) No disposition or loan of public property shall be made to any person without authorization under this or another Act.
- (2) Subject to this Act, the Management Board may issue directives governing
- (a) the acquisition of property by the government,
 - (b) the custody and control of public property, including the maintenance of inventories,
 - (c) the sale of public property, and
 - (d) the deletion of public property from inventory.
- (3) The Commissioner in Executive Council may make regulations respecting the recovery of loss of or damage to public property caused by the negligence or willful misconduct of a public officer who is responsible for the operation, care or custody of the public property.

Provision of Services or Use of Property

- 43 (1) Subject to any other Act, where a service or the use of public property is provided by the government to any person, the Commissioner in Executive Council may make regulations
- (a) establishing fees for the provision of the service or the use of the public property,
 - (b) establishing terms and conditions subject to which the service or the use of the public property may be provided, or
 - (c) authorizing the Management Board or a public officer to enter into agreements respecting the provision of the service or use of public property.
- (2) Subject to the regulations, the Management Board may by directive authorize public officers to provide to any person a service or the use of public property, subject to such fees, terms and conditions as the Management Board may specify by directive.

Revolving Funds

- 44 (1) No revolving fund shall be established by the government unless authorized by an Act.
- (2) Money may be paid from a revolving fund if the payment is made in accordance with both
- (a) the provisions of this Act, and
 - (b) the provisions of the Act authorizing the establishment of the revolving fund.
- (3) Revenues shall not be credited to, and expenditures shall not be charged against, a revolving fund
- (a) beyond the limits set out in the Act authorizing the establishment of the fund, or
 - (b) in respect of a transaction outside the purposes for which the fund is authorized to be established.
- (4) Where a revolving fund is established for the maintenance of inventory, the inventory shall not exceed the limit established for the fund under subsection 45(1) or any other Act under which the fund may be established.
- (5) Where the establishment of a revolving fund is authorized, the Management Board may issue directives respecting
- (a) the accounts to be kept,
 - (b) the method of charging and crediting the fund,
 - (c) the method of valuing the inventory of the fund, and
 - (d) any other matter it considers necessary governing the operation of the fund.
- (6) For each revolving fund there shall be included in the Public Accounts a statement for the year showing
- (a) the assets and liabilities of the fund, and
 - (b) a summary of the transactions of the fund.
- 45 (1) The following revolving funds shall be established within the Consolidated Revenue Fund with the following purposes and limits:
- (a) Road Equipment Replacement Fund, to be used for the replacement of road equipment, with a limit of \$3,000,000;

- (b) Central Stores Fund, to be used for the maintenance of the central stores inventories, with a limit of \$750,000;
 - (c) Garage Parts and Fuel Inventory Fund, to be used for the maintenance of garage parts and fuel inventories, with a limit of \$800,000;
 - (d) Highway Materials Fund, to be used for the maintenance of highway materials inventories, with a limit of \$1,200,00.
- (2) Notwithstanding subsection 44(2), expenditures from the Road Equipment Replacement Fund shall not exceed the accumulated revenues in the Fund at the time of the expenditure.
- (3) Subsection 44(4) does not apply to the Road Equipment Replacement Fund.

PART V

LIABILITIES

Authority to Borrow

- 46 (1) No money shall be borrowed or security issued by the government without the authority of this or another Act.

Borrowing Money

- 47 (1) Where this or another Act confers on the government authority to borrow money, the Commissioner in Executive Council may, subject to the Act that confers the borrowing authority, make regulations authorizing the borrowing of money by the issue and sale of securities in a form, in an amount, payable in a currency or unit of monetary value, at a rate of interest and on other terms or conditions the Commissioner in Executive Council approves.

Borrowings for Redemption

- 48 (1) Subject to the Act that confers the borrowing authority, the Commissioner in Executive Council may authorize the borrowing of sums of money that are required for the repayment of any securities issued by the government that are maturing or that have been called for redemption.

Temporary Borrowings

- 49 (1) Where it appears to the Commissioner in Executive Council that the Consolidated Revenue Fund will be insufficient to meet the disbursements lawfully authorized to be made from it, the Commissioner in Executive Council may authorize the borrowing; for a period not exceeding 365 days, of an amount that is considered necessary to ensure that the Consolidated Revenue Fund will be sufficient to meet those disbursements.

Overdrafts, Notes and Treasury Bills

- 50 (1) The Commissioner in Executive Council may make regulations, for the efficient operation of the Consolidated Revenue Fund,
- (a) authorizing arrangements with a bank for money overdrafts, or
 - (b) authorizing the borrowing of money by the issue and sale of notes or treasury bills in a form, in an amount, at a rate of interest, if any, on terms and conditions and executed in a way he determines.
- (2) To secure overdrafts under paragraph (1)(a), the Commissioner in Executive Council may authorize the issuance to a bank of a security in a form, in an amount, on terms and conditions, and executed in a way he determines.

Borrowing in Foreign Currencies

- 51 (1) Where any Act confers authority on the government to borrow a specific or maximum amount of money, the authority shall be deemed to authorize the borrowing of an equivalent amount in the currency of any other country.
- (2) For the purposes of this section the equivalent amount of the currency of another country shall be calculated in accordance with the nominal rate of exchange between the Canadian dollar and the currency concerned as quoted by any chartered bank in Canada as of any time in the last business day before the date on which the Commissioner in Executive Council authorizes the borrowing.

Change in Form of Public Debt

- 52 (1) The Commissioner in Executive Council may authorize changes in the form of any part of the debt obligations of the government by substituting one security for another, but no substitution shall be made if the effect is to increase the principal amount of the debt obligations of the government.
- (2) A substitution under this section may be made by the sale of a new security and the purchase or redemption of an existing security from the proceeds.
- (3) A substitution under this section shall not be made unless
- (a) the holder of the security for which another security is substituted consents, or
 - (b) the terms and conditions of the issue of the security allow for the early redemption or substitution of the security.

Provision for Redemption

- 53 (1) The Commissioner in Executive Council may by regulation provide
- (a) for the creation, management and application of sinking funds with respect to securities issued by the government,

- (b) for other means of ensuring the repayment of securities issued by the government, and
 - (c) in the case of securities issued subject to redemption in advance of maturity, for the redemption by call of securities issued by the government.
- (2) Any securities of the government acquired with money from a sinking fund established with respect to the securities may be cancelled, but if they are cancelled no others shall be issued in substitution for them and the aggregate amount of that issue of securities shall be reduced accordingly.
- (3) Interest earned on a sinking fund shall be applied for the benefit of the sinking fund and the redemption of the securities secured by it until the Executive Council Member is satisfied that enough money has been accumulated in the sinking fund to repay the debt with respect to which it was established, taking into account expected interest earnings.

Effect of Declaration

- 54 (1) In an order of the Commissioner in Executive Council made under this or any other Act authorizing the issue and sale of securities by the government, a declaration to the effect that the amount of the issue is necessary to realize the net sum required to be raised by way of loan is conclusive evidence of that fact.

Execution of Government Securities

- 55 (1) Securities issued by the government shall be signed by the Executive Council Member and the securities shall be countersigned by the Treasurer or another public officer designed by the Commissioner in Executive Council.

- (2) The engraved, lithographed or printed signature of a person required to execute a security under this section is for all purposes the signature of that person and is binding on the government notwithstanding that the person whose signature is reproduced may not have held office at the date of the securities or at the date of the delivery of them.

Fiscal Agents and Registrars

- 56 (1) The Executive Council Member is the fiscal agent of the government for the purpose of negotiating borrowing by the government under this or any other Act, and as fiscal agent he may arrange all details and do, transact and execute all deeds, matters and things required during the negotiations for the borrowing.
- (2) The Commissioner in Executive Council may appoint other persons recommended by the Executive Council Member to act as fiscal agent for the purposes referred to in subsection (1) under the direction of the Executive Council Member.
- (3) The Executive Council Member may appoint one or more registrars to perform under his direction services in respect of the registration of securities, and he may fix their remuneration or compensation.
- (4) Every fiscal agent and registrar shall, as often as required by the Executive Council Member, give to the Executive Council Member an accounting, in a form and containing information specified by the Executive Council Member, of all his transactions as fiscal agent or registrar.

Immunity

- 57 (1) A person employed in the inscription, registration, transfer, management or redemption of securities issued by the government, or in the payment of any dividend or interest on them, is not bound to see to the execution of a trust, express or implied, to which the securities are subject, and is not liable for anything done by him in accordance with this Act or the regulations.

Protection for Holders of Securities

- 58 (1) Nothing in this Part impairs or prejudicially affects the rights of the holder of securities issued by the government before or after this Part comes into force.

Expenses of Public Debt

- 59 (1) Money required for the following purposes shall be paid out of the Consolidated Revenue Fund:
- (a) to pay interest on securities issued by the government;
 - (b) to provide and maintain a sinking fund or other means of ensuring the repayment of securities issued by the government;
 - (c) to redeem or repay the principal amount of securities issued by the government;
 - (d) to pay a premium in connection with redemption or repayment of securities issued by the government.

Records and Statement of Debt

- 60 (1) The Treasurer shall maintain a system of books and records
- (a) showing all money authorized to be borrowed by the government under this or any other Act,
 - (b) containing a description and record of all money borrowed, and all securities issued, by the government,

- (c) showing all amounts paid in respect of the principal of, premium on and interest on all money borrowed by the government,
 - (d) showing all money borrowed by the government by way of temporary loans, overdrafts, notes or treasury bills, and
 - (e) showing the status of all sinking funds and other means of ensuring the repayment of money borrowed by the government.
- (2) A statement of the debt obligations of the government outstanding at the end of the fiscal year and of each borrowing transaction during the fiscal year under this Part shall be included in the Public Accounts for that fiscal year.

Regulations for Securities

- 61 (1) The Commissioner in Executive Council may make regulations for the management of the debt obligations of the government.
- (2) Without limiting subsection (1), the Commissioner in Executive Council may make regulations
- (a) for the inscription, registration, transfer, management and redemption of securities,
 - (b) for the surrender of securities and the substitution for them of securities of a like total amount and class, but of a different denomination or form,
 - (c) for converting securities of one class into securities of another class,
 - (d) for reissuing, reinstating or otherwise dealing with lost, stolen, destroyed, damaged, defaced or mutilated securities or interest coupons, and for the payment of them,
 - (e) for examining, cancelling or destroying debentures or other government securities and interest coupons that have been redeemed, and
 - (f) for the custody and protection of securities and of materials used in their production.

Guarantees and Indemnities

- 62 (1) Without the authority of an Act, no guarantee of a debt or other obligation shall be given by or on behalf of the government, and no undertaking shall be given by or on behalf of the government
- (a) to perform an obligation of a person under an agreement on the default of that person, or
 - (b) to hold harmless a party to an agreement from a loss suffered as a result of the default of another party to the agreement, or as a result of a provision of the agreement.
- (2) The Commissioner in Executive Council may make regulations respecting terms and conditions under which guarantees and undertakings referred to in subsection (1) may be given by or on behalf of the government under any Act.
- (3) The government is not liable under guarantee or undertaking referred to in subsection (1) given after this section comes into force unless it is given in accordance with this Act.
- (4) Nothing in this section affects the rights of any person under a guarantee or undertaking given before this section comes into force.

Effect of and Power to Guarantee

- 63 (1) Where the government has guaranteed or is empowered to guarantee the principal and interest of a security or other obligation, the guarantee is a guarantee of, and the power includes the power to guarantee the performance of, any obligation for the payment of money, including any premium, pursuant to the security or other obligation.

PART VI

ENFORCEMENT

Accounting for Public Money

- 64 (1) Where the Executive Council Member has reason to believe that a person has received public money for the government and has not paid it to the government, the Executive Council Member may cause a written notice to be served on the person showing the amount of money not paid, and requiring the person to pay it to the government within the time stated in the notice.
- (2) Where the Executive Council Member has reason to believe that a person has received public money for which he is accountable to the government and has not accounted for it, the Executive Council Member may cause a written notice to be served on the person showing the amount of money not accounted for, and requiring the person to account for it to the government within the time stated in the notice.
- (3) Where the Executive Council Member has reason to believe that a person has received public money that is applicable to a purpose to which it has not been applied, he may cause a written notice to be served on the person showing the amount of money not applied, and requiring the person, within the time stated in the notice, to apply it to its purpose and to furnish evidence that he has done so to the Executive Council Member.
- 65 (1) A notice under section 64 may be served by delivering it to the person or by mailing it to him by registered or certified mail addressed to any address for the person of which the government has received written notice from the person, subject to any written change of address received from that person before the notice from the Executive Council Member is served.

- (2) If a person fails to comply with a notice served on him under subsection (1) within the time stated in the notice, the Executive Council Member may state an account between that person and the government, showing the amount of money not duly paid over, accounted for or applied, and charging interest on the whole or any part of it at a rate and from a date established by the Commissioner in Executive Council.
- (3) In a proceeding for the recovery of public money, a copy of the account under subsection (2) certified by the Executive Council Member is evidence that the amount stated in it, with interest, is due and payable to the government without proof of the appointment or signature of the Executive Council Member, and the amount and interest, at the rate established under subsection (2) to the date of recovery, may be recovered as a debt due to the government.

Loss Through Misconduct

- 66 (1) Where public money is lost or is not collected through the misconduct, neglect of duty or negligence of a person responsible for handling public money, the person is liable for the money and it may be recovered from him as a debt due to the government.
- (2) The Commissioner in Executive Council may make regulations providing for the recovery from a public officer of the amount of any award or reasonable settlement in respect of damages for death, injury or private property damage as a result of the negligence or willful misconduct of the public officer in the performance of his duties or in the operation, care or custody of public property.
- (3) No liability shall be imposed on an employee under subsection 42(3) or 66(1) in excess of the amount for which the employee would have been liable if those provisions had not been enacted.

Evidence

- 67 (1) An affidavit deposing to the facts and sworn by a person having knowledge of them shall be admissible in a court as prima facie proof of the facts stated in it in a proceeding for the recovery of public money from a person responsible for the collection, management or disbursement of public money where it appears from the following documents or things that he has received money belonging to the government and has refused or neglected to pay the money to the proper persons at the proper times:
- (a) books or accounts kept by him or in his office;
 - (b) an accounting by him;
 - (c) a written acknowledgment or confession by him.

Failure to Deliver Money or Documents

- 68 (1) Where a person refuses or neglects to deliver money or an account, statement, return of proper voucher to the public officer to whom the person is required under this or any other Act to deliver it, the Executive Council Member may direct the person to deliver it within a stated time, not less than 14 days after the date of service of the direction on him.
- (2) A direction referred to in subsection (1) may be served by delivering it to the person to whom it is addressed or by mailing it by registered or certified mail addressed to any address for the person of which the government has received written notice from the person, subject to any written change of address received from that person before the direction is served.
- (3) A person who does not comply with a direction under this section commits an offence.

Other Remedies

- 69 (1) Nothing in this Act affects or abrogates the right of the government or any other person to institute any civil or criminal proceeding against a person contravening this Act, against his sureties, or against any other person.

Records Respecting Public Money

- 70 (1) All records respecting public money that are kept or used by, or received or taken into the possession of person who is or has been responsible for the collection, management or disbursement of public money or the accounting for it, and all money, securities or things of value received or taken into his possession by reason of his responsibility for public money, belong to the government.
- (2) The Commissioner in Executive Council may make regulations authorizing the destruction of records respecting public money.
- (3) Any person who destroys records respecting public money, except as authorized by the regulations, commits an offence.

Recovery of Penalties and Forfeitures

- 71 (1) The Executive Council Member may sue for and recover on behalf of the government a penalty or enforce a forfeiture imposed by any law relating to public money.

Defences to Action for Recovery of Public Money

- 72 (1) Where money is paid to a person by the government in excess of the authority conferred by an Act, without the authority of an Act, or contrary to an Act, and a right is asserted by the government to recover the payment or part of it, or to retain other money in full or partial satisfaction of a claim arising out of the payment, the person against whom the right is asserted may, subject to

subsection (2), rely on any matter of fact or law, including estoppel, which would constitute a defence in a proceeding brought to recover the payment as if it had been made under a mistake.

- (2) Subsection (1) does not enable a person to rely on a defence that a payment made by the government was made under a mistake of law, and the right of the government to recover the money paid by it is not impaired by reason only that the payment was made under a mistake of law.

PART VII

MISCELLANEOUS

Standing Appropriations

- 73 (1) This Act authorizes the following payments to be made at any time without the authority of another Act or special warrant:
- (a) payments of refunds under subsection 14(1),
 - (b) payments of remissions under subsection 16(6),
 - (c) payments based on contributions or grants under subsection 21(1) or (2),
 - (d) payments pending recovery of money not applied to its purpose under subsection 35(1),
 - (e) payments to make good losses on the investment of money in court under paragraph 40(9)(b),
 - (f) payment of the expenses of the public debt under subsection 59(1), and
 - (g) payments required to make good losses on investments made on behalf of
 - (i) the Workers' Compensation Board, under subsections 55(2) and (3) of the Workers' Compensation Act,
 - (ii) the Yukon Housing Corporation, under section 16.1 of the Housing Corporation Act, and
 - (iii) the Public Administrator, under subsections 23(3) and (4) of the Judicature Act.

- (2) Subject to subsection (3), paragraphs (1)(a) to (f), and clauses (1)(g)(i) to (iii), shall be deemed to be votes for all the purposes of this Act, except subsections 2(1), 38(1) and 40(6), and paragraphs 18(2)(a) and (c).
- (3) Instead of the statements required by paragraphs 31(2)(c) and (d), a requisition for payment under paragraphs (1)(d) to (f), or clauses (1)(g)(i) to (iii), of this section shall contain a statement that the payment is to be made under the authority of a standing appropriation.

Offences

- 74 (1) A public officer commits an offence who
 - (a) in connection with the performance of his duties respecting public money, wilfully makes or signs a false entry, certificate, requisition, return or other document, or
 - (b) having knowledge or information of the violation of any Act that provides for the expenditure or collection of public money, or of fraud committed by any person against the government, fails to report such knowledge or information in writing to the Treasurer.

Penalty

- 75 (1) A person who commits an offence under this Act is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months, or both.

Directives

- 76 (1) A directive is not an enactment within the meaning of section 4 of the Summary Convictions Act.
- (2) A directive under this Act is not a regulation within the meaning of the regulations Act.

Regulations

- 77 (1) In addition to the regulations authorized to be made by any other provision of this Act, the Commissioner in Executive Council may make regulations for carrying out the purposes and provisions of this Act.

Exemptions

- 78 (1) The Commissioner in Executive Council, on the recommendation of the Executive Council Member, may by regulation exempt a department or public officer from this Act to the extent prescribed in the regulation.

Transition

- 79 (1) A regulation made under the authority of the Financial Administration Act repealed by this Act and not authorized by any other provision of this Act shall be deemed to be authorized by this Act until the regulation is repealed or continued under another Act.

Repeal

- 80 (1) The Financial Administration Act is repealed.
- (2) The Land Acquisition Fund Act is repealed.

Consequential Amendments

- 81 (1) The following is added immediately after section 10 of the Interpretation Act:
- "10.1(1) Where an Act provides for the payment of public money within the meaning of the Financial Administration Act for the administration of the Act or for any of the purposes of the Act, the provision shall be deemed to authorize the making of payments from the Consolidated Revenue Fund with money authorized by an Act of the Legislature to be paid for the purposes."

- (2) The following is added to subsection 20(1) of the Interpretation Act:
" 'Treasurer' means the Treasurer under the Financial Administration Act."
- 82 (1) This section amends the Workers' Compensation Act.
- (2) The following subsection is added to section 52:
"(2.1) The Fund is a trust fund within the meaning of the Financial Administration Act, and contributions under this Act and the income of the Fund are trust money within the meaning of the Financial Administration Act."
- (3) Subsection 52(3) is repealed.
- (4) In subsection 54.1(1),
(a) "investment" and "invested" are deleted, and
(b) "collection of money" is substituted for "collection for money".
- (5) The following subsection is added to section 54.1:
"(2) Notwithstanding any other provision of this Act, the investment of money by the Board is subject to the Financial Administration Act, except section 40 of that Act."
- (6) The following subsections are added to section 55:
"(2) Notwithstanding subsection (1), the Board may authorize the Executive Council Member responsible for the Department of Finance to make and manage investments on behalf of the Board.

(3) Where investments are made or managed by the Executive Council Member under subsection (2) on behalf of the Board,
(a) investments may be made in any investment permitted by the Trustee Act,
(b) no net losses resulting from the investments, and no costs of making or managing the investments, shall be charged to the principal of the Compensation Fund,

- (c) reasonable costs of making or managing the investments may be charged to the net income or profit of the investments, and
 - (d) all other interest, sale proceeds and other income resulting from the investments shall be credited to the Compensation Fund."
- 83 (1) This section amends the Health Care Insurance Plan Act.
- (2) In subsection 4(1), "or" is deleted from the end of paragraph (b), and the following new paragraphs are added:
- "(d) to a person who is entitled to practice as a dentist under the Dental Profession Act, or to a person on his behalf, the amount in respect of the prescribed insured services, as determined by the Administrator in accordance with the regulations, provided by the dentist to the prescribed class of insured persons, or
 - (e) to a person who is entitled to practice optometry under the Optometry Act, or to a person on his behalf, the amount in respect of the prescribed insured services as determined by the Administrator in accordance with the regulations, provided by the optometrist to the prescribed class of insured persons."
- (3) In paragraph 6(1)(b), "4(1)(e)" is substituted for "4(1)(c)".
- 84 (1) The following new subsection is added to section 9 of the Day Care Act:
- "(2) The Commissioner in Executive Council may make regulations
- (a) establishing a subsidy program for persons who are parents or guardians of children to whom day care may be provided under this Act, and
 - (b) governing all aspects of the program, including eligibility for the subsidy, the making of applications, the calculation of the amount of the subsidy and such other matters as the Commissioner in Executive Council considers appropriate."

- 85 (1) The following new subsection is added to section 22 of the Parks Act:
- "(2) The Commissioner in Executive Council may make regulations
- (a) establishing campgrounds,
 - (b) controlling the use of campgrounds and activities in campgrounds,
 - (c) requiring and providing for the issuance of permits for the use of campgrounds, subject to the payment of such fees as may be prescribed,
 - (d) governing the supply and use of firewood and other services in campgrounds, and
 - (e) providing for any other matter he considers necessary for the operation of campgrounds."

86 (1) The following new subsection is added to section 14 of the Students' Financial Assistance Act:

"(2) The Commissioner in Executive Council may make regulations providing for the payment of training allowances and assistance to persons attending full time vocational courses not sponsored by the Government of Canada or any agency thereof."

87 (1) This section amends the Housing Corporation Act.

(2) The following section is added immediately after section 16:

"16.1(1) Notwithstanding section 16, the Corporation may authorize the Executive Council Member responsible for the Department of Finance to make and manage investments on behalf of the Corporation.

(2) Where investments are made or managed by the Executive Council Member under subsection (1) on behalf of the Corporation,

 - (a) investments may be made in any investment permitted by the Trustee Act,
 - (b) no net losses resulting from the investments, and no costs of making or managing the investments, shall be charged to the principal of any amount the Executive Council Member is authorized to invest under subsection (1),

- (c) reasonable costs of making or managing the investments may be charged to the net income or profit of the investments, and
 - (d) all other interest, sale proceeds and other income resulting from the investments shall be paid to the Corporation."
- (3) The following subsections are substituted for subsections 17(1) and (2):
- "17 (1) Subject to subsection (2), there shall be advanced to the Corporation, from time to time, such amounts as it may request for the operation and capital costs of the Corporation, and there shall be paid to the Corporation after the end of the fiscal year of the Corporation a grant in an amount equal to the deficit of the Corporation as shown on its audited financial statements."
- (2) Payments under subsection (1) shall be made out of a vote on the direction of the Management Board under the Financial Administration Act, but no such payment shall be made unless it is authorized to be made by that Act or an Appropriation Act.
- (4) The following new section is added immediately after section 17 of the Housing Corporation Act:
- "17.1(1) Notwithstanding any other provision of this Act,
- (a) the receipt and payment of money by the Corporation is subject to the Financial Administration Act, and
 - (b) the investment of money by the Corporation is subject to the Financial Administration Act, except section 40 of that Act."

(5) The following is substituted for section 18:

"18 (1) The accounts and financial transactions of the Corporation are subject to the audit of the Auditor General of Canada, and for that purpose he is entitled

 - (a) to have access to all records, documents, books, accounts and vouchers of the Corporation, and
 - (b) to require from officers of the Corporation such information as he deems necessary.

- (2) The Auditor General of Canada shall report annually to the Executive Member the results of the his examination of the accounts and financial statements of the Corporation, and the report shall state whether, in his opinion,
- (a) the financial statements represent fairly the financial position of the Corporation at the end of the financial year and the results of its operations for that year in accordance with the accounting policies of the Corporation applied on a basis consistent with that of the immediately preceding year,
 - (b) proper books of account have been kept and the financial statements are in agreement with the books of account, and
 - (c) the transactions of the Corporation that have come under his notice are within the powers of the Corporation under this Act or any other Act that applies to the Corporation.
- (3) In his report, the Auditor General shall call attention to any other matter within the scope of his examination that in his opinion should be brought to the attention of the Legislative Assembly.
- (4) The Auditor General from time to time may make to the Corporation or the Executive Council Member such other reports as he considers necessary or as the Executive Council Member may require."
- (6) The following is substituted for paragraph 19(1)(b):
- "(b) the report of the Auditor General referred to in section 18 for that fiscal year, and".
- 88 (1) In subsection 12(1) of the Government Employee Housing Plan Act, "\$800,000" is substituted for "Five Hundred Thousand Dollars (\$500,000)".

- (2) The following subsection is added to section 13 of the Government Employee Housing Plan Act:
- "(2) The costs of the Corporation for administration of the Plan under subsection (1), including operation and maintenance costs for housing units under the Plan, shall be charged to the revolving fund established under section 12."
- 89 (1) This section amends the Liquor Act.
- (2) In subsections 10(1), (2) and (3), "Liquor Corporation Fund" is substituted for "Liquor Corporation Account".
- (3) In subsection 11(1),
- (a) "Liquor Corporation Fund" is substituted for "Liquor Corporation Account", and
- (b) "the Treasurer" is substituted for "the General Account in the Yukon Consolidated Revenue Fund".
- (4) The following new section is added immediately after section 11:
- "11.1(1) A reference to the Liquor Corporation Account in any Act, regulation or document shall be deemed to be a reference to the Liquor Corporation Fund."
- 90 (1) The following subsections are added to section 23 of the Judicature Act:
- "(2) Subsection (1) applies notwithstanding section 40 of the Financial Administration Act.
- (3) The Public Administrator may authorize the Executive Council Member responsible for the Department of Finance to make and manage investments on behalf of the Public Administrator.
- (4) Where investments are made or managed by the Executive Council Member responsible for the Department of Finance under subsection (3),
- (a) investments may be made in any investment permitted by the Trustee Act,
- (b) no net losses resulting from the investments, and no costs relating to the making or managing of the investments, shall be charged to the principal of the estate of any person for whom the Public Administrator is acting as executor or administrator under subsection (1),

- (c) reasonable costs of making or managing the investments may be charged to the net income or profit of the investments, and
- (d) all other interest, sale proceeds and other income resulting from the investments shall be credited to the Public Administrator in the capacity as executor or trustee under subsection (1)".

Coming into Force

- 91 (1) This Act or any section of this Act shall come into force on a day or days to be fixed by the Commissioner in Executive Council.
-

STATUTES OF THE YUKON TERRITORY
1983, Chapter 20

FIRST APPROPRIATION ACT, 1984-85

(Assented to November 21, 1983)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that the sums mentioned in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of Yukon and for related purposes for the period of 12 months ending on March 31, 1985.

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

- 1 (1) This Act may be cited as the First Appropriation Act, 1984-85.

 - 2 (1) From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$25,959,000 for defraying the several charges and expenses of the public service of Yukon payable in the period of twelve months ending on March 31, 1985, as set forth in Schedule "A" of this Act and that sum shall not be paid or applied except in accordance with Schedule "A" and the Financial Administration Act.

 - 3 (1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.
-

FIRST APPROPRIATION ACT, 1984-85

SCHEDULE A

<u>Appropriation or Item</u>	<u>\$(Dollars in 000's)</u>
Yukon Legislative Assembly	8
Economic Development	2,958
Education, Recreation and Manpower	2,261
Executive Council Office	1
Government Services	2,112
Health and Human Resources	301
Highways and Transportation	5,695
Justice	68
Municipal and Community Affairs	9,858
Renewable Resources	730
Tourism, Heritage and Cultural Resources	1,344
Yukon Housing Corporation	591
Yukon Liquor Corporation	<u>32</u>
TOTAL	25,959

STATUTES OF THE YUKON TERRITORY
1983, Chapter 21

FOURTH APPROPRIATION ACT, 1983-84

(Assented to November 21, 1983)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, in addition to the sums previously appropriated, the sums not appearing in parenthesis in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of Yukon and for related purposes for the period of 12 months ending on March 31, 1984.

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

- 1 (1) This Act may be cited as the Fourth Appropriation Act, 1983-84.

- 2 (1) In addition to the sum of \$24,412,000 provided for in the First Appropriation Act, 1983-84, the sum of \$144,407,000 provided for in the Second Appropriation Act, 1983-84, and the sum of \$1,000,000 provided for in the Third Appropriation Act, 1983-84, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$28,331,000 for defraying the several charges and expenses of the public service of Yukon payable in the period of 12 months ending on March 31, 1984, as set forth in Schedule "A" of this Act and that sum shall not be paid or applied except in accordance with Schedule "A" and the Financial Administration Act.

- 3 (1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.

(2) The sums appearing in Schedule B are the total sums that have been appropriated by the First Appropriation Act, 1983-84, the Second Appropriation Act, 1983-84, the Third Appropriation Act, 1983-84, and this Act.

FOURTH APPROPRIATION ACT, 1983-84

SCHEDULE A

<u>Appropriation or Item</u>	<u>\$ (Dollars in 000's)</u>
Sums that are required:	
Yukon Legislative Assembly	43
Consumer and Corporate Affairs	157
Economic Development	301
Education, Recreation and Manpower	3,282
Executive Council Office	322
Finance	292
Government Services	3,715
Health and Human Resources	1,467
Highways and Transportation	9,239
Justice	761
Municipal and Community Affairs	2,164
Public Service Commission	242
Renewable Resources	2,127
Tourism, Heritage and Cultural Resources	1,962
Yukon Housing Corporation	635
Yukon Liquor Corporation	186
Loan Amortization	<u>1,436</u>
TOTAL	28,331

FOURTH APPROPRIATION ACT, 1983-84

SCHEDULE B

	<u>\$ (Dollars in 000's)</u>		
	Operation & Maintenance	Capital	Total
	<hr/>		
Yukon Legislative Assembly	1,078	10	1,088
Consumer and Corporate Affairs	955	-	955
Economic Development	2,201	1,728	3,929
Education, Recreation & Manpower	30,812	6,342	37,154
Executive Council Office	2,681	8	2,689
Finance	3,272	1	3,273
Government Services	9,497	3,373	12,870
Health and Human Resources	30,023	1,993	32,016
Highways and Transportation	30,199	13,599	43,798
Justice	10,942	537	11,479
Municipal and Community Affairs	6,834	9,764	16,598
Public Service Commission	1,486	-	1,486
Renewable Resources	5,091	2,036	7,127
Tourism, Heritage & Cultural Resources	3,210	2,416	5,626
Yukon Housing Corporation	2,048	294	2,342
Yukon Liquor Corporation	-	256	256
Loan Capital	5,000	-	5,000
Loan Amortization	<u>7,464</u>	<u>-</u>	<u>7,464</u>
TOTAL	152,793	42,357	195,150

STATUTES OF THE YUKON TERRITORY
1983, Chapter 22

AN ACT TO AMEND
THE LEGISLATIVE ASSEMBLY ACT

(Assented to November 3, 1983)

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

- 1 (1) This Act amends the Legislative Assembly Act.
- 2 (1) In subsections 40.1(1) and 40.1(2), "\$21,766" is substituted for "\$18,750", and "\$10,883" is substituted for "\$9,250".
(2) In subsection 40.1(3), "\$21,766" is substituted for "\$18,750", and "\$8,551" is substituted for "\$7,250".
- 3 (1) In paragraph 40.2 (1)(a), "\$6,360" is substituted for "\$6,000".
(2) In paragraph 40.2 (1)(b), "\$3,180" is substituted for "\$3,000".
(3) In paragraph 40.2 (1)(c), "\$2,120" is substituted for "\$2,000".
- 4 (1) In subsection 40.3(1), "\$21,200" is substituted for "\$20,000".
- 5 (1) In subsection 40.4(1), "\$5,300" is substituted for "\$5,000".
- 6 (1) In subsection 40.5(1), "\$2,650" is substituted for "\$2,500".
(2) In subsection 40.5(2), "\$1,060" is substituted for "\$1,000".
- 7 (1) Subsections 40.6(2), (3), (4), (5), and (6) are repealed.
- 8 (1) This Act shall be deemed to have come into force on April 1, 1983.

STATUTES OF THE YUKON TERRITORY
1983, Chapter 23

AN ACT TO AMEND THE
LEGISLATIVE ASSEMBLY ACT (NO.2)

(Assented to November 21, 1983)

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

- 1 (1) This Act amends the Legislative Assembly Act.
- 2 (1) In subsection 40.7(3), "\$4,400" is substituted for "2,200".
(2) In subsection 40.7(5), "24" is substituted for "12".
- 3 (1) The following new section is added immediately after section 40.7:
"40.7.1 (1) Notwithstanding subsections 40.7(1), 40.7(2) and 40.7(6), a member who qualifies for reimbursement of actual expenditures for accommodation under section 40.7 may be reimbursed for renting or leasing accommodation in the City of Whitehorse and shall be reimbursed under this section by delivering a notice in the prescribed form to the Clerk of the Legislative Assembly.
(2) Where a member is reimbursed under this section, he is entitled to receive the amount certified to have been paid by him to a maximum of \$400 per month.
(3) Where a member is reimbursed under this section, the maximum amount payable to him in each fiscal year for meals and incidental expenses under subsection 40.7(3) is \$2,200."

- 4 (1) In subsections 40.9(1) and 40.9(2), "sections 40.7, 40.7.1 or 40.8" is substituted for "section 40.7 or 40.8".
- 5 (1) The following new section is added immediately after section 40.11:
"40.12 . (1) The Commissioner in Executive Council may prescribe forms for the purposes of this Act."
-

STATUTES OF THE YUKON TERRITORY
1983, Chapter 24

AN ACT TO AMEND
THE MOTOR VEHICLES ACT

(Assented to November 21, 1983)

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

- 1 (1) This Act amends the Motor Vehicles Act.
- 2 (1) The following subsection is added to section 8:
"(3) Every person who holds a licence issued outside Yukon authorizing him to operate a motor vehicle shall, when a licence is issued to him under this Act, surrender that licence to the Registrar unless the Registrar waives the surrender on the grounds that the person is not able to surrender the licence."
- 3 (1) The following subsection is added to section 62:
"(1.1) Notwithstanding section 2, in this Part 'motor vehicle' means a vehicle that is designed to be self-propelled in any manner except solely by muscular power."
- 4 (1) In subsection 240(5), "section 34 or 46" is substituted for "section 34, 46 or 81".

(2) The following is substituted for subsection 240(9):
"(9) A person who is guilty of an offence under section 195 is liable on summary conviction
(a) for a first offence under section 195, to a fine of not less than \$200 and not more than \$1,000, or to imprisonment for as long as 90 days, or both; and
(b) for a second or subsequent offence under section 195, to a fine of not less than \$500 and not more than \$2,000, or to imprisonment for as long as six months, or both."

- 5 (1) In subsection 241.1(1), "sections 33, 45, 72, 91, 100, 136, 142" are substituted for "sections 33, 45, 91, 100, 142".
- (2) The following subsection is added to section 241.1:
"(2.1) For the purposes of the enforcement of this Act an officer designated by the regulations has and may exercise all the powers of a peace officer under sections 33, 45, 72, 91, 99, 136 and 144."
- (3) In subsection 241.1(3), "subsection (1) or (2.1)" is substituted for "subsection (1)".
- (4) In subsection 241.1(4), "subsection (1), (2), or (2.1)" is substituted for "subsection (1) or (2)".
- 6 (1) The following section is added:
"244.1(1) Where a judge makes an order under subsection 243(1) or 244(1), the judge shall order the convicted person to surrender his operator's licence to the court to be forwarded to the Registrar."
- 7 (1) In subsection 245(1), "section 246.1 of this Act or under section 234, 234.1, 235 or 236 of the Criminal Code (Canada) is substituted for "section 234, 235 or 236 of the Criminal Code (Canada)".
- (2) The following subsections are added to section 245:
"(1.1) When a person is convicted of an offence referred to in subsection (1), the convicting judge or justice shall
(a) inform the convicted person that he is disqualified under subsection (1) from holding an operator's licence, and
(b) inform the convicted person of the requirement under subsection 247.1(3) to surrender any operator's licence that he holds."

(1.2) The failure of the convicting judge or justice to inform the convicted person as required by subsection (1.1) shall not constitute a defence in any proceedings taken against the convicted person in respect of the care and control or the operation of a motor vehicle during the period of his disqualification or in respect of his failure to surrender any operator's licence held by him."

8 (1) The following sections are added:

"246.1(1) Every person who drives a motor vehicle on a highway or who has the care or control of a motor vehicle on a highway, whether it is in motion or not, who is unable to comply with a demand under section 235 of the Criminal Code (Canada) for samples of his breath and who has consumed alcohol in such a quantity that the proportion of alcohol in his blood exceeds 80 milligrams of alcohol in 100 milligrams of blood, commits an offence and is liable on summary conviction

(a) for a first offence, to a fine of not less than \$200 and not more than \$1,000, or to imprisonment for as long as 90 days, or both; and

(b) for a second or subsequent offence, to a fine of not less than \$500 and not more than \$2,000, or to imprisonment for as long as six months, or both.

246.2(1) Where a peace officer on reasonable and probable grounds believes that a person is committing, or at any time within the preceding two hours has committed, an offence under section 246.1 he may forthwith or as soon as practicable require or compel, by reasonable force if necessary, that person to provide such samples of his blood as in the opinion of a duly qualified medical practitioner or a nurse are necessary to enable a proper analysis to be made in order to determine the proportion, if any, of alcohol in that person's blood, and to accompany the peace officer for the purpose of enabling such samples to be taken.

- (2) Any blood sample that a person must provide under subsection (1) shall be taken by a duly qualified medical practitioner or a nurse and where that medical practitioner or nurse is instructed by a peace officer that the sample has been demanded under subsection (1) the medical practitioner or nurse has sufficient authority to take and shall not have any liability for taking such samples as may be necessary for the purposes of subsection (1).
- (3) In this section, "nurse" means any person who is a member of the Canadian Nurses Association.

246.3(1) In proceedings under section 246.1

- (a) where it is proved that the accused occupied the seat ordinarily occupied by the driver of a motor vehicle, he shall be deemed to have had the care and control of the vehicle unless he establishes that he did not enter or mount the vehicle for the purpose of setting it in motion,
- (b) the result of a chemical analysis of a sample of the blood of the accused may be admitted in evidence notwithstanding that, before he gave the sample or the sample was taken, the accused was not warned that the result of the analysis of the sample might be used in evidence,
- (c) where a sample of the blood of the accused has been taken, if the sample was taken as soon as practicable after the time when the offence was alleged to have been committed and in any event not later than two hours after that time, evidence of the result of the chemical analysis of the sample of blood is, in the absence of any evidence to the contrary, proof of the proportion of alcohol in the blood of the accused at the time when the offence was alleged to have been committed, and

- (d) a certificate of an analyst stating that he has made a chemical analysis of a sample of the blood and stating the result of his analysis is evidence of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.
 - (2) An accused against whom a certificate described in paragraph (1)(d) is produced may, with leave of the court, require the attendance of the analyst for the purpose of cross-examination.
 - (3) No certificate shall be received in evidence pursuant to paragraph (1)(d) unless the party intending to produce it has, before the trial, given to the accused reasonable notice of his intention together with a copy of the certificate.
 - (4) In this section, "analyst" means a person designated by the Commissioner in Executive Council as an analyst for the purposes of this section".
- 9 (1) The following subsections are added to section 247:
- "(2.1) When a person is convicted of an offence referred to in subsections (1) or (2), the convicting judge or justice shall
 - (a) inform the convicted person that he is disqualified under subsection (1) or (2), as the case may be, from holding an operator's licence, and
 - (b) inform the convicted person of the requirement under subsection 247.1(3) to surrender any operator's licence that he holds.
 - (2.2) The failure of the convicting judge or justice to inform the convicted person as required by subsection (2.1) shall not constitute a defence in any proceedings taken against the convicted person in respect of the care and control or the operation of a motor vehicle during the period of his disqualification or in respect of his failure to surrender any operator's licence held by him."

- 10 (1) In subsection 247.1(1), "section 203, 204, 219, 233, 234, 234.1, 235 or 236 of the Criminal Code (Canada)" is substituted for "section 203, 204, 219, 233, 234, 235 or 236 of the Criminal Code (Canada)".
- 11 (1) The heading "Part X, Enforcement and Offences in Relation to Vehicular Equipment" is substituted for "Part X, Equipment Required on Vehicles".
- 12 (1) The following is substituted for section 112:
"112 (1) Every person who operates a vehicle on a highway or who permits another person to operate a vehicle on a highway when that vehicle does not conform to the requirements of this Act or the regulations in respect of the standards and specifications for design, construction or maintenance of the vehicle or any equipment or material used in it commits an offence".
- 13 (1) Sections 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 135.1, 137, 138, 139, and 142.1 are repealed.
- 14 (1) The following is substituted for section 129.1:
"129.1 (1) Any officer may require the owner or operator of a vehicle that is being operated on a highway to submit the vehicle to examination and tests to ensure that the motor vehicle can be operated in compliance with section 112.
(2) The operator of the vehicle shall drive the vehicle to and park it at the place designated by the officer for the examination or test.
(3) Where the officer making the examination or test under subsection (1) determines on reasonable and probable grounds that the vehicle is being operated in contravention of section 112, he may, instead of charging an offence against section 112

- (a) order that the operator have the vehicle modified or repaired within a stated time so that it can be operated in compliance with section 112, or
 - (b) order that the vehicle not be operated on a highway until it can be operated in compliance with section 112.
- (4) Where an officer makes an order under paragraph (3)(a) the vehicle may, notwithstanding section 112, be operated on a highway during the time the officer permits for its modification or repair.
- (5) Where an officer makes an order under paragraph (3)(b) he may also seize the licence plates and the certificate of registration of the vehicle until the vehicle can be operated in compliance with section 112.
- (6) Any person who does not comply with an order under subsection (1), (2) or (3) commits an offence.
- 15 (1) Sections 8, 11, 12, 13 and 14 of this Act shall come into force on a day or days to be fixed by the Commissioner in Executive Council.
-

STATUTES OF THE YUKON TERRITORY
1983, Chapter 25

AN ACT TO AMEND THE
MUNICIPAL ACT

(Assented to November 21, 1983)

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

- 1 (1) This Act amends the Municipal Act assented to on November 13, 1980 and published as Chapter 17 of the Acts of the Yukon Territory, 1980 (2nd Session).
- 2 (1) In subsection 2(1), the definition of "alderman" is repealed.

(2) In subsection 2(1), the following definitions are added
" 'councillor' means a member of a council elected as a councillor,
'Indian Band' has the same meaning as "band" has in the Indian Act (Canada)."

(3) In subsection 2(1),
(a) in the definition of "assessor", "by the Commissioner" is deleted.
(b) in the definition of 'municipal services', "as may be prescribed" is substituted for "the Commissioner may prescribe".

(4) Wherever "alderman" appears in the Act, "councillor" is substituted for "alderman".

(5) Wherever "aldermen" appears in the Act, "councillors" is substituted for "aldermen".
- 3 (1) Subsection 6(2) is repealed.
- 4 (1) In subsection 7(2), ", crown property" is deleted.

(2) The following subsections are added to section 7:

"(3) The corporation of the City of Dawson is continued as a town under this Act and, notwithstanding subsection (1), it shall have the name City of Dawson and the boundaries prescribed by the Commissioner in Executive Council."

(4) The corporation of the City of Whitehorse is continued as a municipality under this Act and with the boundaries prescribed by the Commissioner in Executive Council.

(5) The corporation of the Town of Faro is continued as a municipality under this Act and with the boundaries prescribed by the Commissioner in Executive Council.

(6) The corporations continued under subsections (3), (4), and (5) shall, for the purposes of this Act, be deemed to have been incorporated as municipal corporations under this Act.

(7) The Commissioner in Executive Council may establish as a municipality under this Act any local improvement district that exists when this Act comes into force."

5 (1) The following is substituted for section 8:

"8 (1) Where the population of the area proposed to be established as a municipality is at least 300 people, the Executive Council Member may propose, and either of the following may submit a proposal to the Executive Council Member, for the establishment of a municipality and the Executive Council Member or either of the following may appeal to the Yukon Municipal Board against such a proposal:

(a) any 10 persons who would qualify as taxpayers in the area proposed to be established as a municipality;

(b) an Indian Band that, in the opinion of the Executive Council Member, represents at least 25 persons who are eligible to vote in a Band election and who would qualify as electors in the area proposed to be established as a municipality.

- (2) The Executive Council Member shall give public notice of the proposal under subsection (1) in two issues a week apart of a newspaper circulating in the area proposed to be established as a municipality and cause a copy of the notice to be posted in four conspicuous places in the area.
- (3) The notice shall include
 - (a) the area proposed to be included in the municipality,
 - (b) the estimated or actual population of the area,
 - (c) the estimated tax rate that will be required to be established in order to meet the commitments of the proposed municipality in each of the first two years following its establishment, and
 - (d) the time limit for appealing and the procedure to be followed in appealing against the proposed establishment of the municipality.
- (4) The appeal shall be taken within 60 days after the second date of publication of the notice in a newspaper under subsection (2).
- (5) If the Yukon Municipal Board receives a valid appeal pursuant to this section, it shall fix a time and place to hold an inquiry within such time as may be prescribed.
- (6) Where it appears to the Yukon Municipal Board that a large number of the residents of the area are opposed to the establishment of a municipality or are opposed to the terms upon which it is to be established, the Yukon Municipal Board may ascertain the wishes of the inhabitants in the matter in a suitable manner.
- (7) The Yukon Municipal Board shall within the prescribed time, prepare and furnish to the Commissioner in Executive Council a report on the inquiry and shall make recommendations concerning the proposal that the appeal was taken against."

- 6 (1) The following are substituted for subsection 9(1):
- "9 (1) If the time limited for an appeal under subsection 8(1) has expired and no appeal has been taken, or if an appeal was taken within that time and the Yukon Municipal Board has made its report or the time prescribed for the Board to make its report has expired, the Commissioner in Executive Council may establish the municipality as it was originally proposed or with modifications.
- (1.1) Nothing in this Act shall be construed as impeding the incorporation of a municipality under a separate act to meet special circumstances or needs."
- (2) In subsection 9(2), "Except in the case of a hamlet," is deleted, and "Commissioner in Executive Council" is substituted for "Commissioner".
- (3) The following is substituted for paragraph 9(2)(a):
- "(a) the name, boundaries, area, and class of the municipality."
- (4) The following are substituted for subsections 9(3) and (4):
- "(3) All taxes due to the Government of Yukon, levied in the area established as a municipality, shall be deemed to be arrears or taxes due to the new municipality and shall be dealt with as if it had imposed the taxes.
- (4) All business licences, utility charges or other debts due to the Government of Yukon and remaining unpaid by residents of the area established as a municipality at the time of the order under subsection (2) shall be deemed to be debts owing to the new municipality and dealt with accordingly."
- (5) The Executive Council Member may direct that all monies collected by the new municipality under subsections (3) and (4) shall be paid to the Government of Yukon.
- (6) The Commissioner in Executive Council may make any regulations he deems necessary to carry out the provisions of subsections (3), (4), and (5)."

- 7 (1) In subsection 10(1), "class" is substituted for "type".
- 8 (1) The following is substituted for section 13:
- "13 (1) The status of a municipality may be changed to some other class that the municipality is eligible for under section 10, and the change may be made by the same proponents and procedure and be subject to the same appeal as is established under section 15 for a boundary alteration to reduce the area of the municipality.
- (2) If the time for an appeal under subsection (1) has expired and no appeal has been taken, or if an appeal was taken within that time and the Yukon Municipal Board has made its report or the time prescribed for the Board to make its report has expired, the Commissioner in Executive Council may order that the status of the municipality be changed to some other class that the municipality is eligible for under section 10."
- 9 (1) The following is substituted for section 15:
- "15 (1) The Executive Council Member may propose and any of the following may submit to the Executive Council Member a proposal for the alteration of the boundaries of a municipality so as to include within its boundaries an area that is not part of another municipality and the Executive Council Member or any of the following may appeal to the Yukon Municipal Board against such a proposal:
- (a) by by-law, the council of the municipality proposed to be enlarged;
- (b) any 10 persons who would qualify as taxpayers resident in the area proposed to be added to the municipality,
- (c) an Indian Band that, in the opinion of the Executive Council Member, represents at least 25 persons who are eligible to vote in a Band election and who would qualify as electors resident in the area proposed to be added to the municipality;

- (2) The Executive Council Member shall give public notice of the proposal under subsection (1) in two issues a week apart of a newspaper circulating in the municipality and the area proposed to be added to the municipality and cause a copy of the notice to be posted in four conspicuous places in the area.
- (3) Either the Executive Council Member or, by by-law, the council of the Municipality proposed to be reduced may, upon notice to the other, propose the alteration of the boundaries of the municipality so as to reduce the area of the municipality, or may appeal to the Yukon Municipal Board against such a proposal.
- (4) Either the Executive Council Member or, by by-law, approved by the taxpayers, the council of the municipality proposed to be dissolved may, upon notice to the other, propose the dissolution of the municipality, or may appeal to the Yukon Municipal Board against such a proposal.
- (5) An appeal under subsection (1) shall be taken within 60 days after the second publication of the notice in a newspaper under subsection (2).
- (6) An appeal under subsection (3) or (4) shall be taken within 60 days after the appellant received the notice of the submission of the proposal.
- (7) If the Yukon Municipal Board receives a valid appeal pursuant to this section, it shall fix a time and place inside the area to hold an inquiry within such time as may be prescribed.
- (8) Where it appears to the Yukon Municipal Board that a large number of the residents of the area are opposed to a proposal made under this section, the Yukon Municipal Board may ascertain the wishes of the inhabitants in the matter in a suitable manner.

- (9) The Yukon Municipal Board shall within the prescribed time, prepare and furnish to the Commissioner in Executive Council a report on the inquiry and shall make recommendations as described in section 15.1 concerning the proposal that the appeal was taken against.
- 15.1 (1) If the appeal concerns a change of status of the municipality, the Yukon Municipal Board may recommend
- (a) that the status of the municipality be changed to some other class that it is eligible for under section 10, or
 - (b) that the status of the municipality not be changed.
- (2) If the appeal concerns an alteration of the boundaries of a municipality the Yukon Municipal Board may recommend
- (a) that the boundaries be altered as proposed, or with modifications, or
 - (b) that the boundaries not be altered.
- (3) If the appeal concerns the dissolution of the municipality, the Yukon Municipal Board may recommend
- (a) that the municipality be dissolved,
 - (b) provisions, if any, that the Commissioner in Executive Council ought to make for the winding up of the affairs of the municipality and for the payment of debts and obligations of the municipality, or
 - (c) that the municipality not be dissolved.
- 15.2 (1) If the time limited for an appeal under subsection 15(1) or (3), as the case may be, has expired and no appeal has been taken, or if an appeal has been taken and the Yukon Municipal Board has made its report or the time prescribed for the Board to make its report has expired, the Commissioner in Executive Council may order that the boundaries of the municipality be altered as proposed or with modifications in the proposal."

- 10 (1) In subsection 16(1), "When the boundaries of a municipality are altered" is substituted for "When the boundaries of a municipality (herein called the 'old municipality') are altered so as to include within its boundaries an additional area not part of another municipality, so as to create a larger municipality (herein called the 'new municipality')." .
- (1.1) In paragraph 16(1)(a), "the mayor, if he continues to reside in the municipality", is substituted for "the mayor of the old municipality".
- (2) In paragraph 16(1)(b), "each other member of the council who continues to reside in the municipality" is substituted for "each other member of council".
- (3) In paragraph 16(1)(g), "Executive Council Member" is substituted for "Commissioner" and "the Government of Yukon" is substituted for "him".
- (4) The following subsections are added to section 16.
- "(2) If the boundaries of a municipality are altered so as to include a new area with the municipality more than six months before the next regular municipal election under this Act, the Commissioner in Executive Council may order that the new area shall constitute one or more wards and that there be an election of a councillor from each ward.
- (3) A ward created under subsection (2) shall continue only until the next regular municipal election under this Act.
- (4) A councillor elected under subsection (2) shall, by virtue of that election, hold office only until he is elected again or his successor is elected in the next regular municipal election under this Act."
- (5) When a local improvement district becomes a municipality, the Chairman and the members of the board of trustees of the local improvement district shall respectively be the mayor and councillors of the municipality until the first election of a mayor and councillors for the municipality."

- 11 (1) The following is substituted for subsection 17(1):
"(1) If the time for an appeal under subsection 15(4) has expired and no appeal has been taken, or if an appeal has been taken and the Yukon Municipal Board has made its report or the time prescribed for the Board to make its report has expired, the Commissioner in Executive Council may order that the municipality be dissolved."
- 12 (1) In paragraph 22(1)(c), "if" is deleted.
- 13 (1) In paragraph 33(3)(a), "corporation other than a society" is substituted for "company".
- (2) In paragraph 33(3)(b), "or association" is deleted.
- (3) The following subsection is added to section 33:
"(4) Every member of a municipal council when this Act comes into force shall be deemed qualified to continue in that office until the expiration of the term for which he was elected or until he could have been disqualified under the provisions of the Act under which he was elected."
- 14 (1) In paragraph 34(1)(a), "corporation, other than a society," is substituted for "corporation", and "in relation to" is substituted for "affecting".
- (2) The following is substituted for paragraph 34(1)(b):
"(b) being a member, officer, or employee of a society that has dealings or contracts with the municipality, he does not declare his relationship to the society in a council meeting before voting on or participating in the consideration by council of any question in relation to the society."
- 15 (1) The following section is added:
"34.1(1) The Commissioner in Executive Council may order that paragraphs 33(2)(d) and 34(1)(a) shall not apply in relation to any corporation or society that is named in the order."

- 16 (1) In subsection 37(2), "of" is deleted.
- 17 (1) In subsection 56(1), "the last Monday in September" is substituted for "the first Monday in October".
- (2) The following are substituted for subsection 56(3):
- "(3) The clerk shall give notice of the application for revision to any person other than the applicant, who the applicant alleges is
- (a) an eligible voter whose name is incorrectly set out in the preliminary list of electors, or
- (b) a person who is not eligible to vote.
- (4) The notice required by subsection (3) may be given by ordinary mail addressed to the address shown on the preliminary list of electors for the person who is entitled to be given the notice."
- 18 (1) In subsection 64(2) "by the returning officer" is substituted for "by returning officer".
- 19 (1) In subsection 68(2), "shall cause the Executive Council Member" is substituted for "shall cause the Commissioner", and "the Commissioner in Executive Council may fill" is substituted for "the Commissioner may fill".
- 20 (1) In subsection 69(3), "Notwithstanding subsection (1)" is deleted.
- (2) The following subsection is added to section 69:
- "(4) Subsection (3) does not apply in relation to a poll established under section 36 or 43."
- 21 (1) The following subsection is added to section 72:
- "(2) The number of ballot papers printed in accordance with subsection (1) shall be not less than the number of electors on the revised list of electors".
- 22 (1) In subsection 77(1), "revised list of electors" is substituted for "latest certified list of electors".

- 23 (1) The following is substituted for subsection 81(1):
"(1) When the name of a qualified elector appearing on the electors list certified under section 59 has been omitted from the revised list of electors printed by the clerk in accordance with section 61, the clerk may authorize the returning officer or deputy returning officer at the proper polling place to supply a ballot paper to that person, and that person may apply for and be given a ballot paper."
- 24 (1) In subsection 82(1), "revised list of electors" is substituted for "latest certified list of electors".
- (2) Subsection 82(2) is repealed.
- 25 (1) In subsection 88(2), "made under section 80" is substituted for "made on behalf of under section 80".
- 26 (1) In subsection 89(1), "cannot properly be used" is substituted for "cannot be conveniently used".
- 27 (1) In subsection 92(2), "the clerk or, in the absence or incapacity of the clerk, the person lawfully performing the duties of the clerk" is substituted for "the municipal clerk".
- 28 (1) In subsection 98(1), "or summon to his assistance" is substituted for "or to summon to his assistance", and "deputy returning officer, be obstructing" is substituted for "deputy returning officer be obstructing".
- 29 (1) In subsection 104(2), "prepare and sign in duplicate" is substituted for "prepare and sign".
- (2) In subsection 104(3), "the sealed packets and an original ballot account" is substituted for "the sealed packets and ballot account".
- (3) In subsection 104(4), "The locked boxes and a separate duplicate of the ballot account" is substituted for "The locked boxes".

- 30 (1) The following is substituted for subsection 105(2):
- "(2) Where a count is necessary under subsection (1), the returning officer shall give notice of the time and place of the count to the candidates or their agents, and the count shall be held within 24 hours of the close of the polls on polling day."
- 31 (1) The following is substituted for subsection 106(1):
- "(1) Where a count is held under section 105, the returning officer shall, in the presence of the candidates or their agents, open the ballot boxes and ascertain the results of the poll by counting the votes given to each candidate."
- (2) The following subsections are added to section 106:
- "(6) Immediately after examining the ballot accounts and, if he did a count under this section, immediately after counting the votes in any poll under this section, the returning officer shall proclaim elected the candidate or candidates having the highest number of votes for the office or offices for which they have been nominated.
- (7) The returning officer shall give the clerk and each candidate a statement in the prescribed form showing the total number of votes cast for each candidate and the number of rejected ballot papers and post a copy of the statement in the municipal office."
- 32 (1) The following is substituted for subsection 111(1):
- "(1) The returning officer shall
- (a) proclaim the results of any submission to the electors or the taxpayers immediately after examining the ballot accounts or, if the count was done, after counting the votes, and
- (b) within 24 hours of the close of polls on polling day, give to the clerk a statement in the prescribed form showing the number of votes cast for and against each submission, and post a copy of the statement in the municipal office."

- (2) In subsection 111(2):
- (a) "the result of the election and until" is substituted for "the result of the election until",
 - (b) "shall cause them to be destroyed and shall record the time, place, and method of destruction" is substituted for "may cause them to be destroyed".
- 33 (1) The following are substituted for subsections 112(1) and (2):
- "(1) Within one month after proclaiming the result of the election or of the submission the returning officer shall
 - (a) submit to council a copy of the statement issued by him under section 106 or 111, together with a compilation of the information contained in the ballot accounts, and
 - (b) give the clerk the names of all electors who were sworn in at the polls.
 - (2) Immediately after receiving the names under paragraph (1)(a), the clerk shall incorporate into the list of electors the names of all electors who were sworn in at the polls."
- 34 (1) In subsection 115(2), "the statement issued by him under section 106 or 111" is substituted for "the statement posted under section 110".
- 35 (1) The following is substituted for paragraph 130(1)(c):
- "(c) has his office declared vacant by resolution, and the member has not appealed under section 129 within the time limited for the appeal or the member has so appealed and his appeal has been dismissed or he has abandoned his appeal."
- 36 (1) In subsection 134(1), "council, but no earlier" is substituted for "council but, not earlier".
- (2) In subsection 134(2) "may, with an affirmative vote of at least two thirds of the number of members of which the council is required to consist according to Part II" is substituted for "may with an affirmative vote of two thirds of the members".

- 37 (1) In subsections 142(1) and 142(2), "Executive Council Member" is substituted for "Commissioner or the Inspector".
- 38 (1) The following is substituted for subsection 143(1):
"(1) In at least 10 days before the polling day, the clerk shall post a copy of the submission in the municipal office and
(a) in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions, or
(b) in a conspicuous place in each polling division, if the municipality is divided into polling divisions."
- (2) In subsection 143(2), "copy of the submission" is substituted for "copy of the proposed submission".
- (3) In subsection 143(3),
(a) "in one or more of the following forms" is substituted for "in one section of the following forms",
(b) in the first form, "for a proposed submission" is deleted and "submission" is substituted for "proposed submission", and
(c) at the beginning of the third form, "For" is deleted.
- (4) In subsection 165(2), "Any matter" is substituted for "Any by-law or resolution".
- 39 (1) The following are substituted for subsections 166(2) and (3):
"(2) A by-law under subsection (1) may provide that up to one-third of the annual indemnity shall be paid as an allowance to pay for expenses necessarily incurred by the mayor or councillor in the discharge of the duties of his office.
(3) In addition to the indemnity under subsection (1), a council may by by-law provide for the payment to members of remuneration for attending meetings of the council or its committees, or for performing any other duties as mayor or councillor.

- (4) In addition to any allowance referred to in subsection (2), a council may provide for the payment of reasonable allowances for travelling, for meals and accommodation and out of pocket expenses necessarily incurred in attending meetings of the council or its committees, or for performing other duties as mayor or councillor."
- 40 (1) The following are substituted for subsection 169(2):
- "(2) The minutes of the proceedings of any committee of council or of any board or commission established by a council shall be legibly recorded in a minute book and shall be signed by the chairman or presiding member and, with the exception of minutes relating to matters requiring adoption by the council, the minutes shall be open for inspection by any person, who may make copies thereof and extracts therefrom, at all reasonable times upon payment each time of a fee in an amount prescribed by by-law.
- (3) One copy of the minutes referred to in subsections (1) and (2) shall, when adopted, be forwarded forthwith to the inspector."
- 41 (1) The following is substituted for subsection 173(1):
- "(1) The council may appoint from among the members a deputy mayor who shall
- (a) in the absence or incapacity of the mayor, have all the powers and duties of the mayor, and
- (b) when the mayor is not absent or incapacitated, and subject to the mayor taking precedence, have such powers and duties as the council may direct."
- 42 (1) In paragraph 176(1)(c), "special committees" is substituted for "standing committees".
- 43 (1) Section 179 is repealed.
- 44 (1) The following is substituted for subsection 180(1):
- "(1) The council may establish committees to consider matters referred to them by council, may appoint the members of such committees, and may require reports of the findings or recommendations of the committees."

- 45 (1) In subsection 187(3):
- (a) "under such direction as the mayor may give," is substituted for "under the direction of the mayor", and
 - (b) "submit those estimates to council" is substituted for "submit to council".
- 46 (1) The following is substituted for subsection 187(5):
- "(5) The chief administrative officer may, in accordance with conditions and procedures prescribed by council, appoint and dismiss employees, other than employees or officers described in subsection 188(7)."
- 47 (1) The following is substituted for paragraph 188(4)(d):
- "(d) may provide a benefits program comprising some or all of death, illness, accident, retirement and other similar benefits."
- (2) The following is substituted for paragraphs 188(6)(a) and (b):
- "(a) if lawful cause is not shown, may be terminated only upon reasonable notice or adequate compensation in place of reasonable notice, or
 - (b) if lawful cause is shown, may be terminated without notice or compensation in place of reasonable notice."
- (3) In paragraph 188(7)(b), "For the purposes of subsection (6)" is deleted, and "with powers, duties and responsibilities as prescribed by by-law" is deleted.
- (4) Subsections 188(8) and (9) are repealed.
- 48 (1) Sections 193, 194, 195, 196, 197, 198 and 199 are repealed.
- 49 (1) In subsection 201(2), "Executive Council Member" is substituted for "Commissioner or the Inspector".
- 50 (1) Section 204 is repealed.
- 51 (1) In subsection 216(2), "as adopted or amended by council" is substituted for "except with the written approval of the Inspector".

- 52 (1) The following is substituted for subsection 219(1):
"(1) Subject to section 216, no expenditure shall be made that is not provided for in the annual operational budget as adopted or amended by council."
- 53 (1) In subsection 221(1), "shall be set out in the prescribed format and shall include" is substituted for "shall include".
- (2) Paragraph 221(1)(d) is deleted.
- (3) The following subsection is added to section 221:
"(2) A copy of the operational budget prepared under subsection (1) shall be annexed to the minutes of the meeting in which it is adopted."
- 54 (1) In paragraphs 222(2)(a) and (b), "province or territory of Canada" is substituted for "Province of Canada".
- 55 (1) The following section is added:
"222.1 (1) Council may by by-law establish one or more reserve funds in the name of the municipality.
(2) A by-law to establish a reserve fund shall specify:
(a) the purpose for which the reserve fund is established,
(b) whether or not the reserve fund is cash funded,
(c) the method of calculating contribution to the reserve fund, and
(d) the criteria and conditions governing withdrawals from the reserve fund."
- 56 (1) The following are substituted for subsections 224(1), (2) and (3):
"(1) Except as permitted under subsection 235(3), where a council proposes an expenditure on any capital item or aggregation of capital items in one scheme, and the expenditure exceeds one-quarter of one per cent of the total current assessed value of all real property

within the municipality that is subject to property taxes or grants in lieu of property taxes, the council shall not authorize the expenditure unless the taxpayers assent to the expenditure.

(2) Where the assent of the taxpayers is required under subsection (1), the procedures established under sections 235, 236 and 237 for obtaining that assent shall be followed with such changes as may be necessary."

(2) The following is substituted for subsection 224(6):

"(6) For the purposes of subsections (1) and (2), where the cost of the capital item or aggregation of capital items in one scheme is being shared by the municipality and the Government of Yukon or the Government of Canada, the expenditure proposed by council shall be deemed to be only the share of the cost that will be paid by the municipality, rather than the entire cost of the item or items."

57 (1) In subsection 225(1), "council may expend" is substituted for "council may, by by-law expend".

(2) Paragraph 225(1)(a) is repealed.

(3) In paragraph 225(1)(d), "when they" is substituted for "outside the limits of the municipality when, on the instructions of the council, they".

(4) In paragraph 225(1)(e), "when they" is substituted for "when, on the instructions of council, they".

(5) The following subsections are added to section 225:

"(3) The council may by by-law establish and operate airports and seaplane harbours for aircraft.

(4) A by-law under subsection (3) may, with the approval of the Executive Council Member, provide for the establishment and operation of the works beyond the boundaries of the municipality."

- 58 (1) The following are substituted for subsection 226(1):
 "(1) A council may, by by-law, make grants to any person or association of persons.
 (2) If any grant under subsection (1) would reduce property taxes levied or fees established for services that are provided, then the grant shall not be made without the approval of the Executive Council Member."
- 59 (1) In subsection 227(1), "service charges imposed in respect of local improvements" is substituted for "local improvement taxes".

 (2) In subsection 227(2), "On or before the 15th of April in each year," is deleted.
- 60 (1) The following is substituted for section 229:
 "229 (1) Where borrowed money is used to purchase an asset of the municipality and the asset is sold or any interest in it is disposed of for consideration, the debt in respect of its purchase shall first be satisfied before the proceeds of the sale or disposition are used for any other purpose."
- 61 (1) Paragraphs 230(2)(a) and (b) are deleted.

 (2) Subsection 230(4) is repealed.
- 62 (1) In subsection 231(1), "budgeted" is substituted for "lawful".
- 63 (1) In subsection 232(2), "balance shall be used" is substituted for "balance may be used".
- 64 (1) The following are substituted for subsections 233(1) and (2):
 "(1) Notwithstanding subsection 235(3), the total principal amount of debt that a municipality may owe at any time shall not exceed two per cent of the current assessed value of all real property within the municipality that is subject to property taxes or grants in lieu of taxes

unless both the Executive Council Member and taxpayers assent to the by-law that authorizes borrowing in excess of that limit.

(2) Except as permitted under subsection 235(3), the total amount that a municipality may borrow in any fiscal year shall not exceed one quarter of one per cent of the current assessed value of all real property within the municipality that is subject to property taxes or grants in lieu of taxes unless the taxpayers assent to the by-law that authorizes borrowing in excess of that limit.

(3) Where an amount is borrowed in accordance with subsections (1) and (2), the by-law that authorizes the borrowing shall not be rendered invalid by a subsequent reduction in the current assessed value of all real property within the municipality that is subject to property taxes or grants in lieu of taxes."

65 (1) Section 234 is repealed.

66 (1) The following are substituted for subsections 235(1), (2) and (3):

"(1) Where under section 233 the assent of the Executive Council Member or of the taxpayers is required, no by-law for the borrowing of money shall be valid unless the required assent is obtained before third reading of the proposed by-law.

(2) Where under subsection 233(1) the assent of both the taxpayers and the Executive Council Member is required, the assent of the Executive Council Member shall be sought only after the taxpayers have assented.

(3) The assent of the taxpayers is not required for borrowing or expenditure

(a) when the money to be borrowed or expended is to be used to pay for local improvement works under section 249 and, is expended for that purpose, or

(b) when the money to be borrowed or expended is to be used for capital expenditures for primary municipal services and, is expended for that purpose."

- 67 (1) The following is substituted for subsection 237(1):
"(1) If a by-law for which the assent of the Executive Council Member or the taxpayers is required receives the necessary assent, the council may adopt the by-law or refuse to adopt it."
- 68 (1) In subsection 238(1), "and every such by-law shall recite that the approval of the Inspector has been obtained" is deleted, and the following paragraph is added:
- "(aa) the total existing indebtedness of the municipality".
- (2) Subsection 238(2) is repealed.
- 69 (1) The following are substituted for subsections 239(1) and (2):
"(1) Where a municipality is in default of payment of a debt, the Commissioner in Executive Council may require that the municipality not contract any new debt without his approval.
(2) When the Commissioner in Executive Council is satisfied that the municipality is again able to manage its debts, he shall revoke the order under subsection (1)".
- 70 (1) The following section is added:
"239.1 (1) Where the assent of the Commissioner in Executive Council, or the Executive Council Member, or the taxpayers to a by-law for the borrowing or expenditure of money is required under this Act, any by-law that purports to authorize the borrowing or expenditure and that does not have the required assent shall be invalid."
- 71 (1) In clause 243(1)(d)(ii), "in accordance with this Act and generally accepted accounting principles for municipalities" is substituted for "in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year".

- 72 (1) Section 245 is repealed.
- 73 (1) The following is substituted for subsection 248(2):
- "(2) The financial statements referred to in this section shall be prepared and submitted to the auditor no later than the last day of February in each year, and shall include:
 - (a) balance sheets,
 - (b) statements of revenue and expenditures,
 - (c) a schedule of all reserve funds,
 - (d) a schedule of all debentures, and
 - (e) such other information as the Inspector may require from time to time upon reasonable notice".
- (2) The following is substituted for subsection 248(4):
- "(4) The balance sheets referred to in subsection (2) shall be signed by the treasurer or other officer of the municipality and all financial statements referred to in subsection (2) and the auditor's report or a summary of it shall be published not later than June 30 in each year in a newspaper circulated within the municipality."
- (3) In subsection 248(6), "forward to the council and the Inspector" is substituted for "forward to the Inspector".
- (4) The following subsection is added to section 248:
- "(7) A copy of the financial statements and the auditor's report shall be made available at the treasurer's office without charge to any taxpayer or elector who requests a copy of it."
- 74 (1) The following is substituted for subsection 250(1):
- "(1) A council may by by-law
 - (a) provide for a local improvement,
 - (b) prescribe the procedures and conditions according to which petitions for local improvements shall be prepared, presented to, and considered by council,
 - (c) prescribe the means of determining the parcels of land that will benefit from a local improvement,

- (d) prescribe the means of determining the total cost of a local improvement and the proportion of that cost that is to be levied against parcels of land that will benefit from a local improvement, and
 - (e) levy a proportion of the cost of a local improvement against the parcels of land that will benefit from a local improvement."
- 75 (1) Paragraph 251(1)(b) is deleted.
- 76 (1) In subsection 252(1), "Where the Government of Yukon has incurred the cost" is substituted for "Where the Commissioner has incurred the cost", and "at the request of the Executive Council Member" is substituted for "at the request of the Commissioner".
- (2) In subsection 252(2), "as certified by the officer appointed by the Commissioner for that purpose" is deleted.
- (3) The following is substituted for subsection 252(3):
"Where a council has passed a by-law under subsection (1) the amount of money to be collected under that by-law shall be paid by the council to the Government of Yukon forthwith after it becomes due, regardless of whether the municipality has collected the money."
- 77 (1) Section 253 is repealed.
- 78 (1) In subsection 254(1), "of the municipality a portion" is substituted for "of the municipality, a portion" and "thereof, and such" is substituted for "thereof and such".
- 79 (1) In subsection 255(1), "as certified by the officer appointed by the council for that purpose" is deleted.
- 80 (1) Section 256 is repealed.
- 81 (1) In subsection 257(1), "Council may by by-law acquire" is substituted for "Council may acquire", and "or personal" is deleted.
- (2) In subsection 257(3), ", with the approval of the Commissioner," is deleted.

- (3) In subsection 257(4), "Council may by by-law sell" is substituted for "Council may sell", and "or personal" is deleted.
- (4) Subsection 257(6) is repealed.
- 82 (1) Subsections 259(2) and (3) are repealed.
- 83 (1) The following is substituted for paragraph 263(1)(i):
"(i) authorize an encroachment over, on, or under a highway, subject to such terms and conditions and to such single or annual fee as council prescribes,"
- (2) The following subsection is added to section 263:
"(2) Where an encroachment has been authorized under paragraph (1)(i) and an annual fee has been set in respect of the encroachment, that annual fee shall be deemed to be part of the taxes levied on the real property that the encroachment appertains to."
- 84 (1) In subsection 269(1), "with the approval of the Commissioner" is deleted.
- (2) The following subsections are added to section 269:
"(1.1) No by-law under subsection (1) shall be valid without the approval of the Executive Council Member unless, when it is made, the foreseen and foreseeable capital and operating costs of the works will be paid by the municipality from its own revenue or borrowing.
(1.2) A by-law under subsection (1) may, with the approval of the Executive Council Member, provide for the extension and operation of the works beyond the boundaries of the municipality."
- 85 (1) In subsection 270(1), "Subject to the Public Health Ordinance" is deleted.
- (2) In paragraph 270(1)(c), "with the approval of the Commissioner" is deleted.

- 86 (1) The following subsections are added to section 271:
- "(2) A by-law under subsection (1) may, with the approval of the Executive Council Member, provide for the extension and operation of the works beyond the boundaries of the municipality.
 - (3) Council may by by-law provide for the use or sale of any product, including heat and other energy, obtained through the processing of any matter or operation of any works referred to in subsection (1)."
- 87 (1) In subsection 272(1), "with the approval of the Commissioner," is deleted.
- (2) The following subsections are added to section 272:
- "(1.1) No by-law under subsection (1) shall be valid without the approval of the Executive Council Member unless when it is made the foreseen and foreseeable capital and operating costs of the works will be paid by the municipality from its own revenue and borrowing.
 - (1.2) A by-law under subsection (1) may, with the approval of the Executive Council Member, provide for the extension and operation of the works beyond the boundaries of the municipality."
- 88 (1) Section 275 is repealed.
- 89 (1) The following is substituted for subsection 277(1):
- "(1) Subject to any other Act, council shall by by-law establish a fire department."
- (2) In subsection 277(2),
- (a) "and regulations made thereunder" is deleted,
 - (b) in paragraph (b), "to establish" is substituted for "establish",
 - (c) in paragraph (d), "subject to subsection (3), to enter" is substituted for "enter", and "within the municipality" is substituted for "in the municipality or in such other municipalities",
 - (d) in paragraph (f), "to regulate" is substituted for "regulate", and

- (e) in paragraph (1), "regulating the installation" is substituted for "regulating and installation".
- (3) The following subsection is added to section 277:
- "(2.1) A by-law under subsection (1) or (2) may, with the approval of the Executive Council Member, provide for the extension and operation of fire protection and fire fighting services and equipment outside the municipality."
- 90 (1) The following is substituted for paragraph 280(1)(a):
- "(a) providing for the acquisition of ambulances and the operation of an ambulance service within and subject to subsection (3), outside of the municipality".
- (2) The following subsections are added to section 280,
- "(2) An ambulance service operated pursuant to a by-law under subsection (1) is not subject to the Transport Public Utilities Act.
- (3) A by-law under subsection (1) may, with the approval of the Executive Council Member, provide for the extension and operation of an ambulance service outside the municipality."
- 91 (1) Subsection 282(2) is repealed.
- 92 (1) The following is substituted for subsection 284(1):
- "(1) Council may by by-law authorize an agreement between the municipality and the Government of Yukon under which the Government of Yukon provides public health services to the municipality and the municipality pays some or all of the cost of those services."
- 93 (1) In subsection 286(1), "shall be consistent with those of the building code established under the Building Standards Act" is substituted for "shall be no less than those of the current National Building Code, as amended from time to time".

- (2) The following is substituted for subsection 286(2):
- "(2) Notwithstanding subsection (1), where council believes that there are local conditions that would make the standards of the building code established under the Building Standards Act inappropriate in the municipality, council may by by-law and with the approval of the Executive Council Member establish different standards."
- 94 (1) In paragraph 288(2)(c), "make any provision of the by-law applicable to one or more classes of business" is substituted for "make any provision of the by-law applicable to one or more business or one or more classes thereof".
- (2) The following subsection is added to section 288:
- "(3) Council may, by by-law, define resident and non-resident businesses and prescribe for any class of non-resident business a licence fee that is greater than but not more than double the licence fee that is prescribed for a resident business of the same class."
- 95 (1) In subsection 291(1), "in his opinion" is deleted.
- 96 (1) In subsection 295(1), "Subject to the approval of the Commissioner", and "or within the municipality and adjacent localities" are deleted.
- (2) The following subsections are added to section 295:
- "(1.1) No by-law under subsection (1) shall be valid without the approval of the Executive Council Member unless when it is made the foreseen and foreseeable capital and operating costs will be paid by the municipality from its own revenue and borrowing.
- (1.2) A by-law under subsection (1) may provide for the operation of the system for the public transport of persons and property outside the municipality and such operation shall be subject to the Transport Public Utilities Act".
- 97 (1) Section 296 is repealed.

- 98 (1) In paragraph 299(1)(m), "and if any by-law departs from the rules laid down in this section and the departure is indicated to drivers by signs or devices for controlling traffic or by traffic officers, every driver within the municipality shall conform to the by-law" is deleted.
- 99 (1) In subsection 302(1), "or prohibit" is deleted.
- (2) Paragraphs 302(1)(c), (d) and (e) are repealed.
- 100 (1) In subsection 309(1), "of a municipality other than the City of Dawson, the City of Whitehorse, or the Town of Faro" is substituted for "of a municipality".
- (2) The following subsection is added to section 309:
- "(1.1) Within two years of the coming into force of this Act, the council of each of the City of Dawson, the City of Whitehorse, and the Town of Faro shall, if it has not already done so when this Act comes into force, adopt by by-law a community plan in accordance with this Act."
- (3) The following is substituted for subsection 309(4):
- "(4) A community plan already adopted by by-law when this Act comes into force shall continue in force until amended or replaced under this Act."
- (4) The following subsection is added to section 309:
- "(5) A by-law respecting the adoption or amendment of a community plan is not valid unless before it is given third reading it is approved by the Executive Council Member."
- 101 (1) The following is substituted for paragraph 310(1)(c):
- "(c) to identify policies concerning the future physical, social, and economic development of the municipality".

102 (1) The following are substituted for subsections 311(1) and (2):

"(1) An official community plan may consist of any descriptive documents such as maps, drawings, photographs, plans, reports, or statements, and it shall be published in a documentary form that is easily made available to taxpayers and electors in the municipality.

(2) The content of an official community plan shall be presented or written in a way that is understandable by lay persons who do not have special training or expertise in the fields of learning represented in the plan."

103 (1) Section 312 is repealed.

104 (1) The following subsection is added to section 313:

"(2) Before its first publication under subsection (1), a copy of the notice described in subsection (1) shall be given to the Executive Council Member, the Yukon Municipal Board, and such other persons as the Yukon Municipal Board may direct."

105 (1) The following are substituted for sections 315 and 316:

"315 (1) Council shall submit to the Yukon Municipal Board any official community plan or any amendment thereto that it proposes to adopt.

(2) No by-law in respect of an official community plan under this division shall be valid unless prior to third reading of the by-law:

(a) the Yukon Municipal Board has approved the community plan as submitted to it or with modifications that the council concurs in, or

(b) where the Yukon Municipal Board does not approve the community plan, the Executive Council Member has approved the community plan as submitted to him or with modifications.

- (3) Neither the Yukon Municipal Board nor the Executive Council Member shall approve a community plan where:
 - (a) the plan does not conform to the requirements of this Act, or
 - (b) the council, in preparing, considering or submitting the plan has not complied with this Act."

- 316 (1) The Yukon Municipal Board shall:
 - (a) approve the community plan as submitted to it, or
 - (b) refer the community plan back to council with recommendations for modifications or for remedial action."
- (2) Before making its decision and acting under subsection (1), The Yukon Municipal Board may hold a public hearing about the community plan submitted to it by a council under this division, in which case the provisions of section 313 shall be followed with the necessary changes.
- (3) When reviewing a community plan under this division, the Yukon Municipal Board and the Executive Council Member shall consider
 - (a) such matters as they think the council has or should have considered,
 - (b) whether the plan conforms to the requirements of this Act, and
 - (c) whether the council, in preparing, considering, and submitting the plan has complied with this Act."

106 (1) Section 319 is repealed.

107 (1) In subsection 320(1), "in accordance with the procedure and subject to the same approvals as established" is substituted for "in accordance with the procedure established".

- 108 (1) In subsection 321(1), "by the Executive Council Member" is substituted for "by the Yukon Municipal Board or by the Inspector".
- (2) Subsection 321(3) is repealed.
- 109 (1) The following is substituted for subsection 322(1):
- "(1) When the boundaries of a municipality are altered the council shall forthwith review the official community plan and shall, within one year of the boundary alteration, or such additional time as the Executive Council Member may allow, propose and submit an amended community plan to the Yukon Municipal Board for approval."
- 110 (1) The following subsection is added to section 323:
- "(2) A regulation under the Area Development Act shall remain in force in relation to an area that becomes part of a municipality under this Act until it is repealed or amended by a by-law passed by the council of the municipality."
- 111 (1) Sections 325 and 326 are repealed.
- 112 (1) The following is substituted for paragraph 327(1)(a):
- "(a) to implement development control provisions".
- (2) Subsection 327(3) is repealed.
- 113 (1) In subsection 328(1), "to it" is substituted for "thereto", and "an appeal from it to the Yukon Municipal Board" is substituted for "therefrom to the Yukon Municipal Board".
- (2) The following are substituted for subsection 328(2):
- "(2) A zoning by-law shall not contain any provision that would permit only public development or that would not permit any use of the land, buildings, or structures."

- (2.1) Subsection (2) does not apply to any by-law in respect of land, buildings or structures that are
- (a) owned by the Territory or Canada, if the Territory or Canada, as the case may be, consent to the by-law, or
 - (b) owned by the municipality."
- 114 (1) In paragraph 329(3)(p), "regulate" is substituted for "permit, regulate or prohibit".
- (2) The following is substituted for paragraph 329(3)(q):
"(q) regulate the cutting of trees".
- 115 (1) In subsection 333(3), "Notwithstanding subsection (1), where a change in the zoning classification is proposed," is substituted for "Notwithstanding subsection (1)", and "the change in zoning classification" is substituted for "any zoning amendment", and "shall be delivered" is substituted for "shall be deliver".
- 116 (1) In paragraph 338(1)(b), "is adopted or amended" is substituted for "is reviewed".
- 117 (1) In subsection 340(1), "After" is substituted for "From and after".
- (2) The following is substituted for paragraph 340(1)(a),
"(a) the date of a resolution passed by council that authorizes the preparation or amendment of an official community plan or a zoning by-law, or".
- (3) Paragraph 340(1)(c) is repealed.
- 118 (1) The following is substituted for subsection 342(1):
"(1) Subject to section 341, a municipality shall not refuse a permit or impose conditions upon a permit for any development unless the refusal or the imposition of the conditions is authorized by an official community plan or a zoning by-law and is justified by the facts of the case."

- 119 (1) The following is substituted for subsection 344(1):
"(1) No subdivision of land shall be valid unless it is made in accordance with this Act."
- 120 (1) In subsection 345(1), "The Commissioner in Executive Council may" is substituted for "the Commissioner may by Order".
- (2) In paragraph 345(1)(c), "Executive Council Member" is substituted for "Commissioner".
- 121 (1) The following are substituted for subsection 346(1):
"(1) Every person who applies for subdivision of land shall provide for adequate highway access to each lot created by the subdivision.
(1.1) The highway access that is required under this section shall be made to conform to any standards that may be set under this Act or under any subdivision or zoning by-law of the municipality.
(1.2) The cost of providing the highway access under this section shall be borne by the applicant."
(2) In subsections 346(2) and (3), "subsections (1), (1.1) and (1.2)" are substituted for "subsection (1)".
- 122 (1) The following section is added:
"346.1(1) A council may make by-laws for controlling the subdivision of land within the municipality".
- 123 (1) In subsection 347(1), "of up to ten per cent" is substituted for "to a maximum of ten per cent".
- (2) The following is substituted for subsection 347(6):
"(6) Each parcel of land dedicated to public use shall vest in the Crown as Yukon lands."
- 124 (1) In subsection 348(1), "and the buffer strips shall vest in the Crown as Yukon lands" is substituted for "and the parcels shall be designated Buffer Strip B1 or Buffer Strip B2 and so on and the lands comprising the buffer strips vest in the Crown."

- 125 (1) In subsection 349(1), "and shall only be used for such a utility and shall vest in the Crown as Yukon lands" is substituted for "and shall be designated Utility Lot U1 or Utility Lot U2 and so on as may be appropriate and shall only be used for such a utility."
- (2) Subsections 349(3) is repealed.
- 126 (1) Section 350 is repealed.
- 127 (1) In subsection 351(1), "vested in the Crown as Yukon lands" is substituted for "vested in the Commissioner".
- 128 (1) In subsection 352(1), "the subdivision of land where under subsection 345(1) the Inspector is the approving authority" is substituted for "the subdivision of land."
- (2) Subsection 352(2) is repealed.
- 129 (1) Section 353 is repealed.
- 130 (1) The following is substituted for subsection 354(2): .
- "(2) If the applicant is not the owner of the land to be subdivided the applicant shall submit to the approving authority the owner's written consent to the subdivision."
- 131 (1) The following is substituted for subsection 355(1):
- "(1) If the application for subdivision complies with this or any other Act and with any by-law or regulation made thereunder, the approving authority shall approve the subdivision."
- (2) In subsection 355(2), "Approval of an application" is substituted for "A certificate of approval".
- 132 (1) In subsection 357(1), "if the plan" is substituted for "if in the opinion of the authority, the plan is not in the public interest, or".
- 133 (1) In subsection 370(1), "with the approval of the Commissioner" is deleted.
- 134 (1) Section 371 is repealed.

- 135 (1) The following is substituted for subsection 372(2):
- "(2) In a city the board of variance shall be composed of persons who are not members of the council."
- (2) The following subsections are added to section 372:
- "(3) A board of variance already established when this Act comes into force may continue for up to six months after this Act comes into force.
- (4) Where no board of variance is established, a council may act as the board of variance for up to six months
- (a) after this Act comes into force, where the municipality exists when this Act comes into force, or
- (b) after the municipality is incorporated, where the municipality is incorporated after this Act comes into force."
- 136 (1) In subsection 373(1), "variance otherwise" is substituted for "variance, otherwise", and "Part, a person" is substituted for "Part a person".
- (2) The following is substituted for subsection 373(3):
- "(3) The Board of variance shall not grant an appeal that would allow a change to a use that is not similar to a use that would be permissible without a variance."
- 137 (1) In subsection 374(1), "such sum not exceeding \$200 as may be fixed by by-law" is substituted for "such sum, as may be prescribed by the board to meet its expenses."
- 138 (1) In subsection 377(8), "where that owner is not required to enter into a land development agreement with council" is deleted.
- 139 (1) The following subsection is added to section 379:
- "(2) The Executive Council Member may act as the Yukon Municipal Board for up to six months after this Act comes into force or until the Board is appointed, whichever shall first occur."

140 (1) The following are substituted for subsections 380(1), (2), and (3):

- "(1) The Yukon Municipal Board shall consist of the following members who shall be appointed by the Commissioner in Executive Council to serve at pleasure:
- (1) A Chairman,
 - (2) a Deputy Chairman,
 - (3) one member, and an alternate to act in his absence or incapacity, from among persons nominated by the Association of Yukon Communities,
 - (4) one member, and an alternate to act in his absence or incapacity, from among persons nominated by the Council for Yukon Indians, and
 - (5) one member, and an alternate to act in his absence or capacity, nominated by the Executive Council Member.
- (2) A member of the board may be paid transportation, accommodation and living expenses incurred in connection with the performance of his duties as a member of the board away from his ordinary place of residence but, except as otherwise prescribed, the payment of such expenses shall conform as nearly as possible in all respects to the payment of such expenses for the members of the public service of Yukon.
- (2.1) A member of the board may be paid such remuneration as may be prescribed for the performance of his duties as a member of the board.
- (3) A quorum shall consist of a majority of the members of the board but a vacancy shall not impair the right of the members to act."

141 (1) In section 381, "For the purposes of this Act, the Yukon Municipal Board has all the powers of a board of inquiry appointed under the Public Inquiries Act" is substituted for "The board for all purposes of this Act, shall have the powers of a court of record".

- (2) The following subsections are added to section 381:
- "(2) In conducting its proceedings The Yukon Municipal Board is not bound by any rules of evidence other than that it may hear and consider any relevant evidence and give to that evidence such credence and weight as the board thinks it deserves.
- (3) The Yukon Municipal Board may adopt a seal bearing its name."
- 142 (1) The following is substituted for subsection 382(1):
- "(1) In addition to its powers in relation to appeals and approvals given to it under other provisions of this Act, the Yukon Municipal Board may
- (a) perform such duties as the Commissioner in Executive Council delegates to it, and
- (b) hear any appeals to it that may be provided for under the Area Development Act or the Building Standards Act."
- 143 (1) The following is substituted for paragraph 384(1)(a):
- "(a) establish a parks and recreation commission as an agent of the municipality".
- 144 (1) In subsection 385(1), "Civil Emergency Measures Act" is substituted for "Civil Emergency Act".
- 145 (1) The following is substituted for paragraph 386(1)(a)
- "(a) establish a public transit commission as an agent of the municipality and provide for the appointment and remuneration of its members".
- (2) The following is substituted for paragraph 386(1)(b):
- "(b) delegate to the public transit commission the performance of some or all the functions council may provide for under section 295".
- 146 (1) Section 387 is repealed.
- 147 (1) In subsection 388(1), "Subject to section 329" is deleted.
- 148 (1) In subsection 391(1), "with the approval of the Commissioner" is deleted.

149 (1) The following are substituted for subsection 393(1):

- "(1) A council may by by-law provide the following forms of assistance to help an industrial or commercial enterprise or undertaking, but only with the approval of the Executive Council Member:
- (a) a gift or loan of money or of any municipal property,
 - (b) a guarantee of any borrowing,
 - (c) granting an exemption from taxation or service charges or fees.
- (2) Any by-law, contract, or obligation contrary to subsection (1) is unenforceable."

150 (1) The following is substituted for subsection 395(1):

- "(1) A municipality may become a member of any association of municipalities for furthering the interests of municipalities and the council may authorize payment of fees for such membership, and the payment of contributions to any such association and of the cost of sending delegates of the municipality to meetings of any such association."

151 (1) In subsection 397(2), "approved by the Commissioner" is deleted.

152 (1) The following section is added:

- "400.1(1) When a local improvement district is incorporated as a municipality, that municipality shall be deemed not to be a taxing authority in respect of the taxation year in which it was incorporated, and the Commissioner in Executive Council shall continue to be the taxing authority for that taxation year.
- (2) Every local improvement district shall each year, on or before the first day of April, establish by by-law the rate of taxes for general purposes it wants the Commissioner in Executive Council to levy for that taxation year.

- (3) When a local improvement district is incorporated as a municipality before the first day of April in any year, that municipality shall, on or before the first of April next following its date of incorporation, establish by by-law the rate of taxes for general purposes it wants the Commissioner in Executive Council to levy for the taxation year in which that month of April falls.
- (4) The Commissioner in Executive Council shall levy taxes on all taxable real property within the local improvement district or municipality at the rate established under subsection (2) or (3), as the case may be, and the Government of Yukon shall collect those taxes and shall pay to the local improvement district or municipality, on or before July 2 of the taxation year in respect of which the levy is made, a grant equal to the aggregate of the taxes so levied and the amounts payable as grants in lieu of taxes on real property of the Government of Yukon and the Government of Canada."

153 (1) The following subsection is added to section 403:

- "(2) A by-law in relation to charges in respect of sewerage works, the removal and disposal of garbage and other waste matter, and the water distribution system may provide that in default of payment of the charge the outstanding amount owing may be charged against the real property in respect of which the service was provided and recovered as part of the taxes levied on that real property."

154 (1) In section 422(2), "subject to the direction of the Executive Council Member" is substituted for "subject to the Commissioner".

155 (1) Paragraph 425(1)(c) is repealed.

156 (1) The following is substituted for subsection 433(1):

- "(1) All by-laws passed by the administrator must be approved by the Executive Council Member before becoming effective."

- 157 (1) The heading "Division (7) - Repeals and Miscellaneous" is substituted for the heading "Division (7) - Certification of Municipal By-Laws and Securities".
- (2) Sections 436 and 437 are repealed.
- 158 (1) The following is substituted for section 438:
- "438 (1) This section applies only in respect of the Town of Faro.
- (2) All property and all liabilities that passed from the Government of Yukon to the Town of Faro as of April 1, 1970 under section 170 of the Municipal Act that is repealed by this Act shall continue to be the property or liability of the Town.
- (3) Where a by-law of the Town of Faro is in relation to an expenditure on any capital item or aggregation of capital items in one scheme, and the expenditure exceeds one-quarter of one per cent of the total current assessed value of all real property with the municipality that is subject to property taxes or grants in lieu of property taxes, that by-law shall not be valid if, prior to third reading, it is objected to in a written objection delivered to the office of the Town clerk and signed by or on behalf of one or more taxpayers who represent not less than 50 per cent of the current assessed value of real property in the Town subject to taxes.
- (4) A copy of every proposed by-law referred to in subsection (3), or of an accurate synopsis of it, shall be posted in at least four conspicuous public places in the Town of Faro for at least four consecutive weeks immediately before the date of third reading, and the council shall not give the proposed by-law third reading until at least 30 days after it was given second reading.
- (5) Where a by-law of the Town of Faro is in relation to the imposition of taxes or in relation to borrowing, other than borrowing under section 231, the by-law shall not be valid unless it has the assent of the Executive Council Member."

- 159 (1) In subsections 12(1), 17(2), 17(6), 18(1), 20(1), 22(1), 28(1), 29(1), 135(2), 137(1), 152(4), 201(4), 258(2), 261(3), 352(1), 379(1), 383(1), 396(1), 398(1), 408(1), 422(1), 425(1), 425(2), 428(1), 429(2), 431(1), and 439(1), and in paragraphs 16(1)(h) "Commissioner in Executive Council" is substituted for "Commissioner".
- 160 (1) In subsections 38(1), 135(1), 151(4), 207(1), 209(1), 210(1), 241(3), 309(2), 309(3), 324(2), 324(3), 336(1), 336(2), 336(3), 336(4), 336(5), 340(4), 360(2), 377(7), 380(8), 380(9), 394(1), 403(1), 429(1), 430(2), 432(1), and 432(2), "Executive Council Member" is substituted for "Commissioner".
- 161 (1) In subsection 27(1), and in paragraphs 16(1)(e) and (f), "Government of Yukon" is substituted for "Commissioner".
- 162 (1) In subsections 201(3), 217(1), 218(2), 218(3), 223(3), 231(1), 232(2), 241(5), 242(1), 242(2), and 363(7), "Executive Council Member" is substituted for "Inspector".
- 163 (1) The following subsection is added to section 440:
"(10) Subsections (3), (4), (6), (7), (8), and (9) shall come into force only when the repeal of the Local Improvement District Act becomes effective."
- 164 (1) The following is substituted for section 442:
"442 (1) Subject to subsection (2), this Act shall come into force on a day to be proclaimed by the Commissioner in Executive Council.
(2) The repeal of the Local Improvement District Act shall not become effective until the day that is 12 months after the day this Act is proclaimed in force."
-

STATUTES OF THE YUKON TERRITORY
1983, Chapter 26

PUBLIC LOTTERIES ACT

(Assented to November 21, 1983)

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

1 (1) This Act may be cited as the Public Lotteries Act.

2 (1) In this Act,

"Commission" means the Yukon Lottery Commission established under section 3;

"public lottery" means a lottery scheme conducted pursuant to an agreement under section 12

Yukon Lottery Commission

3 (1) There shall be a Yukon Lottery Commission consisting of not more than 12 members appointed by the Executive Council Member.

(2) The term of membership in the Commission is two years.

(3) Notwithstanding subsection (2), of the members first appointed to the Commission after this Act comes into force, half shall be appointed for a term of one year.

4 (1) Where a member of the Commission has a direct or indirect personal interest, otherwise than as a member of the public or an organization, in any matter under review by the Commission, he shall refrain from participating in the review of the matter by the Commission.

- (2) Where any member of the Commission is prevented for any reason from performing his duties, the Executive Council Member may appoint a substitute for such period of time as the Executive Council member considers appropriate, subject to subsection 3(2).
- 5 (1) The Executive Council Member shall appoint one of the members of the Commission to be the chairman and another to be the vice-chairman.
- (2) The chairman is the chief executive officer of the Commission, and he shall
- (a) supervise and direct the work of the Commission, and
 - (b) preside at sittings of the Commission.
- (3) Where the chairman is unable at any time for any reason to exercise the powers and perform the duties of his office, the vice-chairman shall act in his place.
- 6 (1) The Commission shall meet at the call of the chairman, who shall convene such meetings as he considers desirable for the conduct of the business of the Commission.
- 7 (1) A majority of the members of the Commission is a quorum, and no quorum exists unless the chairman or vice-chairman is present.
- (2) Subject to subsection (1), a decision of the majority of the members present at a meeting of the Commission is a decision of the Commission, but in the event of an evenly divided opinion between members of the Commission, including the vote of the chairman, the matter shall be decided in accordance with the vote of the chairman.
- (3) A vacancy in the membership of the Commission reduces the number of members required for a quorum and, subject to subsections (1) and (2), does not impair the right of the other members to act.

- 8 (1) The Commission may make rules of procedure consistent with this Act and the regulations respecting
- (a) the conduct of its meetings and business,
 - (b) the records to be kept in respect of of the business of the Commission under this Act,
 - (c) the custody, preservation and provision of access to the records referred to in paragraph (b), and
 - (d) any other matter that reasonably is necessary or advisable for the effective and orderly conduct of the duties of the Commission.
- 9 (1) At the request of the Executive Council Member and at such other times as the Commission considers appropriate, the Commission shall make reports to the Executive Council Member respecting the business of the Commission.
- 10 (1) Subject to the Public Service Commission Act, the Executive Council Member shall make provision for a secretary and other administrative support services for the Commission.
- 11 (1) A member of the commission may be paid transportation, accommodation and living expenses incurred in connection with the performance of his duties as a member of the Commission away from his ordinary place of residence but, except as otherwise provided by the regulations, the payment of such expenses shall conform as nearly as possible in all respects to the payment of such expenses for members of the Public Service of Yukon.

Lotteries

- 12 (1) The Executive Council Member may, with the approval of the Commissioner in Executive Council, enter into agreements with the government of any province or any agency of the government of any province for the purpose of undertaking, organizing, conducting and managing public lottery schemes.
- 13 (1) The Commission is responsible for the conduct and management of public lotteries and, subject to the regulations, the allocation of the profits of public lotteries.

- 14 (1) The Executive Council Member may, with the approval of the Commission, enter into agreements providing for the provision of services to the Commission respecting the conduct and management of public lotteries.
- (2) An agreement under subsection (1) is binding on the Commission.
- 15 (1) The Commission shall advise the Executive Council Member respecting
- (a) existing or proposed agreements and regulations under this Act, and
 - (b) any other matter it considers advisable respecting public lotteries.
- 16 (1) The Treasurer shall establish within the Yukon Consolidated Revenue Fund a Yukon Lottery Commission Fund, into which shall be paid all money received in respect of the conduct or management of public lotteries.
- 17 (1) The Yukon Lottery Commission Fund is a trust fund for the purposes of the Financial Administration Act.
- 18 (1) Subject to the regulations, there may be paid from the Yukon Lottery Commission Fund all expenses incurred in the conduct or management of public lotteries, including the remuneration and expenses of members of the Commission.
- 19 (1) The Commissioner in Executive Council may make such regulations as he considers necessary respecting
- (a) the conduct and management of public lotteries,
 - (b) the fees or commissions payable to agents or sellers,
 - (c) the issuance of licences for the sale of lottery tickets, and the terms and conditions for licences,
 - (d) the purposes for which the profits of public lotteries may be paid, and the allocation of profits for those purposes, and
 - (e) any other matter to carry the purposes and provisions of this Act into effect.
- 20 (1) The Lotteries Act is repealed.

21 (1) This Act comes into force on a day to be fixed by the
Commissioner in Executive Council.

STATUTES OF THE YUKON TERRITORY
1983, Chapter 27

RECREATION ACT

(Assented to November 21, 1983)

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

1 (1) This Act may be cited as the Recreation Act.

2 (1) In this Act,

"Committee" means the Yukon Recreation Advisory Committee established under section 4;

"community recreation" means recreation that is within the responsibilities of a municipality under section 15 or a local authority under section 18;

"local authority" means a Community organization appointed as a local authority under section 17;

"municipality" includes a Local Improvement District;

"Yukon recreation" means recreation that is within the responsibilities of the Executive Council Member under section 20.

3 (1) This Act applies to all recreational activities taking place in Yukon or involving residents of Yukon including, without limiting the generality of the foregoing,

- (a) amateur sports,
- (b) physical fitness activities,
- (c) performing, visual and literary arts, and
- (d) outdoor recreation.

Yukon Recreation Advisory Committee

- 4 (1) There shall be a Yukon Recreation Advisory Committee consisting of 12 members appointed by the Executive Council Member pursuant to section 6 and the regulations.
- 5 (1) The Committee shall have the following functions:
- (a) to advise the Executive Council Member respecting recreation in Yukon;
 - (b) to perform the duties assigned by the other provisions of this Act;
 - (c) to perform such other duties as may be assigned to it by the Executive Council Member.
- 6 (1) The membership of the Committee shall be divided equally among persons who, in the opinion of the Executive Council Member, have demonstrated interest, knowledge or experience in Yukon arts, Yukon sports or community recreation.
- (2) Subject to subsection (1), the membership of the Committee shall be divided equally between
- (a) persons who, in the opinion of the Executive Council Member, are representatives of urban areas,
 - (b) persons who, in the opinion of the Executive Council Member, are representatives of rural areas.
- (3) The Commissioner in Executive Council shall make regulations providing for the selection of members of the committee from nominations that may be made by municipalities, local authorities and arts, sports and general recreational organizations registered under the Societies Act.
- (4) The term of membership in the Committee is two years.
- (5) Notwithstanding subsection (4), of the members first appointed to the Committee after this Act comes into force, six shall be appointed for a term of one year.

- 7 (1) Where a member of the Committee has a direct or indirect personal interest, otherwise than as a member of the public or an organization, in any matter under review by the Committee, he shall refrain from participating in the review of the matter by the Committee.
- (2) Where any member of the Committee is prevented for any reason from performing his duties, the Executive Council Member may appoint a substitute for such period of time as the Executive Council Member considers appropriate, subject to subsection 6(4).
- 8 (1) The Executive Council Member shall appoint one of the members of the Committee to be the chairman and another to be the vice-chairman.
- (2) The chairman is the chief executive officer of the Committee, and he shall
- (a) supervise and direct the work of the Committee, and
- (b) preside at sittings of the Committee.
- (3) Where the chairman is unable at any time for any reason to exercise the powers and perform the duties of his office, the vice-chairman shall act in his place.
- 9 (1) The Committee shall meet at the call of the chairman, who shall convene such meetings as he considers desirable for the conduct of the business of the Committee.
- 10 (1) A majority of the members of the committee is a quorum, and no quorum exists unless the chairman or vice-chairman is present.
- (2) Subject to subsection (1), a decision of the majority of the members present at a meeting of the Committee is a decision of the Committee, but in the event of an evenly divided opinion between members of the Committee, including the vote of the chairman, the matters shall be decided in accordance with the vote of the chairman.
- (3) A vacancy in the membership of the Committee reduces the number of members required for a quorum and, subject to subsections (1) and (2), does not impair the right of the other members to act.

- 11 (1) The Committee may make rules of procedure consistent with this Act and the regulations respecting
- (a) the conduct of its meetings and business,
 - (b) the records to be kept in respect of the business of the Committee under this Act,
 - (c) the custody, preservation and provision of access to the records referred to in paragraph (b),
 - (d) the making of applications for grants under sections 22 to 25, including the information to be supplied in support of such applications, and
 - (e) any other matter that reasonably is necessary or advisable for the effective and orderly conduct of the duties of the Committee.
- 12 (1) At the request of the Executive Council Member and at such other times as the Committee considers appropriate, the Committee shall make reports to the Executive Council Member respecting the business of the Committee.
- 13 (1) Subject to the Public Service Commission Act, the Executive Council Member shall make provision for a secretary and other administrative support services for the Committee.
- 14 (1) A member of the Committee may be paid transportation, accommodation and living expenses incurred in connection with the performance of his duties as a member of the Committee away from his ordinary place of residence but, except as otherwise provided by the regulations, the payment of such expenses shall conform as nearly as possible in all respects to the payment of such expenses for members of the Public Service of Yukon.

Community Recreation

- 15 (1) For the purposes of this Act, a municipality is responsible for
- (a) all matters respecting the recreation of its residents taking place exclusively within the municipality, and
 - (b) sports competitions at the recreational or competitive level between residents of the municipality and residents of other communities.

- (2) A municipality may accept responsibility for any matter respecting the recreation of its residents in addition to its responsibilities under subsection (1).
- 16 (1) The Commissioner in Executive Council may, subject to such terms and conditions as may be prescribed, make grants to municipalities for the purpose of assisting them in the performance of their responsibilities under sections 15 and 26.
- 17 (1) The Commissioner in Executive Council may, for the purposes of this Act, appoint a community organization to be the local authority for a geographic area specified in the order making the appointment.
- (2) A community organization shall not be appointed under subsection (1) unless
- (a) the organization requests the appointment,
 - (b) the organization is registered under the Companies Act or the Societies Act, and
 - (c) a school, community hall or other adequate facility is located within the geographic area for which it is appointed.
- 18 (1) For the purposes of this Act, a local authority is responsible for
- (a) all matters respecting the recreation of residents of its geographic area, as defined under section 17, taking place exclusively within that area, and
 - (b) sports competitions at the recreational or competitive level between residents of the area and residents of other communities.
- (2) A local authority may accept responsibility for any matter respecting the recreation of the residents of its area in addition to its responsibilities under subsection (1).
- 19 (1) The Commissioner in Executive Council may, subject to such terms and conditions as may be prescribed, make grants to local authorities for the following purposes:
- (a) assisting them in the performance of their responsibilities under section 18 and 26;
 - (b) defraying the operation and maintenance costs of specified community recreation facilities.

Yukon Recreation

- 20 (1) For the purposes of this Act, the Executive Council Member is responsible for all matters respecting recreation not within the responsibility of a municipality or local authority under section 15 or 18, including
- (a) matters of national or international significance;
 - (b) matters of regional significance outside Yukon,
 - (c) Yukon championships and trials, and
 - (d) advanced inter-community training.
- 21 (1) For the purpose of fulfilling the responsibilities of the Executive Council Member under sections 20 and 26, the Executive Council Member may, upon the advice of the Committee, make grants under sections 22 to 25, subject to such terms and conditions as may be prescribed including, without limiting the generality of the foregoing, terms and conditions respecting
- (a) the prerequisites or eligibility requirements for receipt of a grant,
 - (b) the purposes for which a grant may be made,
 - (c) the manner in which a grant may be made,
 - (d) the manner in which grant monies may be expended by the recipient of a grant,
 - (e) the records to be kept by recipients of grants, and
 - (f) such other terms and conditions as the Commissioner in Executive Council considers advisable.
- 22 (1) Grants may be made to a recreational organization for the following purposes respecting sports:
- (a) administrative costs, including costs of travel to meetings in Yukon or to national or regional meetings outside Yukon;
 - (b) skill training and leadership development, including training of instructors;
 - (c) holding competitions, including the cost of travel to national and regional competitions;
 - (d) provision of leadership;
 - (e) such other purposes as may be prescribed.

- 23 (1) Grants may be made to recreational organizations for the following purposes respecting arts:
- (a) administrative costs, including costs of travel to meetings in Yukon or to national or regional meetings outside Yukon;
 - (b) skill training and leadership development, including training of instructors;
 - (c) holding performances, shows, displays or tours;
 - (d) promotion of the works and talents of performers and artists;
 - (e) such other purposes as may be prescribed.
- 24 (1) Grants may be made to advanced artists or performers for skill development, or for the promotion of their works or talents.
- 25 (1) Grants may be made to recreational organizations for the following purposes respecting fitness, outdoor recreation, major recreational events or other recreational activities not within the scope of sections 22 and 23:
- (a) administrative costs, including costs of travel to meetings in Yukon or to national or regional meetings outside Yukon;
 - (b) skill training and leadership development, including the training of instructors;
 - (c) such other purposes as may be prescribed.

Joint Responsibility

- 26 (1) The Executive Council Member is jointly responsible with the municipalities and local authorities for the following matters respecting arts:
- (a) intercommunity training or events at the recreational level;
 - (b) community training or events at the advanced level.

Miscellaneous

- 27 (1) The Commissioner in Executive Council may, in addition to any regulations authorized to be made under any other provision of this Act, make such regulations as he considers necessary to carry the purposes and provisions of this Act into effect.
- 28 (1) The Recreation Development Act is repealed.
- 29 (1) This Act comes into force on a day to be fixed by the Commissioner in Executive Council.
-

STATUTES OF THE YUKON TERRITORY
1983, Chapter 28

AN ACT TO AMEND THE
SOCIETY OF MANAGEMENT ACCOUNTANTS ACT

(Assented to November 3, 1983)

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

1 (1) This Act amends the Society of Management Accountants Act.

2 (1) The following is substituted for section 2:

"2(1) The general objects of the Society shall be to serve the public interest by promoting and increasing the knowledge, skill and efficiency of its members in all things relating to industrial or management accounting and business or government organization and administration including the preparation and interpretation of financial statements and financial reports for use by managers in business and governmental organizations in planning and controlling operations of the organization."

3 (1) In paragraph 11(1)(b), "industrial or management accounting and business and government organization and management" is substituted for "industrial accounting, business organization and management".

4 (1) The following is substituted for subsection 12(1):

"(1) Registered members of the Society in good standing have the exclusive right to use, as an occupational designation in relation to industrial or management accounting or business or government organization or administration, the designations "Registered Industrial Accountant" and "Certified Management Accountant" and the initials "R.I.A." and "C.M.A."

(2) In subsection 12(2), "or management accountant" is substituted for "and cost accountant and cost consultant".

(3) The following is substituted for subsection 12(3):

"(3) Any person who is not a registered member of the Society in good standing and who uses, as an occupational designation in relation to industrial or management accounting or business or government organization or administration, the designation "Registered Industrial Accountant" or "Certified Management Accountant" or the initials "R.I.A." or "C.M.A." or who uses any other description implying that he is a registered member of the Society in good standing commits an offence."

5 (1) In subsection 13(1), "as an accountant, a cost accountant, an industrial accountant or a management accountant" is substituted for "as a cost accountant or industrial accountant".

STATUTES OF THE YUKON TERRITORY
1983, Chapter 29

AN ACT TO AMEND THE
WORKERS' COMPENSATION ACT

(Assented to November 3, 1983)

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

1 (1) This Act amends the Workers Compensation Act.

2 (1) The following is substituted for subsection 10(6):

"(6) The Commissioner in Executive Council may appoint a person from the public service of the Territory to act as Chairman of the Board during the absence of the Chairman or his incapacity to act."

STATUTES OF THE YUKON TERRITORY
1983, Chapter 30

AN ACT TO AMEND
THE YUKON RIVER BASIN STUDY AGREEMENT ACT

(Assented to November 3, 1983)

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

- 1 (1) This Act amends the Yukon River Basin Study Agreement Act.

- 2 (1) The Act is amended by adding the following to section 2:
"(2) The Agreement authorized by subsection (1)
 - (a) may, notwithstanding any provision in it to the contrary, be extended from time to time as may be necessary to complete the study provided for in the agreement, .

 - (b) shall provide that no expenditure of money under its terms shall be made by the Government of Yukon unless the Legislative Assembly has appropriated money for the purpose, and

 - (c) may be and any extension of it may be executed on behalf of the Commissioner in the Executive Council by the Executive Council Member.

- (3) The Commissioner in Executive Council may do every act and exercise every power, including delegation to the Executive Council Member, necessary for the purpose of fulfilling any obligation assumed by the Government of Yukon under this Act."

Apprentice Training	A-1	In. R.S.Y.T. 1971, c. A-1
Appropriation		See First, Second, etc. to Sixth
Arbitration	A-2	In. R.S.Y.T. 1971, c. A-2
Archives	A-3	In. R.S.Y.T. 1971, c. A-3
Area Development	A-4	In. R.S.Y.T. 1971, c. A-4; Am. S.Y.T. 1975 (3rd), c.3
Assessment and Taxation	A-4.1	En. S.Y.T. 1972 (1st), c. 13; Am. S.Y.T. 1975 (1st), c. 18; Am. S.Y.T. 1979 (2nd), c. 16; Am. S.Y.T. 1980 (1st), c. 20, s. 2; Am. S.Y.T. 1980 (2nd), c. 17, s. 440*
Assessment in the City of Whitehorse	N.C.N.R.	En. S.Y.T. 1977 (2nd), c. 11
Assignment of Book Debts	A-5	In. R.S.Y.T. 1971, c. A-5; Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Bills of Sale	B-1	In. R.S.Y.T. 1971, c. B-1; Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Blasting	B-2	In. R.S.Y.T. 1971, c. B-2
Boiler and Pressure Vessels	B-2.1	En. S.Y.T. 1979 (2nd), c. 1; Am. S.Y.T. 1980 (2nd), c. 16, s. 1
Brands	B-3	In. R.S.Y.T. 1971, c. B-3; Am. S.Y.T. 1980 (1st), c. 20, s. 3
Building Standards	B-3.1	En. S.Y.T. 1973 (1st), c. 1; Am. S.Y.T. 1980 (2nd), c. 17, s. 440*; Am. S.Y.T. 1981 (2nd), c. 1
Business Corporations Act	B-3.2	En. S.Y.T. 1983, c. 13*
Bulk Sales	B-4	In. R.S.Y.T. 1971, c. B-4
Bulk Sales	B-4.05	En. S.Y.T. 1981 (2nd), c. 2*
Business Development Assistance	B-4.1	En. S.Y.T. 1980 (1st), c. 1*
Business Licence	B-5	In. R.S.Y.T. 1971, c. B-5; Am. S.Y.T. 1980 (1st), c. 20, s. 4
Cancer Diagnosis	C-1	In. R.S.Y.T. 1971, c. C-1
Cemeteries and Burial Sites	C-2	In. R.S.Y.T. 1971, c. C-2
Certified General Accountants	C-2.1	En. S.Y.T. 1983, c. 14
Change of Name	C-3	In. R.S.Y.T. 1971, c. C-3
Child Welfare	C-4	In. R.S.Y.T. 1971, c. C-4; Am. S.Y.T. 1972 (1st), c. 15
Chiropractic	C-5	In. R.S.Y.T. 1971, c. C-5; Am. S.Y.T. 1972 (1st), c. 16
Choses in Action	C-6	In. R.S.Y.T. 1971, c. C-6; Am. S.Y.T. 1980 (2nd), c. 20, s. 75

Citizenship Instruction Agreement	C-7	In. R.S.Y.T. 1971, c. C-7
Civil Defence Workers' Compensation Agreement	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 26
Civil Emergency Measures	C-8	In. R.S.Y.T. 1971, c. C-8
Collection	C-9	In. R.S.Y.T. 1971, c. C-9
Community Assistance	C-9.1	En. S.Y.T. 1975 (1st), c. 1; Am. S.Y.T. 1975 (3rd), c. 4; Am. S.Y.T. 1976 (1st), c. 4; Am. S.Y.T. 1977 (1st), c. 8; Am. S.Y.T. 1978 (1st), c. 3; Am. S.Y.T. 1980 (1st), c. 2; Am. S.Y.T. 1980 (2nd), c. 1; Am. S.Y.T. 1980 (2nd), c. 16, s. 2; Am. S.Y.T. 1981 (1st), c. 11, s. 21
Companies	C-10	In. R.S.Y.T. 1971, c. C-10; Am. S.Y.T. 1975 (3rd), c. 5; Am. S.Y.T. 1980 (1st), c. 3; Am. S.Y.T. 1980 (2nd), c. 2; Am. S.Y.T. 1980 (2nd), c. 20, s. 76 Am. S.Y.T. 1982, c. 18 Am. S.Y.T. 1983, c. 13*
Compensation for Victims of Crime	C-10.1	En. S.Y.T. 1975 (1st), c. 2; Am. S.Y.T. 1976 (1st), c. 5; Am. S.Y.T. 1980 (2nd), c. 3; Am. S.Y.T. 1981 (1st), c. 10, s. 1 Am. S.Y.T. 1983, c. 15
Conditional Sales	C-11	In. R.S.Y.T. 1971, c. C-11; Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Condominium	C-12	In. R.S.Y.T. 1971, c. C-12; Am. S.Y.T. 1977 (2nd), c. 5; Am. S.Y.T. 1980 (1st), c. 4
Conflict of Laws (Traffic Accidents)	C-12.1	En. S.Y.T. 1972 (1st), c. 3
Constitutional Questions	C-12.2	En. S.Y.T. 1983, c. 16
Consumers' Protection	C-13	In. R.S.Y.T. 1971, c. C-13
Contributory Negligence	C-14	In. R.S.Y.T. 1971, c. C-14; Am. S.Y.T. 1980 (1st), c. 20, s. 5
Controverted Elections	C-15	In. R.S.Y.T. 1971, c. C-15; Am. S.Y.T. 1977 (2nd), c. 3, s. 103
Co-operative Associations	C-16	In. R.S.Y.T. 1971, c. C-16; Am. S.Y.T. 1973 (1st), c. 8; Am. S.Y.T. 1975 (2nd), c. 7; Am. S.Y.T. 1980 (2nd), c. 4; Am. S.Y.T. 1981 (1st), c. 10, s. 2 Am. S.Y.T. 1983, c. 13*
Cornea Transplant	C-17	In. R.S.Y.T. 1971, c. C-17; Rp. S.Y.T. 1980 (1st), c. 14, s. 16
Coroners	C-18	In. R.S.Y.T. 1971, c. C-18; Am. S.Y.T. 1972 (2nd), c. 17

Corporation Securities Registration	C-19	In. R.S.Y.T. 1971, c. C-19; Am. S.Y.T. 1980 (1st), c. 20, s. 6; Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Corrections	C-19.1	En. S.Y.T. 1973 (1st), c. 2; Am. S.Y.T. 1980 (1st), c. 20, s. 7
Court of Appeal	C-20	In. R.S.Y.T. 1971, c. C-20; Am. S.Y.T. 1981 (2nd), c. 3
Court Worker Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 3
Credit Union	C-20.1	En. S.Y.T. 1977 (1st), c. 2; Rp. S.Y.T. 1980 (1st), c. 5
Credit Unions	C-21	In. R.S.Y.T. 1971, c. C-21; Am. S.Y.T. 1975 (2nd), c. 8; Am. S.Y.T. 1976 (1st), c. 6; Rp. S.Y.T. 1977 (1st), c. 2, s. 158
Creditors' Relief	C-22	In. R.S.Y.T. 1971, c. C-22
Curfew	C-23	In. R.S.Y.T. 1971, c. C-23
Custody of Federal Parole Violators Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 4
Dawson, City of, General Purposes Loan	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 25
Dawson City Utilities Replacement	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 14; Am. S.Y.T. 1980 (2nd), c. 16, s. 3; Am. S.Y.T. 1981 (2nd), c. 11, s. 1
Dawson General Purposes Loan	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 31
Dawson Historic Sites Aid Grants	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 21
Day Care	D-01	En. S.Y.T. 1979 (2nd), c. 3; Am. S.Y.T. 1980 (2nd), c. 16, s. 4 Am. S.Y.T. 1983, c. 19*
Defamation	D-1	In. R.S.Y.T. 1971, c. D-1; Am. S.Y.T. 1980 (2nd), c. 5
Dental Profession	D-2	In. R.S.Y.T. 1971, c. D-1; Am. S.Y.T. 1973 (1st), c. 9; Am. S.Y.T. 1979 (1st), c. 1
Dependants' Relief	D-3	In. R.S.Y.T. 1971, c. D-3; Rp. S.Y.T. 1980 (2nd), c. 6
Dependants' Relief	D-3.1	En. S.Y.T. 1980 (2nd), c. 6; Am. S.Y.T. 1981 (1st), c. 10, s. 3
Devolution of Real Property	D-4	In. R.S.Y.T. 1971, c. D-4
Disabled Persons' Allowance	D-5	In. R.S.Y.T. 1971, c. D-5; Rp. S.Y.T. 1975 (1st), c. 11
Distress	D-6	In. R.S.Y.T. 1971, c. D-6; Am. S.Y.T. 1980 (2nd), c. 20, s. 77

Dog	D-7	In. R.S.Y.T. 1971, c. D-7; Am. S.Y.T. 1980 (2nd), c. 16, s. 5
Economic and Regional Development Agreement	E-0.5	En. S.Y.T. 1983, c. 17
Elections	E-1	In. R.S.Y.T. 1971, c. E-1; Am. S.Y.T. 1974 (2nd), c. 5; Am. S.Y.T. 1975 (3rd), c. 6; Am. S.Y.T. 1977 (1st), c. 9; Am. S.Y.T. 1977 (2nd), c. 2; Am. S.Y.T. 1977 (2nd), c. 3, s. 104; Am. S.Y.T. 1978 (1st), c. 4; Rp. S.Y.T. 1979 (2nd), c. 18, s. 5
Elections	E-1.1	En. S.Y.T. 1977 (2nd), c. 3; Am. S.Y.T. 1980 (1st), c. 20, s. 8; Am. S.Y.T. 1980 (2nd), c. 7; Am. S.Y.T. 1981 (2nd), c. 4; Am. S.Y.T. 1983, c. 18
Elections, 1977	E-1.2	See Elections, c. E-1.1
Electoral District Boundaries	E-1.3	En. S.Y.T. 1977 (2nd), c. 2; Am. S.Y.T. 1981 (2nd), c. 11, s. 2; Am. S.Y.T. 1982 (1st), c. 1
Electoral District Boundaries Commission	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 1; Sp. June 17, 1974
Electoral District Boundaries Commission	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 3; Sp. November 7, 1977
Electrical Protection	E-2	In. R.S.Y.T. 1971, c. E-2; Rp. S.Y.T. 1976 (3rd), c. 3
Electrical Protection	E-2.01	En. S.Y.T. 1976 (3rd), c. 3
Electrical Public Utilities	E-2.1	En. S.Y.T. 1972 (1st), c. 4; Am. S.Y.T. 1974 (2nd), c. 6
Elevator and Fixed Conveyances	E-3	In. R.S.Y.T. 1971, c. E-3
Emergency Medical Aid	E-3.1	En. S.Y.T. 1976 (3rd), c. 1
Employment Agencies	E-4	In. R.S.Y.T. 1971, c. E-4; Rp. S.Y.T. 1972 (1st), c. 5
Employment Agencies	E-4.1	En. S.Y.T. 1972 (1st), c. 5
Employment Expansion and Development	N.C.N.R.	En. S.Y.T. 1983, c. 1
Energy Conservation Agreement	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 6
Engineering Profession	E-5	In. R.S.Y.T. 1971, c. E-5
Evidence	E-6	In. R.S.Y.T. 1971, c. E-6; Am. S.Y.T. 1980 (1st), c. 7; Am. S.Y.T. 1980 (1st), c. 20, s. 9; Am. S.Y.T. 1981 (1st), c. 10, s. 4
Executions	E-6.1	En. S.Y.T. 1980 (1st), c. 8
Executive Council	E-6.2	En. S.Y.T. 1982, c. 16

Exemptions	E-7	In. R.S.Y.T. 1971, c. E-7
Expropriation	E-8	In. R.S.Y.T. 1971, c. E-8
Factors	F-1	In. R.S.Y.T. 1971, c. F-1; Am. S.Y.T. 1980 (2nd), c. 16, s. 6; Am. S.Y.T. 1980 (2nd), c. 20, s. 78
Fair Practices	F-2	In. R.S.Y.T. 1971, c. F-2; Am. S.Y.T. 1974 (2nd), c. 7
Faro General Purposes Loan	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 30
Faro General Purposes Loan	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 27
Fatal Accidents	F-3	In. R.S.Y.T. 1971, c. F-3; Rp. S.Y.T. 1980 (1st), c. 9
Fatal Accidents	F-3.1	En. S.Y.T. 1980 (1st), c. 9
Fifth Appropriation, 1971-72	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 28
Fifth Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 16
Fifth Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 21
Fifth Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 5
Fifth Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1982, c. 19
Financial Administration	F-4	In. R.S.Y.T. 1971, c. F-4; Rp. S.Y.T. 1976 (3rd), c. 4
Financial Administration	F-4.1	En. S.Y.T. 1976 (3rd), c. 4 Rp. S.Y.T. 1983, c. 19
Financial Administration	F-4.2	En. S.Y.T., 1983, c. 19*
Financial Agreement, 1973	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 28
Financial Agreement, 1974	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 22
Financial Agreement, 1975	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 21
Financial Agreement, 1976	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 10
Financial Agreement, 1977	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 14
Financial Agreement, 1978	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 19
Financial Agreement, 1979	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 8
Financial Agreement, 1980	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 10
Financial Agreement, 1981	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 1
Financial Agreement, 1982	N.C.N.R.	En. S.Y.T. 1982, c. 10
Financial Agreement, 1983	N.C.N.R.	En. S.Y.T. 1983, c. 2
Fire Prevention	F-5	In. R.S.Y.T. 1971, c. F-5; Am. S.Y.T. 1972 (1st), c. 18; Am. S.Y.T. 1973 (1st), c. 10; Am. S.Y.T. 1980 (2nd), c. 12; Am. S.Y.T. 1980 (2nd), c. 16, s. 7

Firearms Administration Agreement	N.C.N.R.	En. S.Y.T. 1979 (1st), C. 3
First Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 27
First Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 21
First Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 17
First Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 20
First Appropriation, 1976-77	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 11
First Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 15
First Appropriation, 1978-79	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 18
First Appropriation, 1979-80	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 7
First Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1979 (2nd), c. 4
First Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 8
First Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 5
First Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1982, c. 20
First Appropriation, 1984 -85	N.C.N.R.	En. S.Y.T. 1983, c. 20
Fitness and Amateur Sport Agreement	F-6	In. R.S.Y.T. 1971, C. F-6
Flag	F-7	In. R.S.Y.T. 1971, C. F-7
Floral Emblem	F-8	In. R.S.Y.T. 1971, c. F-8
Forest Protection	F-9	In. R.S.Y.T. 1971, c. F-9; Am. S.Y.T. 1980 (1st), c. 20, s. 10
Fourth Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 20
Fourth Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (4th), c. 24
Fourth Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 20
Fourth Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 12
Fourth Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 17
Fourth Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 6
Fourth Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1982 (1st), c. 2
Fourth Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1983, c. 3
Fourth Appropriation, 198 2 ³⁻⁴ -8 3	N.C.N.R.	En. S.Y.T. 1983, c. 21
Fraudulent Preferences and Conveyances	F-9.1	En. S.Y.T. 1973 (1st), c. 3
Frustrated Contracts	F-10	In. R.S.Y.T. 1971, c. F-10; Rp. S.Y.T. 1980 (1st), c. 11

Frustrated Contracts	F-10.1	En. S.Y.T. 1980 (1st), c. 11
Fuel Oil Tax	F-11	In. R.S.Y.T. 1971, c. F-11; Rp. S.Y.T. 1973 (1st), c. 4
Fuel Oil Tax	F-11.1	En. S.Y.T. 1973 (1st), c. 4; Am. S.Y.T. 1975 (2nd), c. 9; Am. S.Y.T. 1979 (1st), c. 2; Am. S.Y.T. 1981 (1st), c. 2
Fur Export	F-12	In. R.S.Y.T. 1971, c. F-12; Am. S.Y.T. 1979 (2nd), c. 5; Rp. S.Y.T. 1981 (2nd), c. 16, s. 193
Game	G-1	In. R.S.Y.T. 1971, C. G-1; Am. S.Y.T. 1972 (1st), c. 19; Am. S.Y.T. 1973 (1st), c. 11; Am. S.Y.T. 1975 (2nd), c. 10; Am. S.Y.T. 1975 (3rd), c. 7; Am. S.Y.T. 1979 (2nd), c. 6; Am. S.Y.T. 1980 (2nd), c. 9; Am. S.Y.T. 1980 (2nd), c. 16, s. 8; Rp. S.Y.T. 1981 (2nd), c. 16, s. 193
Goals	G-2 ¹	In. R.S.Y.T. 1971, c. G-2
Garage Keepers' Lien	G-3	In. R.S.Y.T. 1971, c. G-3; Am. S.Y.T. 1980 (2nd), c. 20, s. 79
Garnishee	G-4	In. R.S.Y.T. 1971, c. G-4; Rp. S.Y.T. 1980 (1st), c. 12
Garnishee	G-4.1	En. S.Y.T. 1980 (1st), c. 12
Gasoline Handling	G-5	En. S.Y.T. 1972 (1st), c. 6
General Development Agreement	G-5.1	En. S.Y.T. 1977 (1st), c. 4
Government Employee Housing Plan	G-6	En. S.Y.T. 1975 (1st), c. 5; Am. S.Y.T. 1980 (1st), c. 13; Am. S.Y.T. 1980 (1st), c. 20, s. 11 Am. S.Y.T. 1983, c. 19*
Health Care Insurance Plan	H-1	In. R.S.Y.T. 1971, c. H-1; Am. S.Y.T. 1981 (1st), c. 3 Am. S.Y.T. 1983, c. 19*
Highways	H-1.1	En. S.Y.T. 1975 (3rd), c. 1; Am. S.Y.T. 1976 (3rd), c. 5; Am. S.Y.T. 1978 (1st), c. 5
Historic Sites and Monuments	H-2	In. R.S.Y.T. 1971, c. H-2; Am. S.Y.T. 1975 (2nd), C. 11
Home Owners' Grant	H-2.1	En. S.Y.T. 1976 (1st), c. 1; Am. S.Y.T. 1976 (3rd), c. 6; Am. S.Y.T. 1978 (1st), c. 6; Am. S.Y.T. 1980 (2nd), c. 10; Am. S.Y.T. 1981 (1st), c. 4
Hospital Insurance Services	H-3	In. R.S.Y.T. 1971, c. H-3; Am. S.Y.T. 1975 (3rd), c. 8

Hotels and Tourist Establishments	H-4	In. R.S.Y.T. 1971, c. H-4
Housing	H-5	In. R.S.Y.T. 1971, c. H-5
Housing Corporation	H-5.1	En. S.Y.T. 1972 (1st), c. 7 Am. S.Y.T. 1983, c. 19*
Housing Development	H-6	In. R.S.Y.T. 1971, c. H-6; Am. S.Y.T. 1975 (2nd), c. 12
Human Tissue Gift	H-7	En. S.Y.T. 1980 (1st), c. 14
Immunity of Members	I-1	In. R.S.Y.T. 1971, c. I-1; Rp. S.Y.T. 1978 (1st), c. 2, s. 42
Income Tax	I-1.01	En. S.Y.T. 1979 (2nd), c. 7; Am. S.Y.T. 1980 (2nd), c. 11; Am. S.Y.T. 1981 (2nd), c. 7 Am. S.Y.T. 1983, c. 4
Institute of Chartered Accountants	I-1.1	En. S.Y.T. 1976 (3rd), c. 2
Insurance	I-2	In. R.S.Y.T. 1971, c. I-2; Rp. S.Y.T. 1977 (1st), c. 1, s. 236
Insurance	I-2.01	En. S.Y.T. 1977 (1st), c. 1; Am. S.Y.T. 1977 (2nd), c. 4, s. 257; Am. S.Y.T. 1980 (1st), c. 15; Am. S.Y.T. 1980 (1st), c. 20, s. 12; Am. S.Y.T. 1980 (2nd), c. 16, s. 9; Am. S.Y.T. 1982, c. 21
Insurance Premium Tax	I-2.1	En. S.Y.T. 1976 (1st), c. 2; Am. S.Y.T. 1976 (3rd), c. 7; Am. S.Y.T. 1980 (2nd), c. 12
Interim Supply Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 23
Interim Supply Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 16
Interim Supply Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 5
Interim Supply Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1982 (1st), c. 4
Interim Supply Appropriation, 1982-83 (no. 2)	N.C.N.R.	En. S.Y.T. 1982, c. 11
Interim Supply Appropriation, 1982-83 (no. 3)	N.C.N.R.	En. S.Y.T. 1982, c. 12
Interim Supply Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1983, c. 5
Interim Supply Appropriation, 1983-84 (No. 2)	N.C.N.R.	En. S.Y.T. 1983, c. 6
Internation Child Abduction (Hague Convention)	I-2.2	En. S.Y.T. 1981 (1st), c. 6

Interpretation	I-3	In. R.S.Y.T. 1971, c. I-3; Am. S.Y.T. 1973 (1st), c. 12; Am. S.Y.T. 1974 (2nd), c. 8; Am. S.Y.T. 1979 (2nd), c. 2, s. 4; Am. S.Y.T. 1980 (1st), c. 20, s. 13; Am. S.Y.T. 1980 (1st), c. 30, s. 35; Am. S.Y.T. 1980 (2nd), c. 20, s. 80; Am. S.Y.T. 1982 (1st), c. 4; Am. S.Y.T. 1983, c. 19*
Interprovincial Subpoena	I-3.1	En. S.Y.T. 1981 (1st), c. 7
Intestate Succession	I-4	In. R.S.Y.T. 1971, c. I-4
Judicature	J-1	In. R.S.Y.T. 1971, c. J-1; Am. S.Y.T. 1975 (2nd), c. 13; Am. S.Y.T. 1980 (1st), c. 28, s. 1; Am. S.Y.T. 1980 (1st), c. 30, s. 35; Am. S.Y.T. 1980 (2nd), c. 13;* Am. S.Y.T. 1980 (2nd), c. 15; Am. S.Y.T. 1980 (2nd), c. 20, s. 81; Am. S.Y.T. 1981 (2nd), c. 8; Am. S.Y.T. 1983, c. 19*
Jury	J-2	In. R.S.Y.T., c. J-2
Justice of the Peace	J-3	In. R.S.Y.T. 1971, c. J-3; Am. S.Y.T. 1976 (3rd), c. 8; Rp. S.Y.T. 1979 (2nd), c. 8, s. 23
Justice of the Peace Court	J-3.1	En. S.Y.T. 1979 (2nd), c. 8; Am. S.Y.T. 1981 (2nd), c. 9 Rp. S.Y.T. 1983, c. 10, s. 13
Labour Standards	L-1	In. R.S.Y.T. 1971, c. L-1; Am. S.Y.T. 1973 (1st), c. 13; Am. S.Y.T. 1974 (2nd), c. 9; Am. S.Y.T. 1975 (1st), c. 14; Am. S.Y.T. 1975 (3rd), c. 9
Land Acquisition Fund	L-1.1	En. S.Y.T. 1976 (2nd), c. 1
Land Planning	L-1.2	En. S.Y.T. 1982, c. 22*
Landlord and Tenant	L-2	In. R.S.Y.T. 1971, c. L-2; Am. S.Y.T. 1972 (1st), c. 20; Am. S.Y.T. 1980 (1st), c. 20, s. 14; Am. S.Y.T. 1981 (2nd), c. 10; Am. S.Y.T. 1982, c. 23
Lands	L-3	In. R.S.Y.T. 1971, c. L-3; Rp. S.Y.T. 1972 (1st), c. 8, 14
Lands	L-3.01	En. S.Y.T. 1972 (1st), c. 8, 14; Am. S.Y.T. 1981 (1st), c. 8
Legal Aid	L-3.1	En. S.Y.T. 1975 (3rd), c. 2
Legal Profession	L-4	In. R.S.Y.T. 1971, c. L-4; Am. S.Y.T. 1975 (3rd), c. 10; Am. S.Y.T. 1979 (2nd), c. 9; Am. S.Y.T. 1980 (1st), c. 20, s. 15

Legal Profession Accounts	L-5	In. R.S.Y.T. 1971, c. L-5; Am. S.Y.T. 1980 (1st), c. 20, s. 16
Legislative Assembly	L-5.1	En. S.Y.T. 1978 (1st), c. 2; Am. S.Y.T. 1979 (2nd), c. 18; Am. S.Y.T. 1980 (2nd), c. 25; Am. S.Y.T. 1981 (1st), c. 20; Am. S.Y.T. 1982 (1st), c. 9; Am. S.Y.T. 1982, c. 24; Am. S.Y.T. 1983, c. 22; Am. S.Y.T. 1983, c. 23
Legitimation	L-6	In. R.S.Y.T. 1971, c. L-6
Limitation of Actions	L-7	In. R.S.Y.T. 1971, c. L-7
Liquor	L-8	In. R.S.Y.T. 1971, c. L-8; Am. S.Y.T. 1976 (1st), c. 3, s. 5; Am. S.Y.T. 1976 (3rd), c. 9; Am. S.Y.T. 1977 (1st), c. 13; Am. S.Y.T. 1979 (2nd), c. 10*; Am. S.Y.T. 1980 (1st), c. 17; Am. S.Y.T. 1980 (1st), c. 20, s. 17; Am. S.Y.T. 1982, (2nd), c. 25; Am. S.Y.T. 1983, c. 19*
Liquor Tax	L-8.1	En. S.Y.T. 1976 (1st), c. 3; Am. S.Y.T. 1977 (1st), c. 10; Am. S.Y.T. 1980 (1st), c. 18
Loan Agreement (1972), No. 1	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 26
Loan Agreement (1973), No. 1	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 29
Loan Agreement (1973), No. 2	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 30
Loan Agreement (1974), No. 1	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 24
Loan Agreement (1975), No. 1	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 22
Loan Agreement (1975), No. 2	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 14
Loan Agreement (1976), No. 1	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 13
Loan Agreement (1977), No. 1	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 19
Loan Agreement (1978), No. 1	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 20
Loan Agreement (1979), No. 1	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 9
Loan Agreement (1980), No. 1	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 19; Rp/Re. S.Y.T. 1980 (2nd), c. 14
Loan Agreement (1981), No. 1	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 9
Loan Agreement (1982), No. 1	N.C.N.R.	En. S.Y.T. 1982 (1st), c. 5
Local Improvement District	L-9	In. R.S.Y.T. 1971, c. L-9; Am. S.Y.T. 1972 (1st), c. 21; Am. S.Y.T. 1972 (2nd), c. 22; Am. S.Y.T. 1977 (1st), c. 11; Am. S.Y.T. 1977 (1st), c. 22; Am. S.Y.T. 1977 (2nd), c. 6; Rp. S.Y.T. 1980 (2nd), c. 17, s. 441*

Lord's Day	L-10	In. R.S.Y.T. 1971, c. L-10
Lotteries	L-10.1	En. S.Y.T. 1974 (2nd), c. 2; Rp. S.Y.T. 1983, c. 26*
Low Cost Housing	L-11	In. R.S.Y.T. 1971, c. L-11
Magistrate's Court	M-1	See Territorial Court
Maintenance	M-2	In. R.S.Y.T. 1971, c. M-2; Am. S.Y.T. 1980 (1st), c. 30, s. 34; Rp. S.Y.T. 1980 (2nd), c. 15; See Matrimonial Property & Family Support.
Marriage	M-3	In. R.S.Y.T. 1971, c. M-3; Am. S.Y.T. 1981 (1st), c. 10, s. 5
Married Women's Property	M-4	In. R.S.Y.T. 1971, c. M-4
Matrimonial Property	M-4.1	See Matrimonial Property & Family Support
Matrimonial Property & Family Support	M-4.1	En. S.Y.T. 1979 (2nd), c. 11; Am. S.Y.T. 1980 (2nd), c. 15; Am. S.Y.T. 1980 (2nd), c. 16, s. 10; Am. S.Y.T. 1981 (2nd), c. 11, s. 3
Mechanics' Lien	M-5	In. R.S.Y.T. 1971, c. M-5; Am. S.Y.T. 1980 (2nd), c. 20, s. 82
Mediation Board	M-5.1	En. S.Y.T. 1972 (1st), c. 9
Medical Profession	M-6	In. R.S.Y.T. 1971, c. M-6; Am. S.Y.T. 1975 (3rd), c. 11; Am. S.Y.T. 1978 (1st), c. 7; Rp. S.Y.T. 1979 (2nd), c. 12, s. 63
Medical Profession	M-6.1	En. S.Y.T. 1979 (2nd), c. 12; Am. S.Y.T. 1980 (2nd), c. 16, s. 11; Am. S.Y.T. 1983, c. 13*
Mental Health	M-7	In. R.S.Y.T. 1971, c. M-7; Am. S.Y.T. 1973 (1st), c. 14; Am. S.Y.T. 1980 (1st), c. 20, s. 18
Metric Information Agreement	N.C.N.R.	En. S.Y.T. 1977 (2nd), c. 12
Miners' Lien	M-8	In. R.S.Y.T. 1971, c. M-8
Mining Safety	M-9	In. R.S.Y.T. 1971, c. M-9; Am. S.Y.T. 1974 (2nd), c. 10; Am. S.Y.T. 1975 (1st), c. 15; Am. S.Y.T. 1978 (1st), c. 8
Motion Pictures	M-10	In. R.S.Y.T. 1971, c. M-10; Rp. S.Y.T. 1981 (2nd), c. 12, s. 2
Motor Vehicles	M-11	In. R.S.Y.T. 1971, c. M-11; Am. S.Y.T. 1972 (1st), c. 23; Am. S.Y.T. 1973 (1st), c. 15; Am. S.Y.T. 1974 (2nd), c. 11; Am. S.Y.T. 1975 (3rd), c. 12; Am. S.Y.T. 1976 (2nd), c. 4; Am. S.Y.T. 1977 (1st), c. 1, s. 236; Rp. S.Y.T. 1977 (2nd), c. 4, s. 258; Am. S.Y.T. 1983, c. 24

Motor Vehicles	M-11.1	En. S.Y.T. 1977 (2nd), c. 4; Am. S.Y.T. 1980 (1st), c. 20, s. 19; Am. S.Y.T. 1980 (1st), c. 21; Am. S.Y.T. 1980 (1st), c. 30, s. 35; Am. S.Y.T. 1980 (1st), c. 32, s. 26; Am. S.Y.T. 1980 (2nd), c. 17, s. 440; Am. S.Y.T. 1981 (2nd), c. 11, s. 4; Am. S.Y.T. 1982, c. 26; Am. S.Y.T. 1983, c. 24
Municipal	M-12	En. S.Y.T. 1972 (1st), c. 10; Am. S.Y.T. 1975 (1st), c. 16; Am. S.Y.T. 1975 (2nd), c. 14; Am. S.Y.T. 1976 (3rd), c. 10; Am. S.Y.T. 1977 (2nd), c. 7; Am. S.Y.T. 1980 (1st), c. 20, s. 20; Am. S.Y.T. 1980 (1st), c. 30, s. 35; Rp. S.Y.T. 1980 (2nd), c. 17, s. 441* Am. S.Y.T. 1983, c. 13* Am. S.Y.T. 1983, c. 25
Municipal	M-12.1	En. S.Y.T. 1980 (2nd), c. 17*; Am. S.Y.T. 1981 (1st), c. 10, s. 7; Am. S.Y.T. 1981 (2nd), c. 11, s. 5; Am. S.Y.T. 1981 (2nd), c. 13; Am. S.Y.T. 1982, c. 13; Am. S.Y.T. 1983, c. 13; Am. S.Y.T. 1983, c. 25
Municipal Aid	M-13	En. S.Y.T. 1972 (1st), c. 11; Rp. S.Y.T. 1981 (1st), c. 11, s. 21
Municipal Elections	M-14	En. S.Y.T. 1972 (1st), c. 12; Rp. S.Y.T. 1980 (2nd), c. 17, s. 441*
Municipal Employees Benefits	M-15	En. S.Y.T. 1975 (2nd), c. 1; Rp. S.Y.T. 1980 (2nd), c. 17, s. 441*
Municipal Finance	M-15.1	En. S.Y.T. 1981 (1st), c. 11; Am. S.Y.T. 1981 (2nd), c. 11, s. 6; Am. S.Y.T. 1981 (2nd), c. 14; Am. S.Y.T. 1982, c. 27
Municipal General Purposes Loan (1974)	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 25
Municipal General Purposes Loan (1975)	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 23
Municipal General Purposes Loan (1976)	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 15
Municipal General Purposes Loan (1977)	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 20
Municipal General Purposes Loan (1978)	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 21
Municipal General Purposes Loan (1979)	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 10
Municipal General Purposes Loan (1980)	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 22; Am. S.Y.T. 1980 (2nd), c. 18
Municipal General Purposes Loan (1981)	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 12

Newspaper	N-1	In. R.S.Y.T. 1971, c. N-1; Rp. S.Y.T. 1981 (2nd), c. 12, s. 3
Noise Prevention	N-2	In. R.S.Y.T. 1971, c. N-2
Notaries	N-3	In. R.S.Y.T. 1971, c. N-3; Am. S.Y.T. 1974 (2nd), c. 12
Northern Natural Gas Pipeline Agreement	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 4
Occupational Training	O-0.1	En. S.Y.T. 1975 (1st), c. 6
Old Age Assistance and Blind Persons' Allowance	O-1	In. R.S.Y.T. 1971, c. O-1; Rp. S.Y.T. 1975 (1st), c. 12
Optometry	O-2	In. R.S.Y.T. 1971, c. O-2; Am. S.Y.T. 1982, c. 28
Parks	P-01	En. S.Y.T. 1979 (2nd), c. 13; Am. S.Y.T. 1980 (2nd), c. 16, s. 12; Am. S.Y.T. 1983, c. 19*
Partnership	P-1	In. R.S.Y.T. 1971, c. P-1; Am. S.Y.T. 1977 (2nd), c. 8; Am. S.Y.T. 1980 (1st), c. 20, s. 21; Am. S.Y.T. 1980 (2nd), c. 19; Am. S.Y.T. 1980 (2nd), c. 20, s. 83; Am. S.Y.T. 1982, c. 29
Pawnbrokers and Second- Hand Dealers	P-2	In. R.S.Y.T. 1971, c. P-2
Perpetuities	P-3	In. R.S.Y.T. 1971, c. P-3; Rp. S.Y.T. 1980 (1st), c. 23
Perpetuities	P-3.1	En. S.Y.T. 1980 (1st), c. 23
Personal Property Security	P-3.2	En. S.Y.T. 1980 (2nd), c. 20 Am. S.Y.T. 1982, c. 30
Pharmaceutical Chemists	P-4	In. R.S.Y.T. 1971, c. P-4; Am. S.Y.T. 1973 (1st), c. 16; Am. S.Y.T. 1975 (3rd), c. 13
Pioneer Utility Grant	P-4.1	En. S.Y.T. 1978 (1st), c. 1; Am. S.Y.T. 1980 (1st), c. 20, s. 22; Am. S.Y.T. 1981 (1st), c. 13; Am. S.Y.T. 1981 (2nd), c. 11, s. 7; Am. S.Y.T. 1982 (1st), c. 6
Plebiscite	P-5	In. R.S.Y.T. 1971, c. P-5
Pounds	P-6	In. R.S.Y.T. 1971, c. P-6; Am. S.Y.T. 1973 (1st), c. 17; Am. S.Y.T. 1980 (1st), c. 20, s. 23
Presumption of Death	P-7	In. R.S.Y.T. 1971, c. P-7; Rp. S.Y.T. 1980 (1st), c. 24
Presumption of Death	P-7.1	En. S.Y.T. 1980 (1st), c. 24
Public Health	P-8	In. R.S.Y.T. 1971, c. P-8; Am. S.Y.T. 1972 (1st), c. 24; Am. S.Y.T. 1975 (3rd), c. 14

Public Inquiries	P-8.1	En. S.Y.T. 1973 (1st), c. 5
Public Lotteries	P-8.2	En. S.Y.T. 1983, c. 26*
Public Printing	P-9	In. R.S.Y.T. 1971, c. P-9
Public Sector Compensation Restraint (Yukon)	P-9.1	En. S.Y.T. 1982, c. 31; Am. S.Y.T. 1983, c. 7
Public Service	P-10	In. R.S.Y.T. 1971, c. P-10; Rp. S.Y.T. 1976 (2nd), c. 2, s. 217
Public Service Commission	P-10.1	En. S.Y.T. 1976 (2nd), c. 2
Public Service Staff Relations	P-11	In. R.S.Y.T. 1971, c. P-11; Am. S.Y.T. 1974 (2nd), c. 13; Am. S.Y.T. 1976 (3rd), c. 11
Purchase and Supply Services Agreement	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 31
Real Estate Agents' Licensing	R-0.1	En. S.Y.T. 1977 (1st), c. 5; Am. S.Y.T. 1980 (1st), c. 20, s. 24
Reciprocal Enforcement of Judgments	R-1	In. R.S.Y.T. 1971, c. R-1; Am. S.Y.T. 1980 (2nd), c. 21; Am. S.Y.T. 1981 (1st), c. 10, s. 8
Reciprocal Enforcement of Maintenance Orders	R-2	In. R.S.Y.T. 1971, c. R-2; Rp. S.Y.T. 1980 (1st), c. 25
Reciprocal Enforcement of Maintenance Orders	R-2.1	En. S.Y.T. 1980 (1st), c. 25
Recording of Evidence by Sound Apparatus	R-3	In. R.S.Y.T. 1971, c. R-3
Recreation	R-3.05	En. S.Y.T. 1983 c, 27*
Recreation Development	R-3.1	En. S.Y.T. 1977 (1st), c. 6; Am. S.Y.T. 1980 (2nd), c. 17, s. 440* Rp. S.Y.T. 1983, c. 27*
Regulations	R-4	In. R.S.Y.T. 1971, c. R-4; Am. S.Y.T. 1980 (1st), c. 20, s. 25
Rehabilitation Services	R-5	In. R.S.Y.T. 1971, c. R-5; Am. S.Y.T. 1975 (1st), c. 17
Rental-Purchase Housing	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 25
Retirement Plan Beneficiaries	R-5.1	En. S.Y.T. 1979 (2nd), c. 14
Robert Campbell Bridge Agreement	N.C.N.R.	En. S.Y.T. 1973 (4th), c. 32
Sale of Goods	S-1	In. R.S.Y.T. 1971, c. S-1
Saw Logs Driving	S-2	In. R.S.Y.T. 1971, c. S-2; Rp. S.Y.T. 1981 (2nd), c. 12, s. 4
School	S-3	In. R.S.Y.T. 1971, c. S-3; Rp. S.Y.T. 1974 (2nd), c. 14

School	S-3.1	En. S.Y.T. 1974 (2nd), c. 14; Am. S.Y.T. 1980 (2nd), c. 22 Am. S.Y.T. 1983, c. 8
School Trespass	S-3.2	En. S.Y.T. 1981 (1st), c. 14
Scientists and Explorers	S-4	In. R.S.Y.T. 1971, c. S-4
Second Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 29
Second Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 22
Second Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 18
Second Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1975 (2nd), c. 17
Second Appropriation, 1976-77	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 18
Second Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 16
Second Appropriation, 1978-79	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 6
Second Appropriation, 1979-80	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 26
Second Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 27
Second Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 15
Second Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1982, c. 32
Second Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1983, c. 9
Securities	S-5	In. R.S.Y.T. 1971, c. S-5; Am. S.Y.T. 1976 (3rd), c. 12; Am. S.Y.T. 1980 (1st), c. 20, s. 26; Am. S.Y.T. 1980 (2nd), c. 20, s. 84; Am. S.Y.T. 1983, c. 13*
Seniors' Income Supplement	S-5.1	En. S.Y.T. 1982 (1st), c. 7
Sixth Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 19
Small Claims		See Judicature
Social Assistance	S-6	In. R.S.Y.T. 1971, c. S-6; Am. S.Y.T. 1980 (2nd), c. 16, s. 13
Societies	S-7	In. R.S.Y.T. 1971, c. S-7; Am. S.Y.T. 1974 (2nd), c. 15; Am. S.Y.T. 1980 (1st), c. 20, s. 27; Am. S.Y.T. 1980 (2nd), c. 23 Am. S.Y.T. 1983, c. 13*
Society of Industrial Accountants	S-7.1	See Society of Management Accountants
Society of Management Accountants	S-7.2	En. S.Y.T. 1975 (2nd), c. 2; Am. S.Y.T. 1977 (2nd), c. 9 Am. S.Y.T. 1983, c. 28
Special Rural Development Agreement (Special ARDA)	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 15
Stabilization Fund Loan	S-7.3	En. S.Y.T. 1977 (1st), c. 7; Am. S.Y.T. 1978 (1st), c. 9; Rp. S.Y.T. 1980 (1st), c. 29

Steam Boilers	S-8	In. R.S.Y.T. 1971, c. S-8; Rp. S.Y.T. 1979 (2nd), c. 1, s. 4
Students' Financial Assistance	S-8.1	En. S.Y.T. 1975 (2nd), c. 3; Am. S.Y.T. 1978 (1st), c. 10; Am. S.Y.T. 1982, c. 14; Am. S.Y.T. 1983, c. 19*
Students' Grants	S-9	In. R.S.Y.T. 1971, c. S-9; Rp. S.Y.T. 1975 (2nd), c. 6
Summary Convictions	S-9.1	En. S.Y.T. 1980 (1st), c. 30
Superannuation, Territorial Employees	S-10	In. R.S.Y.T. 1971, c. S-10; Am. S.Y.T. 1975 (2nd), c. 16
Supervision of Federal Parolees Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 7
Supreme Court	S-10.1	In. R.S.Y.T. 1971, c. T-2; Am. S.Y.T. 1971 (3rd), c. 3; Am. S.Y.T. 1979 (2nd), c. 15; Am. S.Y.T. 1980 (1st), c. 28, s. 3 Am. S.Y.T. 1983, c. 16
Survival of Actions	S-10.2	En. S.Y.T. 1981 (1st), c. 16
Survivorship	S-11	In. R.S.Y.T. 1971, c. S-11; Rp. S.Y.T. 1980 (1st), c. 31
Survivorship	S-11.1	En. S.Y.T. 1980 (1st), c. 31
Taxation	T-0.1	See Assessment and Taxation
Tenants in Common	T-1	In. R.S.Y.T. 1971, c. T-1
Territorial Court	T-2	See Supreme Court
Territorial Court	T-2.05	In. R.S.Y.T. 1971, c. M-1; Am. S.Y.T. 1979 (2nd), c. 2; Am. S.Y.T. 1980 (1st), c. 28, s. 2; Am. S.Y.T. 1983, c. 10
Territorial Municipal Employment Loans	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 33
Third Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 19
Third Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (3rd), c. 23
Third Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 19
Third Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1975 (3rd), c. 15
Third Appropriation, 1976-77	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 16
Third Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 17
Third Appropriation, 1978-79	N.C.N.R.	En. S.Y.T. 1979 (2nd), c. 17
Third Appropriation, 1979-80	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 24
Third Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 17
Third Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 18

Third Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1982, c. 33
Third Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1983, c. 11
Tobacco Tax	T-2.1	En. S.Y.T. 1974 (2nd), c. 3; Am. S.Y.T. 1976 (1st), c. 9; Am. S.Y.T. 1978 (1st), c. 12; Am. S.Y.T. 1981 (1st), c. 19
Trade Schools Regulation	T-3	In. R.S.Y.T. 1971, c. T-3
Transfer of Prisoners Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 8
Transport Public Utilities	T-4	In. R.S.Y.T. 1971, c. T-4; Am. S.Y.T. 1980 (1st), c. 32; Am. S.Y.T. 1980 (2nd), c. 16, s. 14; Am. S.Y.T. 1982 (1st), c. 8
Travel for Medical Treatment	T-4.1	En. S.Y.T. 1975 (2nd), c. 4
Travel Industry Development Agreement	N.C.N.R.	En. S.Y.T. 1975 (2nd), c. 5
Trustee	T-5	In. R.S.Y.T. 1971, c. T-5; Am. S.Y.T. 1980 (1st), c. 33; Am. S.Y.T. 1981 (1st), c. 16, s. 12
Unemployment Assistance Agreement Repeal	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 13
Variation of Trusts	V-1	In. R.S.Y.T. 1971, c. V-1
Vital Statistics	V-2	In. R.S.Y.T. 1971, c. V-2; Am. S.Y.T. 1973 (1st), c. 18
Wages Recovery	W-1	In. R.S.Y.T. 1971, c. W-1
Warehouse Receipts	W-1.5	En. S.Y.T. 1981 (2nd), c. 15*
Warehousemen's Lien	W-2	In. R.S.Y.T. 1971, c. W-2; Am. S.Y.T. 1980 (2nd), c. 20, s. 85
Whitehorse, An Ordinance to open a certain portion of Land in the City of	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 13
Whitehorse General Purposes Loan (1972)	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 32
Whitehorse General Purposes Loan (1973)	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 34
Whitehorse (Takhini and Valleyview) Lands	N.C.N.R.	En. S.Y.T. 1975 (2nd), c. 18
Wildlife	W-2.5	En. S.Y.T. 1981 (2nd), c. 16; Am. S.Y.T. 1982, c. 15; Am. S.Y.T. 1982, c. 34
Wills	W-3	In. R.S.Y.T. 1971, c. W-3
Woodmen's Lien	W-4	In. R.S.Y.T. 1971, c. W-4; Am. S.Y.T. 1980 (2nd), c. 20, s. 86

Workers' Compensation	W-4.1	In. R.S.Y.T. 1971, c. W-5; Rp/Re. S.Y.T. 1973 (3rd), c. 6; Am. S.Y.T. 1975 (3rd), c. 6, s. 4; Am. S.Y.T. 1977 (2nd), c. 10; Am. S.Y.T. 1980 (1st), c. 20, s. 28; Am. S.Y.T. 1981 (1st), c. 10, s. 6; Am. S.Y.T. 1982, c. 35; Am. S.Y.T. 1983, c. 19* Am. S.Y.T. 1983, c. 29
Workmen's Compensation	W-5	See Workers' Compensation
Workmen's Compensation Supplementary Benefits	N.C.N.R.	En. S.Y.T. 1973 (3rd), c. 7
Young Offenders Welfare Agreement	N.C.N.R.	En. S.Y.T. 1976 (2nd), c. 3
Young Voyageur Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 9
Yukon Council	Y-1	See Legislative Assembly
Yukon River Basin Study Agreement	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 34 Am. S.Y.T. 1983, c. 30



STATUTES
OF THE
YUKON TERRITORY

PASSED BY THE LEGISLATURE OF
THE YUKON TERRITORY
IN THE YEAR
1983

IN THE THIRD SESSION OF THE TWENTY-FIFTH
LEGISLATIVE ASSEMBLY

BUSINESS CORPORATIONS ACT

VOLUME 2

STATUTES OF THE YUKON TERRITORY
1983, Chapter 13

THE BUSINESS CORPORATIONS ACT

(Assented to November 3, 1983)

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

- 1 (1) This Act may be cited as the Business Corporations Act.

PART 1

INTERPRETATION AND APPLICATION

- 2 (1) In this Act,

"affairs" means the relationships among a corporation, its affiliates and the shareholders, directors and officers of those bodies corporate but does not include the business carried on by those bodies corporate;

"affiliate" means an affiliated body corporate within the meaning of subsection 3(1);

"articles" means the original or restated articles of incorporation, articles of amendment, articles of amalgamation, articles of continuance, articles of reorganization, articles of arrangement, articles of dissolution and articles of revival, and includes an amendment to any of them;

"associate", when used to indicate a relationship with any person means

- (a) a body corporate of which that person beneficially owns or controls, directly or indirectly, shares or securities currently convertible into shares carrying more than 10% of the voting rights under all circumstances or under any circumstances that have occurred and are continuing, or a currently exercisable option or right to purchase those shares or those convertible securities,
- (b) a partner of that person acting on behalf of the partnership of which they are partners,
- (c) a trust or estate in which that person has a substantial interest or in respect of which he serves as a trustee or in a similar capacity,
- (d) a spouse of that person, or
- (e) a relative of that person or of his spouse if that relative has the same residence as that person;

"auditor" includes a partnership of auditors;

"beneficial interest" means an interest arising out of the beneficial ownership of securities;

"beneficial ownership" includes ownership through a trustee, legal representative, agent or other intermediary;

"body corporate" includes a company or other body corporate wherever or however incorporated;

"Canada corporation" means a body corporate incorporated by or under an Act of the Parliament of Canada;

"corporation" means a body corporate incorporated or continued under this Act and not discontinued under this Act;

"debt obligation" means a bond, debenture, note or other evidence of indebtedness or guarantee of a corporation, whether secured or unsecured;

"director" means a person occupying the position of director by whatever name called and "directors" and "board of directors" includes a single director;

"distributing corporation" means a corporation

- (a) any of whose issued shares, or securities which may or might be exchanged for or converted into shares, were part of a distribution to the public, and
- (b) which has more than 15 shareholders;

"extra-territorial corporation" means a body corporate which is not a corporation or a Yukon company;

"incorporator" means a person who signs articles of incorporation;

"individual" means a natural person;

"liability" includes a debt of a corporation arising under section 38, subsection 184(19) or paragraph 234(3)(g) or (h);

"ordinary resolution" means a resolution

- (a) passed by a majority of the votes cast by the shareholders who voted in respect of that resolution, or
- (b) signed by all the shareholders entitled to vote on that resolution;

"person" includes an individual, partnership, association, body corporate, trustee, executor, administrator or legal representative;

"prescribed" means prescribed by the regulations;

"professional corporation" means a corporation that has the words "Professional Corporation" as the last words of its name;

"redeemable share" means a share issued by a corporation that the corporation, by its articles

- (a) is required to purchase or redeem at a specified time or on the happening of a certain event,
- (b) is required to purchase or redeem on the demand of a shareholder, or

(c) may purchase or redeem on demand of the corporation,

and includes a share issued by a corporation that is purchased or redeemed by a combination of any of the methods referred to in paragraphs (a) to (c);

"Registrar" means the Registrar of Corporations or a Deputy Registrar of Corporations appointed under section 253;

"Registrar of Securities" means the Registrar appointed under the Securities Act;

"security", except in Part 6, means a share of any class or series of shares or a debt obligation of a corporation and includes a certificate evidencing such a share or debt obligation;

"security interest" means an interest in or charge on property of a corporation to secure payment of a debt or performance of any other obligation of the corporation;

"send" includes deliver;

"series" means, in relation to shares, a division of a class of shares;

"special resolution" means a resolution passed by a majority of not less than 2/3 of the votes cast by the shareholders who voted in respect of that resolution or signed by all the shareholders entitled to vote on that resolution;

"unanimous shareholder agreement" means

- (a) a written agreement to which all the shareholders of a corporation are or are deemed to be parties, whether or not any other person is also a party, or
- (b) a written declaration by a person who is the beneficial owner of all the issued shares of a corporation,

that provides for any of the matters enumerated in subsection 140(1);

"Yukon company" means a body corporate incorporated and registered or deemed to have been incorporated or registered or otherwise subject to the provisions of the Companies Act or any of its predecessors but does not include a body corporate incorporated pursuant to the provisions of the Societies Act or the Co-operative Associations Act.

- 3 (1) For the purposes of this Act,
 - (a) one body corporate is affiliated with another body corporate if one of them is the subsidiary of the other or both are subsidiaries of the same body corporate or each of them is controlled by the same person, and
 - (b) if two bodies corporate are affiliated with the same body corporate at the same time, they are deemed to be affiliated with each other.
- (2) For the purposes of this Act, a body corporate is controlled by a person if
 - (a) securities of the body corporate to which are attached more than 50% of the votes that may be cast to elect directors of the body corporate are held, other than by way of security only, by or for the benefit of that person, and
 - (b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the body corporate.
- (3) For the purposes of this Act, a body corporate is the holding body corporate of another if that other body corporate is its subsidiary.
- (4) For the purposes of this Act, a body corporate is a subsidiary of another body corporate if
 - (a) it is controlled by
 - (i) that other,
 - (ii) that other and one or more bodies corporate, each of which is controlled by that other, or
 - (iif) two or more bodies corporate, each of which is controlled by that other, or
 - (b) it is a subsidiary of a body corporate that is that other's subsidiary.
- 4 (1) For the purposes of this Act, securities of a corporation
 - (a) issued on a conversion of other securities, or

(b) issued in exchange for other securities

are deemed to be securities that are part of a distribution to the public if those other securities were part of a distribution to the public.

(2) Subject to subsection (3), for the purposes of this Act, a security of a body corporate

(a) is part of a distribution to the public if, in respect of the security, there has been a filing of a prospectus, statement of material facts, registration statement, securities exchange takeover bid circular or similar document under the laws of Canada, a province or territory of Canada or a jurisdiction outside Canada, or

(b) is deemed to be part of a distribution to the public if the security has been issued and a filing referred to in paragraph (a) would be required if the security were being issued currently.

(3) On the application of a corporation, the Registrar of Securities may determine that a security of the corporation is not or was not part of a distribution to the public if he is satisfied that his determination would not prejudice any security holder of the corporation.

4.1 (1) A document or writing required or permitted by this Act may be signed or executed in separate counterparts and the signing or execution of a counterpart shall have the same effect as the signing or execution of the original.

4.2 (1) This act applies to every corporation and Yukon company, except where it is otherwise expressly provided.

(2) Notwithstanding the repeal of the Companies Act,

(a) all memoranda of association and amendments thereto,

(b) all cancellations, suspensions, proceedings, acts, registrations, strike offs and things, and

(c) all affidavits, declarations, articles of association, resolutions, special resolutions, and documents

lawfully granted, issued, imposed, made, taken, done, commenced, filed or passed, under any provision of that Act or any of its predecessors, shall be conclusively deemed to have been granted, issued, imposed, made, taken, done, commenced, filed or passed, under this Act and shall be continued under this Act as though they had, in fact, been granted, issued, imposed, made, taken, done, commenced, filed or passed, under this Act.

(3) A Yukon Company in existence when this Act comes into force or revived under this Act shall be deemed to be continued under this Act.

(4) Where any provision of the memorandum of association or any amendment thereto, articles of association, resolutions or special resolutions of a Yukon company, except a provision which contravenes section 117, that was valid and in force at the time that this Act comes into force, is inconsistent with, repugnant to, or not in compliance with this Act, such provision continues to be valid and in effect for a period of two years after the date of the coming into force of this section, but any amendment to any such provision shall be made in accordance with this Act.

(5) Unless otherwise specifically provided for by this Act, any provision to which subsection (4) applies that has not been amended in accordance with this Act within the two year period shall be deemed upon the expiry of such period to have been amended to the extent necessary to bring the terms of the provision into conformity with this Act.

4.3 (1) Where the words "the objects for which the company is established are", or words of like effect, are contained in the memorandum of association of a Yukon company, those words shall be deemed to be struck out and the words "the businesses that the corporation is permitted to carry on are restricted to the following" shall be deemed to be substituted therefore.

(2) Subject to subsection 16(3), where the memorandum of association of a Yukon company excludes or is deemed to exclude any of the powers authorized by any former Companies Act, it is deemed to restrict the corporation from exercising the power so excluded.

PART 2

INCORPORATION

- 5 (1) One or more persons may incorporate a corporation by signing articles of incorporation and complying with section 7.
- 6 (1) Articles of incorporation shall be in the prescribed form and shall set out, in respect of the proposed corporation,
- (a) the name of the corporation,
 - (b) the classes and any maximum number of shares that the corporation is authorized to issue, and
 - (i) if there are two or more classes of shares, the special rights, privileges, restrictions and conditions attaching to each class of shares, and
 - (ii) if a class of shares may be issued in series, the authority given to the directors to fix the number of shares in, and to determine the designation of each series, and the rights, privileges, restrictions and conditions attaching to the shares of each series,
 - (c) if the right to transfer shares of the corporation is to be restricted, a statement that the right to transfer shares is restricted and either
 - (i) a statement of the nature of the restrictions, or
 - (ii) a statement that the nature of the restrictions appears in a unanimous shareholder agreement,
 - (d) the number of directors or, subject to paragraph 102(1)(a), the minimum and maximum number of directors of the corporation, and
 - (e) any restrictions on the businesses that the corporation may carry on.
- (2) The articles may set out any provision permitted by this Act or by law to be set out in the by-laws of the corporation.
- (3) Subject to subsection (4), if the articles or a unanimous shareholder agreement require a greater number of votes of directors or shareholders than that required by the Act to effect any action, the provisions of the articles or of the unanimous shareholder agreement prevail.

- (4) The articles may not require a greater number of votes of shareholders to remove a director than the number required by section 104.

- 7 (1) An incorporator shall send to the Registrar
 - (a) articles of incorporation, and
 - (b) the documents required by sections 19 and 101.

- 8 (1) On receipt of the documents required under section 7 and the prescribed fees, the Registrar shall issue a certificate of incorporation in accordance with section 255.

- 9 (1) A corporation comes into existence on the date shown in the certificate of incorporation.

- (2) A certificate of incorporation is conclusive proof for the purposes of this Act and for all other purposes
 - (a) that the provisions of this Act in respect of incorporation and all requirements precedent and incidental to incorporation have been complied with, and
 - (b) that the corporation has been incorporated under this Act as of the date shown in the certificate of incorporation.

- 10 (1) The word "Limited", "Limitee", "Incorporated", "Incorporee" or "Corporation" or the abbreviation "Ltd.", "Ltee", "Inc." or "Corp." shall be the last word of the name of every corporation but a corporation may use and may be legally designated by either the full or the abbreviated form.

- (2) Notwithstanding subsection (1), the words "Professional Corporation" shall be the last words of the name of every professional corporation whose incorporation is specifically permitted by any other Act.

- (3) No person other than a body corporate shall carry on business within Yukon under any name or title that contains the word "Limited", "Limitee", "Incorporated", "Incorporee", or "Corporation" or the abbreviation "Ltd.", "Ltee.", "Inc.", or "Corp." or the words "Professional Corporation".

- (4) A person carrying on business in contravention of subsection (3) is guilty of an offence and liable to a fine of not more than \$5,000.
- (5) Subject to subsection 12(1), a corporation may set out its name in its articles in an English form or a French form or an English and French form or in a combined English and French form and the corporation may use and may be legally designated by any of those forms.
- (6) Subject to subsection 12(1), a corporation may, outside Canada, use and may be legally designated by a name in any language form.
- (7) A corporation shall set out its name in legible characters in or on all contracts, invoices, negotiable instruments, written advertisements and orders for goods or services, issued or made by or on behalf of the corporation.
- (8) Subject to subsection (7) and subsection 12(1) and to section 87 of the Partnership Act, a corporation may carry on business under or identify itself by a name other than its corporate name.
- 11 (1) The Registrar may, on request, reserve for 90 days a name for
- (a) an intended corporation,
 - (b) a corporation about to change its name, or
 - (c) an extra-territorial corporation about to continue as a corporation pursuant to section 181.
- (2) If requested to do so by the incorporators, a corporation or an extra-territorial corporation referred to in paragraph (1)(c), the Registrar shall assign to the corporation as its name a designated number determined by him.
- 12 (1) A corporation shall not be incorporated with, have, carry on business under, identify itself by or change its name to a name that is
- (a) prohibited by the regulations,
 - (b) identical to the name of a body corporate incorporated under the laws of Yukon,
 - (c) reserved for an intended corporation or a corporation under subsection 11(1), or
 - (d) disapproved by the Registrar pursuant to subsection (2).

- (2) The Registrar may disapprove the name or the proposed name of a corporation if, in his opinion, the name
 - (a) is objectionable,
 - (b) is likely to mislead or confuse, or
 - (c) is similar to the name of any other body corporate or to the name of any association, partnership or firm known to the Registrar and the use of that name would be likely to confuse or mislead.

- (3) If a body corporate, association, partnership or firm referred to in paragraph (2)(c)
 - (a) consents in writing to the use of the name in whole or in part, and
 - (b) if required by the Registrar, undertakes to dissolve or change its name to a dissimilar name within 6 months after the filing of the articles by which the corporation's name is to be or was acquired,

the Registrar may approve the name.

- (4) Notwithstanding anything in this section, a corporation may be incorporated with or change its name to a name similar to that of a corporation or a Yukon company which has been dissolved, liquidated and dissolved or struck from the register, if
 - (a) the corporation or Yukon company was dissolved, liquidated and dissolved or struck from the register more than three years before such incorporation and has not since been revived or restored to the register,
 - (b) the Registrar approves the use of the name, or
 - (c) the name of the new corporation includes the year in which it is incorporated.

- (5) If,
 - (a) through inadvertence or otherwise, a corporation comes into existence with or acquires a name that contravenes subsection (1), or
 - (b) the Registrar disapproves a corporation's name after it is acquired by the corporation,

the Registrar may, by notice in writing, giving his reasons, direct the corporation to change its name to one that he approves within 60 days of the date of the notice.

- (6) The Registrar may give a notice under subsection (5) on his own initiative or at the request of a person who feels aggrieved by the name that contravenes subsection (1).
- (7) If a corporation
- (a) is directed to change its name under subsection (5), and
 - (b) does not appeal the request of the Registrar within 60 days of the date of the notice, the Registrar may revoke the name of the corporation and assign to it a designated number, and until changed in accordance with section 167 the name of the corporation is the designated number so assigned.
- (8) If two or more corporations amalgamate, the amalgamated corporation may have the name of one of the amalgamating corporations, or, with the prior approval in writing of the Registrar,
- (a) a distinctive combination, that is not confusing, of the names of the amalgamating corporations, or
 - (b) a distinctive new name that complies with subsection (1).
- (9) The amalgamating corporations shall be deemed to be bodies corporate for the purposes of this section.
- (10) If an application is made to revive a corporation under this Act and, between the date of dissolution of the corporation and the date of its revival, another corporation has come into existence with or has acquired a name that is likely to be confused with the name of the corporation to be revived, the Registrar may require, as a condition of the revival, that the revived corporation does not carry on business or, if it seeks to carry on business, that it change its name to a designated number immediately after it is revived.
- (11) If the Registrar is satisfied that a professional corporation has ceased to be the holder of a subsisting permit as a professional corporation issued under the Act which specifically permitted its incorporation, he may, on giving notice to the professional corporation of his intention to do so, change the name of the corporation to exclude the words "Professional Corporation" and replace them with the word "Limited" or the abbreviation "Ltd.".

- 13 (1) When a corporation has had its name revoked or changed and a name assigned to it under subsection 12(7) or 12(11), the Registrar shall issue a certificate of amendment showing the new name of the corporation.
- (2) The articles of the corporation are amended accordingly on the date shown in the certificate of amendment.
- 14 (1) This section applies unless the person referred to in subsection (2) and all parties to the contract referred to in that subsection
- (a) believe that the body corporate exists and is incorporated under, or
 - (b) intend that the body corporate is to be incorporated under the laws of a jurisdiction other than Yukon.
- (2) Except as provided in this section, if a person enters into a written contract in the name of or on behalf of a body corporate before it comes into existence,
- (a) that person is deemed to warrant to the other party to the contract
 - (i) that the body corporate will come into existence within a reasonable time, and
 - (ii) that the contract will be adopted within a reasonable time after the body corporate comes into existence,
 - (b) that person is liable to the other party to the contract for damages for a breach of that warranty, and
 - (c) the measure of damages for that breach of warranty shall be the same as if the body corporate existed when the contract was made, the person who made the contract on behalf of the body corporate had no authority to do so and the body corporate refused to ratify the contract.
- (3) A corporation may, within a reasonable time after it comes into existence, by any act or conduct signifying its intention to be bound thereby, adopt a written contract made before it came into existence in its name or on its behalf, and on the adoption
- (a) the corporation is bound by the contract and is entitled to the benefits of the contract as if the corporation had been in existence at the date of the contract and had been a party to it, and

- (b) a person who purported to act in the name of or on behalf of the corporation ceases, except as provided in subsection (5), to be liable under subsection (2) in respect of the contract.
- (4) If a person enters into a contract in the name of or on behalf of a corporation before it comes into existence and the contract is not adopted by the corporation within a reasonable time after it comes into existence, that person or the other party to the contract may apply to the Court for an order directing the corporation to restore to the applicant, in specie or otherwise, any benefit received by the corporation under the contract.
- (5) Except as provided in subsection (6), whether or not a written contract made before the coming into existence of a corporation is adopted by the corporation, a party to the contract may apply to the Court for an order
 - (a) fixing obligations under the contract as joint or joint and several, or
 - (b) apportioning liability between or among the corporation and a person who purported to act in the name of or on behalf of the corporation,and on the application the Court may make any order it thinks fit.
- (6) A person who enters into a written contract in the name of or on behalf of a body corporate before it comes into existence is not in any event liable for damages under subsection (2) if the contract expressly provides that he is not to be so liable.

PART 3

CAPACITY AND POWERS

- 15 (1) A corporation has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

- (2) A corporation has the capacity to carry on its business, conduct its affairs and exercise its powers in any jurisdiction outside Yukon to the extent that the laws of that jurisdiction permit.
- 16
- (1) It is not necessary for a by-law to be passed in order to confer any particular power on the corporation or its directors.
 - (2) A corporation shall not carry on any business or exercise any power that it is restricted by its articles from carrying on or exercising, nor shall the corporation exercise any of its powers in a manner contrary to its articles.
 - (3) No act of a corporation, including any transfer of property to or by a corporation, is invalid by reason only that the act or transfer is contrary to its articles or this Act.
- 17
- (1) No person is affected by or is deemed to have notice or knowledge of the contents of a document concerning a corporation by reason only that the document has been filed by the Registrar or is available for inspection at an office of the corporation.
- 18
- (1) A corporation, a guarantor of an obligation of the corporation or a person claiming through the corporation may not assert against a person dealing with the corporation or dealing with any person who has acquired rights from the corporation
 - (a) that the articles, by-laws or any unanimous shareholder agreement have not been complied with,
 - (b) that the persons named in the most recent notice filed by the Registrar under section 101 or 108 are not the directors of the corporation,
 - (c) that the place named as the registered office in the most recent notice filed by the Registrar under section 19 is not the registered office of the corporation,
 - (d) that the post office box designated as the address for service by mail in the most recent notice filed by the Registrar under section 19 is not the address for service by mail of the corporation,
 - (e) that a person held out by the corporation as a director, an officer or an agent of the corporation
 - (i) has not been duly appointed, or

- (ii) has no authority to exercise a power or perform a duty which the director, officer or agent might reasonably be expected to exercise or perform,
- (f) that a document issued by any director, officer or agent of the corporation with actual or usual authority to issue the document is not valid or not genuine, or
- (g) that financial assistance referred to in section 42 or a sale, lease or exchange of property referred to in section 183 was not authorized,

unless the person has, or by virtue of his position with or relationship to the corporation ought to have, knowledge of those facts at the relevant time.

PART 4

REGISTERED OFFICE, RECORDS AND SEAL

- 19 (1) A corporation shall at all times have a registered office within Yukon.
- (2) A notice of
- (a) the registered office,
 - (b) a separate records office, if any, and
 - (c) the post office box designated as the address for service by mail, if any,
- shall be sent to the Registrar in the prescribed form together with the articles of incorporation.
- (3) Subject to subsection (4), the directors of the corporation may at any time
- (a) change the address of the registered office within Yukon,
 - (b) designate or revoke or change a designation of a records office within Yukon, or
 - (c) designate or revoke or change a designation of a post office box within Yukon as the address for service by mail of the corporation.

- (4) A post office box designated as the corporation's address for service by mail shall not be designated as the corporation's records office or registered office.
 - (5) A corporation shall send to the Registrar, within 15 days of any change under subsection (3), a notice of that change in the prescribed form, and the Registrar shall file it.
 - (6) The corporation shall ensure that its registered office and its records office are
 - (a) accessible to the public during normal business hours, and
 - (b) readily identifiable from the address or other description given in the notice referred to in subsection (2).
 - (7) Unless the directors designate a separate records office, the registered office of a corporation is also its records office.
- 20 (1) A corporation shall prepare and maintain at its records office records containing
- (a) the articles and the by-laws, all amendments to the articles and by-laws, a copy of any unanimous shareholder agreement and any amendment to a unanimous shareholder agreement,
 - (b) minutes of meetings and resolutions of shareholders,
 - (c) copies of all notices required by section 101 or 108,
 - (d) a securities register complying with section 46,
 - (e) copies of the financial statements, reports and information referred to in subsection 149(1), and
 - (f) a register of disclosures made pursuant to section 115.
- (2) Notwithstanding subsection (1), a central securities register may be maintained at an office in Yukon of a corporation's agent referred to in paragraph 46(2)(a), and a branch securities register may be kept at any place in or out of Yukon designated by the directors.
- (3) If a central securities register is maintained under subsection (2) at a place other than the records office, the corporation shall maintain at its records office a record containing the names and addresses of all agents and offices at which those registers are maintained and descriptions of those registers.

- (4) A corporation which
- (a) complies with subsection 20(2), and
 - (b) maintains in Canada a register or record referred to in subsection 20(3)
- complies with subsection (1).
- (5) In addition to the records described in subsection (1), a corporation shall prepare and maintain adequate accounting records and records containing minutes of meetings and resolutions of the directors and any committee of the directors.
- (6) For the purposes of subsection (1), if a body corporate is continued under this Act, "records" includes similar records required by law to be maintained by the body corporate before it was so continued.
- (7) The records described in subsection (5) shall be kept at the registered office or records office of the corporation or at any other place the directors think fit and shall at all reasonable times be open to examination by the directors.
- (8) If accounting records of a corporation are kept at a place outside Yukon, there shall be kept at the registered office or records office or at any other place in Yukon the directors think fit, accounting records adequate to enable the directors to ascertain the financial position of the corporation with reasonable accuracy on a quarterly basis, and those records shall at all reasonable times be open to examination by the directors.
- (9) A corporation that, without reasonable cause, contravenes this section is guilty of an offence and liable to a fine not exceeding \$5000.
- 21 (1) The directors and shareholders of a corporation, their agents and legal representatives may examine the records referred to in subsection 20(1) during the usual business hours of the corporation free of charge.
- (2) A shareholder of a corporation is entitled on request and without charge to one copy of the articles and by-laws and of any unanimous shareholder agreement, and amendments to them.

- (3) Creditors of a corporation and their agents and legal representatives may examine the records referred to in paragraphs 20(1)(a), (c) and (d), other than a unanimous shareholder agreement or an amendment to a unanimous shareholder agreement, during the usual business hours of the corporation on payment of a reasonable fee and may make copies of those records.
- (4) Any person may examine the records referred to in paragraphs 20(1)(c) and (d) during the usual business hours of the corporation on payment of a reasonable fee and may make copies of those records.
- (5) If the corporation is a distributing corporation, any person, on payment of a reasonable fee and on sending to the corporation or its agent the statutory declaration referred to in subsection (9), may on application require the corporation or its agent to furnish within 10 days from the receipt of the statutory declaration a list (in this section referred to as the "basic list") made up to a date not more than 10 days before the date of receipt of the statutory declaration setting out
 - (a) the names of the shareholders of the corporation,
 - (b) the number of shares owned by each shareholder, and
 - (c) the address of each shareholder,as shown on the records of the corporation.
- (6) A person requiring a corporation to supply a basic list may, if he states in the statutory declaration referred to in subsection (5) that he requires supplemental lists, require the corporation or its agent on payment of a reasonable fee to furnish supplemental lists setting out any changes from the basic list in the information provided in it for each business day following the date the basic list is made up to.
- (7) The corporation or its agent shall furnish a supplemental list required under subsection (6)
 - (a) on the date the basic list is furnished, if the information relates to changes that took place prior to that date, and
 - (b) on the business day following the day to which the supplemental list relates, if the information relates to changes that take place on or after the date the basic list is furnished.

- (8) A person requiring a corporation to supply a basic list or a supplemental list may also require the corporation to include in that list the name and address of any known holder of an option or right to acquire shares in the corporation.

 - (9) The statutory declaration required under subsection (5) shall state
 - (a) the name and address of the applicant,
 - (b) the name and address for service of the body corporate if the applicant is a body corporate, and
 - (c) that the basic list and any supplemental lists obtained pursuant to subsection (6) will not be used except as permitted under subsection (11).

 - (10) If the applicant is a body corporate, the statutory declaration shall be made by a director or officer of the body corporate.

 - (11) A list of shareholders obtained under this section shall not be used by any person except in connection with
 - (a) an effort to influence the voting of shareholders of the corporation,
 - (b) an offer to acquire shares of the corporation, or
 - (c) any other matter relating to the affairs of the corporation.

 - (12) A person who, without reasonable cause, contravenes this section is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than 6 months or to both.
- 22 (1) All registers and other records required by this Act to be prepared and maintained may be in a bound or loose-leaf form or in a photographic film form, or may be entered or recorded by any system of mechanical or electronic data processing or any other information storage device that is capable of reproducing any required information in legible written form within a reasonable time.

- (2) If a person is entitled to examine any register or record that is maintained by a corporation in a form other than a written form and makes a request of the corporation to do so, the corporation shall
 - (a) make available to that person within a reasonable time a reproduction of the text of the register or record in legible written form, or
 - (b) provide facilities to enable that person to examine the text of the register or record in a legible written form otherwise than by providing a reproduction of that text, and shall allow that person to make copies of that register or record.
 - (3) A corporation and its agents shall take reasonable precautions to
 - (a) prevent loss or destruction of,
 - (b) prevent falsification of entries in, and
 - (c) facilitate detection and correction of inaccuracies in, the registers and other records required by this Act to be prepared and maintained.
 - (4) A person who, without reasonable cause, contravenes this section is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than 6 months or both.
- 23
- (1) A corporation may adopt and change a corporate seal that shall contain the name of the corporation.
 - (2) A document executed on behalf of a corporation by a director, an officer or an agent of the corporation, is not invalid only because the corporate seal is not affixed to the document.
 - (3) Share certificates of a corporation may be issued under its corporate seal or a facsimile of that corporate seal.
 - (4) A document requiring authentication by a corporation may be signed by a director or the secretary or other authorized officer of the corporation and need not be under its corporate seal.
 - (5) A corporation may adopt a facsimile of its corporate seal for use in any other jurisdiction outside Yukon where use of a facsimile complies with the laws of that jurisdiction.

PART 5

CORPORATE FINANCE

- 24 (1) Shares of a corporation shall be in registered form and shall be without nominal or par value.
- (2) If a body corporate is continued under this Act, a share with nominal or par value issued by the body corporate before it was so continued is, for the purpose of subsection (1), deemed to be a share without nominal or par value.
- (3) If a corporation has only one class of shares, the rights of the holders of those shares are equal in all respects and include the rights
- (a) to vote at any meeting of shareholders of the corporation,
 - (b) to receive any dividend declared by the corporation, and
 - (c) to receive the remaining property of the corporation on dissolution.
- (4) The articles may provide for more than one class of shares and, if they so provide,
- (a) the rights, privileges, restrictions and conditions attaching to the shares of each class shall be set out in the articles, and
 - (b) the rights set out in subsection (3) shall be attached to at least one class of shares but all of those rights are not required to be attached to one class.
- (5) Subject to section 27, if a corporation has more than one class of shares, the rights of the holders of the shares of any class are equal in all respects.
- 25 (1) Subject to the articles, the by-laws and any unanimous shareholder agreement and to section 28, shares may be issued at the times and to the persons and for the consideration that the directors determine.
- (2) Shares issued by a corporation are non-assessable and the holders are not liable to the corporation or to its creditors in respect of those shares.

- (3) A share shall not be issued until the consideration for the share is fully paid in money or in property or past service that is not less in value than the fair equivalent of the money that the corporation would have received if the share had been issued for money.
 - (4) In determining whether property or past service is the fair equivalent of a money consideration, the directors may take into account reasonable charges and expenses of organization and reorganization and payments for property and past services reasonably expected to benefit the corporation.
 - (5) For the purposes of this section "property" does not include a promissory note or promise to pay given by the allottee.
- 26
- (1) A corporation shall maintain a separate stated capital account for each class and series of shares it issues.
 - (2) A corporation shall add to the appropriate stated capital account the full amount of any consideration it receives for any shares it issues.
 - (3) Notwithstanding subsection 25(3) and subsection (2) of this section, if a corporation issues shares
 - (a) in exchange for
 - (i) property, other than a promissory note or promise to pay, or
 - (ii) issued shares of the corporation of a different class or series, and all the shares issued by the corporation in the exchange are redeemable shares created for that purpose, or shares which the corporation is required to issue pursuant to conversion rights or privileges attached to the shares to be exchanged at the time that they were issued, or
 - (b) pursuant to
 - (i) an amalgamation agreement referred to in section 176 or 180.1, or

- (i) an arrangement referred to in paragraph 186(1)(b) or
- (c)

to shareholders of an amalgamating body corporate who receive the shares in addition to or instead of securities of the amalgamated body corporate,

the corporation may add to the stated capital accounts maintained for the shares of the classes or series issued the whole or any part of the amount of the consideration it received in the exchange.

- (4) On the issue of a share a corporation shall not add to a stated capital account in respect of the share it issues an amount greater than the amount of the consideration it received for the share.
- (5) If a corporation proposes to add any amount to a stated capital account it maintains in respect of a class or series of shares and
 - (a) the amount to be added was not received by the corporation as consideration for the issue of shares, and
 - (b) the corporation has issued any outstanding shares of more than one class or series,

the addition to the stated capital account must be approved by special resolution unless all the issued and outstanding shares are shares of not more than two classes of convertible shares referred to in subsection 37(5).

- (6) When a body corporate is continued under this Act, it may add to a stated capital account any consideration received by it for a share it issued.
- (7) A corporation at any time may, subject to subsection (5), add to a stated capital account any amount it credited to a retained earnings or other surplus account.
- (8) When a body corporate is continued under this Act, subsection (2) does not apply to the consideration received by it before it was so continued unless the share in respect of which the consideration is received is issued after the corporation is so continued.

- (9) When a body corporate is continued under this Act, any amount unpaid in respect of a share issued by the body corporate before it was so continued and paid after it was so continued shall be added to the stated capital account maintained for the shares of that class or series.
 - (10) When a body corporate is continued under this Act, the stated capital of each class and series of shares of the corporation immediately following its continuation is deemed to equal the paid up capital of each class and series of shares of the body corporate immediately prior to its continuance.
 - (11) A corporation shall not reduce its stated capital or any stated capital account except in the manner provided in this Act.
 - (12) Subsections (1) to (11) and any other provisions of this Act relating to stated capital do not apply to an open-end mutual fund.
 - (13) In subsection (12), "open-end mutual fund" means a corporation that makes a distribution to the public of its shares and that carries on only the business of investing the consideration it receives for the shares it issues, and all or substantially all of those shares are redeemable on the demand of a shareholder.
- 27 (1) The articles may authorize the issue of any class of shares in one or more series and may authorize the directors to fix the number of shares in each series and to determine the designation, rights, privileges, restrictions and conditions attaching to the shares of each series, subject to the limitations set out in the articles.
- (2) If any cumulative dividends or amounts payable on return of capital in respect of a series of shares are not paid in full, the shares of all series of the same class participate rateably in respect of accumulated dividends and return of capital.
 - (3) No rights, privileges, restrictions or conditions attached to a series of shares authorized under this section shall confer on a series a priority in respect of voting, dividends or return of capital over any other series of shares of the same class that are then outstanding.

- (4) Subsection (3) does not apply to a right or privilege to exchange a share or shares for, or to convert a share or shares into, a share or shares of another class.
 - (5) Before the issue of shares of a series authorized under this section, the directors shall send to the Registrar articles of amendment in the prescribed form to designate a series of shares.
 - (6) On receipt of articles of amendment designating a series of shares, the Registrar shall issue a certificate of amendment in accordance with section 255.
 - (7) The articles of the corporation are amended accordingly on the date shown in the certificate of amendment.
- 28
- (1) If the articles or a unanimous shareholder agreement so provides, no shares of a class shall be issued unless the shares have first been offered to the shareholders holding shares of that class, and those shareholders have a pre-emptive right to acquire the offered shares in proportion to their holdings of the shares of that class, at the same price and on the same terms as those shares are to be offered to others.
 - (2) Notwithstanding that the articles provide the pre-emptive right referred to in subsection (1), shareholders have no pre-emptive right in respect of shares to be issued
 - (a) for a consideration other than money,
 - (b) as a share dividend, or
 - (c) pursuant to the exercise of conversion privileges, options or rights previously granted by the corporation.
- 29
- (1) A corporation may issue certificates, warrants or other evidences of conversion privileges, options or rights to acquire securities of the corporation, and shall set out their conditions
 - (a) in the certificates, warrants or other evidences, or
 - (b) in certificates evidencing the securities to which the conversion privileges, options or rights are attached.
 - (2) Conversion privileges, options and rights to purchase securities of a corporation may be made transferable or non-transferable, and options and rights to purchase may be made separable or inseparable from any securities to which they are attached.

- (3) If a corporation has granted privileges to convert any securities issued by the corporation into shares, or into shares of another class or series, or has issued or granted options or rights to acquire shares, the corporation shall reserve and continue to reserve sufficient authorized shares to meet the exercise of those conversion privileges, options and rights.
- 30
- (1) Except as provided in subsection (2) and sections 31 to 34, a corporation
 - (a) shall not hold shares in itself or in its holding body corporate, and
 - (b) shall not permit any of its subsidiary bodies corporate to acquire shares of the corporation.
 - (2) Not more than 1% of the issued shares of each class of shares of a holding body corporate may be held by all the subsidiaries of the holding body corporate.
 - (3) Subject to subsections (2) and (4), a corporation shall cause a subsidiary body corporate of the corporation that holds shares of the corporation to sell or otherwise dispose of those shares within 5 years from the date
 - (a) the body corporate became a subsidiary of the corporation, or
 - (b) the corporation was continued under this Act.
 - (4) Subsection (3) does not apply to shares acquired by the subsidiary body corporate before the commencement of this Act.
- 31
- (1) A corporation may in the capacity of a legal representative hold shares in itself or in its holding body corporate unless it or the holding body corporate or a subsidiary of either of them has a beneficial interest in the shares.
 - (2) A corporation may hold shares in itself or in its holding body corporate by way of security for the purposes of a transaction entered into by it in the ordinary course of a business that includes the lending of money.

- (3) A corporation holding shares in itself or in its holding body corporate shall not vote or permit those shares to be voted unless the corporation
- (a) holds the shares in the capacity of a legal representative, and
 - (b) has complied with section 147.
- 32 (1) Subject to subsection (2) and to its articles, a corporation may purchase or otherwise acquire shares issued by it.
- (2) A corporation shall not make any payment to purchase or otherwise acquire shares issued by it if there are reasonable grounds for believing that
- (a) the corporation is, or would after the payment be, unable to pay its liabilities as they become due, or
 - (b) the realizable value of the corporation's assets would after the payment be less than the aggregate of its liabilities and stated capital of all classes.
- (3) Subject to any unanimous shareholder agreement, a corporation that is not a distributing corporation shall, within 30 days of the purchase of any of its issued shares, notify its shareholders in accordance with section 246
- (a) of the number of shares it has purchased,
 - (b) of the names of the shareholders from whom it has purchased the shares,
 - (c) of the price paid for the shares,
 - (d) if the consideration was other than cash, of the nature of the consideration given and the value attributed to it, and
 - (e) of the balance, if any, remaining due to shareholders or to the shareholder from whom it purchased the shares.
- (4) Subject to any unanimous shareholder agreement, a shareholder of a corporation other than a distributing corporation is entitled on request and without charge to a copy of the agreement between the corporation and any of its other shareholders under which the corporation has agreed to purchase, or has purchased, any of its own shares.

- 33 (1) Notwithstanding subsection 32(2), a corporation may, subject to subsection (3) and to its articles, purchase or otherwise acquire shares issued by it to
- (a) settle or compromise a debt or claim asserted by or against the corporation,
 - (b) eliminate fractional shares, or
 - (c) fulfil the terms of a non-assignable agreement under which the corporation has an option or is obliged to purchase shares owned by a director, an officer or an employee of the corporation.
- (2) Notwithstanding subsection 32(2), a corporation may purchase or otherwise acquire shares issued by it to
- (a) satisfy the claim of a shareholder who dissents under section 184, or
 - (b) comply with an order under section 234.
- (3) A corporation shall not make any payment to purchase or acquire under subsection (1) shares issued by it if there are reasonable grounds for believing that
- (a) the corporation is, or would after the payment be, unable to pay its liabilities as they become due, or
 - (b) the realizable value of the corporation's assets would after the payment be less than the aggregate of its liabilities and the amounts required for payment on a redemption or in a liquidation of all shares the holders of which have the right to be paid prior to the holders of the shares to be purchased or acquired.
- 34 (1) Notwithstanding subsection 32(2) or 33(3), a corporation may, subject to subsection (2) and to its articles, purchase or redeem any redeemable shares issued by it at prices not exceeding the redemption price of those shares stated in the articles or calculated according to a formula stated in the articles.
- (2) A corporation shall not make any payment to purchase or redeem any redeemable shares issued by it if there are reasonable grounds for believing that
- (a) the corporation is, or would after the payment be, unable to pay its liabilities as they become due, or

- (b) the realizable value of the corporation's assets would after the payment be less than the aggregate of
 - (i) its liabilities, and
 - (ii) the amount that would be required to pay the holders of shares that have a right to be paid, on a redemption or in a liquidation, rateably with or prior to the holders of the shares to be purchased or redeemed.

- 35 (1) A corporation may accept from any shareholder a share of the corporation
 - (a) that is surrendered to it as a gift, or
 - (b) that has been held in escrow pursuant to an escrow agreement required by the Registrar of Securities of a Territory or a Province or by a Provincial Securities Commission and that is surrendered pursuant to that agreement.

- (2) The corporation may not extinguish or reduce a liability in respect of an amount unpaid on a share surrendered under paragraph (1)(a) except in accordance with section 36.

- 36 (1) Subject to subsection (3), a corporation may by special resolution reduce its stated capital for any purpose including, without limiting the generality of the foregoing, the purpose of
 - (a) extinguishing or reducing a liability in respect of an amount unpaid on any share,
 - (b) distributing to the holders of the issued shares of any class or series of shares an amount not exceeding the stated capital of the class or series, and
 - (c) declaring its stated capital to be reduced by an amount that is not represented by realizable assets.

- (2) A special resolution under this section shall specify the capital account or accounts from which the reduction of stated capital effected by the special resolution is to be deducted.

- (3) A corporation shall not reduce its stated capital for any purpose other than the purpose mentioned in paragraph (1)(c), if there are reasonable grounds for believing that
 - (a) the corporation is, or would after the reduction be, unable to pay its liabilities as they become due, or
 - (b) the realizable value of the corporation's assets would thereby be less than the aggregate of its liabilities.

- (4) A creditor of a corporation is entitled to apply to the Court for an order compelling a shareholder or other recipient
 - (a) to pay to the corporation an amount equal to any liability of the shareholder that was extinguished or reduced contrary to this section, or
 - (b) to pay or deliver to the corporation any money or property that was paid or distributed to the shareholder or other recipient as a consequence of a reduction of capital made contrary to this section.
 - (5) An action to enforce a liability imposed by this section may not be commenced after two years from the date of the action complained of.
 - (6) This section does not affect any liability that arises under section 113.
- 37
- (1) On a purchase, redemption or other acquisition by a corporation under section 32, 33, 34 or 184, or paragraph 234(3)(g) of shares or fractions of shares issued by it, the corporation shall deduct from the stated capital account maintained for the class or series of shares purchased, redeemed or otherwise acquired an amount equal to the result obtained by multiplying the stated capital of the shares of that class or series by the number of shares or fractions of shares of that class or series purchased, redeemed or otherwise acquired, divided by the number of issued shares of that class or series immediately before the purchase, redemption or other acquisition.
 - (2) A corporation shall deduct the amount of a payment made by the corporation to a shareholder under paragraph 234(3)(h) from the stated capital account maintained for the class or series of shares in respect of which the payment was made.
 - (3) A corporation shall adjust its stated capital account or accounts in accordance with a special resolution referred to in subsection 36(2).

- (4) On a conversion or a change under section 167, 185, 186 or 234 of issued shares of a corporation into shares of another class or series, the corporation shall
- (a) deduct from the stated capital account maintained for the class or series of shares converted or changed an amount equal to the result obtained by multiplying the stated capital of the shares of that class or series by the number of shares of that class or series converted or changed, divided by the number of issued shares of that class or series immediately before the conversion or change, and
 - (b) add the result obtained under paragraph (a) and any additional consideration pursuant to the conversion or change to the stated capital account maintained or to be maintained for the class or series of shares into which the shares have been converted or changed.
- (5) For the purposes of subsection (4) and subject to its articles, if a corporation issues two classes of shares and there is attached to each class a right to convert a share of the one class into a share of the other class and a share of one class is converted into a share of the other class, the amount of stated capital attributable to a share in either class is the aggregate of the stated capital of both classes divided by the number of issued shares of both classes immediately before the conversion.
- (6) Shares or fractions of shares issued by a corporation and purchased, redeemed or otherwise acquired by it shall either be cancelled or restored to the status of authorized but unissued shares.
- (7) For the purposes of this section, a corporation holding shares in itself as permitted by subsections 31(1) and (2) is deemed not to have purchased, redeemed or otherwise acquired those shares.
- (8) Shares issued by a corporation and converted pursuant to their terms or changed under section 167, 185, 186 or 234 into shares of another class or series shall become issued shares of the class or series of shares into which the shares have been converted or changed.

- (9) If issued shares of a class or series have become, pursuant to subsection (8), issued shares of another class or series, the number of unissued shares of the first-mentioned class or series shall, unless the articles of amendment or reorganization otherwise provide, be increased by the number of shares that, pursuant to subsection (8), became shares of another class or series.
- 37.1 (1) Debt obligations issued, pledged, hypothecated or deposited by a corporation are not redeemed by reason only that the indebtedness evidenced by the debt obligations or in respect of which the debt obligations are issued, pledged, hypothecated or deposited is repaid and those obligations remain obligations of the corporation until they are discharged.
- (2) Debt obligations issued by a corporation and purchased, redeemed or otherwise acquired by it may be cancelled or, subject to any applicable trust indenture or other agreement, may be reissued, pledged or hypothecated to secure any obligation of the corporation then existing or thereafter incurred, and any such acquisition and reissue, pledge or hypothecation is not a cancellation of the debt obligations.
- 38 (1) A contract with a corporation providing for the purchase by it of shares of the corporation is specifically enforceable against the corporation except to the extent that the corporation cannot perform the contract without being in breach of section 32 or 33.
- (2) In an action brought on a contract referred to in subsection (1), the corporation has the burden of proving that performance of the contract is prevented by section 32 or 33.
- (3) Until the corporation has fully performed a contract referred to in subsection (1), the other party to that contract retains the status of a claimant and is entitled to be paid as soon as the corporation is lawfully able to do so or, in liquidation, to be ranked subordinate to the rights of creditors and to the rights of any class of shareholders whose rights were in priority to the rights given to the class of shares which he contracted to sell to the corporation, but in priority to the rights of the other shareholders.

- 39 (1) The directors may authorize the corporation to pay a reasonable commission to any person in consideration of his purchasing or agreeing to purchase shares of the corporation from the corporation or from any other person, or procuring or agreeing to procure purchasers for shares of the corporation.
- 40 (1) A corporation shall not declare or pay a dividend if there are reasonable grounds for believing that
- (a) the corporation is, or would after the payment be, unable to pay its liabilities as they become due, or
 - (b) the realizable value of the corporation's assets would thereby be less than the aggregate of its liabilities and stated capital of all classes.
- 41 (1) A corporation may pay a dividend by issuing fully paid shares of the corporation and, subject to section 40, a corporation may pay a dividend in money or property.
- (2) If shares of a corporation are issued in payment of a dividend, the declared amount of the dividend stated as an amount of money shall be added to the stated capital account maintained or to be maintained for the shares of the class or series issued in payment of the dividend.
- 42 (1) Except as permitted under subsection (2), a corporation shall not, directly or indirectly, give financial assistance by means of a loan, guarantee or otherwise
- (a) to a shareholder or director of the corporation or of an affiliated corporation,
 - (b) to an associate of a shareholder or director of the corporation or of an affiliated corporation, or
 - (c) to any person for the purpose of or in connection with a purchase of a share issued or to be issued by the corporation or an affiliated corporation,
- if there are reasonable grounds for believing that
- (d) the corporation is, or after giving the financial assistance would be, unable to pay its liabilities as they become due, or

- (e) the realizable value of the corporation's assets, excluding the amount of any financial assistance in the form of a loan or in the form of assets pledged or encumbered to secure a guarantee, after giving the financial assistance, would be less than the aggregate of the corporation's liabilities and stated capital of all classes.
- (2) A corporation may give financial assistance by means of a loan, guarantee or otherwise
- (a) to any person in the ordinary course of business if the lending of money is part of the ordinary business of the corporation,
 - (b) to any person on account of expenditures incurred or to be incurred on behalf of the corporation,
 - (c) to a holding body corporate if the corporation is a wholly owned subsidiary of the holding body corporate,
 - (d) to a subsidiary body corporate of the corporation, or
 - (e) to employees of the corporation or any of its affiliates
 - (i) to enable or assist them to purchase or erect living accommodation for their own occupation, or
 - (ii) in accordance with a plan for the purchase of shares of the corporation or any of its affiliates to be held by a trustee.
- (3) A contract made by a corporation in contravention of this section may be enforced by the corporation or by a lender for value in good faith without notice of the contravention.
- (4) Unless disclosure is otherwise made by a corporation, a financial statement referred to in paragraph 149(1)(a) shall contain the following information with respect to each case in which financial assistance is given by the corporation by way of loan, guarantee or otherwise, whether in contravention of this section or not, to any of the persons referred to in paragraph (1)(a), (b) or (c), if the financial assistance was given during the financial year or period to which the statement relates or remains outstanding at the end of that financial year or period:
- (a) the identity of the person to whom the financial assistance was given;
 - (b) the nature of the financial assistance given;

- (c) the terms on which the financial assistance was given;
 - (d) the amount of the financial assistance initially given and the amount, if any, outstanding.
- 43 (1) The shareholders of a corporation are not, as shareholders, liable for any liability, act or default of the corporation except under subsection 36(4), 113(6), 140(7) or 219(4).
- (2) Subject to subsections 45(8) and (9.1), the articles may provide that the corporation has a lien on a share registered in the name of a shareholder or his legal representative for a debt of that shareholder to the corporation, including an amount unpaid in respect of a share issued by a body corporate on the date it was continued under this Act.
- (3) A corporation may enforce a lien referred to in subsection (2) in accordance with its by-laws.
- (4) Except as provided in subsection 36(1), a shareholder of a Yukon company continued under section 4.2, remains liable for any amount unpaid in respect of an issued share and the corporation may call in and by notice in writing demand from a shareholder the whole or any part of the amount unpaid on a share and if the call is not paid in accordance with the demand, the corporation may forfeit any share on which the call is not paid.

PART 6

SECURITY CERTIFICATES, REGISTERS AND TRANSFERS

Division 1

Interpretation and General

- 44 (1) The transfer or transmission of a security shall be governed by this Part.

(2) In this Part,

"adverse claim" includes a claim that a transfer was or would be wrongful or that a particular adverse person is the owner of or has an interest in the security;

"bearer" means the person in possession of a security payable to bearer or endorsed in blank;

"bona fide purchaser" means a purchaser for value in good faith and without notice of any adverse claim who takes delivery of a security in bearer form or order form or of a security in registered form

- (a) issued to him, or
- (b) endorsed to him or endorsed in blank by an appropriate person as defined in section 61;

"broker" means a person who is engaged for all or part of his time in the business of buying and selling securities and who, in the transaction concerned, acts for, or buys a security from, or sells a security to, a customer;

"delivery" means voluntary transfer of possession;

"fiduciary" means

- (a) a trustee, guardian, committee, curator or tutor,
- (b) an executor, administrator or representative of a deceased person, and
- (c) any other person acting in a fiduciary capacity;

"fungible" means, in relation to securities, securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit;

"genuine" means free of forgery or counterfeiting;

"good faith" means honesty in fact in the conduct of the transaction concerned;

"holder" means a person in possession of a security issued or endorsed to him or to bearer or in blank;

"issuer" includes a corporation

- (a) that is required by this Act to maintain a securities register, or
- (b) that directly or indirectly creates fractional interests in its rights or property and that issues securities as evidence of those fractional interests;

"overissue" means the issue of securities in excess of any maximum number of securities that the issuer is authorized by its articles or a trust indenture to issue;

"purchaser" means a person who takes by sale, mortgage, hypothec, pledge, issue, reissue, gift or any other voluntary transaction creating an interest in a security;

"security" or "security certificate" means an instrument issued by a corporation that is

- (a) in bearer, order or registered form,
- (b) of a type commonly dealt in on securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment,
- (c) one of a class or series or by its terms divisible into a class or series of instruments, and
- (d) evidence of a share, participation or other interest in or obligation of a corporation;

"transfer" includes transmission by operation of law;

"trust indenture" means a trust indenture as defined in section 77;

"unauthorized" in relation to a signature or an endorsement means one made without actual, implied or apparent authority and includes a forgery;

"valid" means issued in accordance with the applicable law and the articles of the issuer or validated under section 48.

- (3) A security is a negotiable instrument except when
 - (a) its transfer is restricted and noted on the security in accordance with subsection 45(8) or (9.1), or
 - (b) it is stated conspicuously on the security certificate that it is non-negotiable.

 - (4) A security is in registered form if
 - (a) it specifies a person entitled to the security or to the rights it evidences, and
 - (b) either its transfer is capable of being recorded in a securities register or the security so states.

 - (5) A debt obligation is in order form if by its terms it is payable to the order or assigns of any person specified in it with reasonable certainty or to him or his order.

 - (6) A security is in bearer form if it is payable to bearer according to its terms and not by reason of any endorsement.

 - (7) A guarantor for an issuer is deemed to be an issuer to the extent of his guarantee whether or not his obligation is noted on the security.
- 45
- (1) A security holder is entitled at his option to a security certificate that complies with this Act or a non-transferable written acknowledgment of his right to obtain a security certificate from a corporation in respect of the securities of that corporation held by him.

 - (2) A corporation may charge a reasonable fee for a security certificate issued in respect of a transfer.

 - (3) A corporation is not required to issue more than one security certificate in respect of securities held jointly by several persons, and delivery of a certificate to one of several joint holders is sufficient delivery to all.

 - (4) A security certificate shall be signed manually by at least one director or officer of the corporation or by or on behalf of a registrar, transfer agent or branch transfer agent of the

corporation, or by a trustee who certifies it in accordance with a trust indenture, and any additional signatures required on a security certificate may be printed or otherwise mechanically reproduced on it.

- (5) Notwithstanding subsection (4), a manual signature is not required on
 - (a) a security certificate representing
 - (i) a fractional share, or
 - (ii) an option or a right to acquire a security, or
 - (b) a scrip certificate.
- (6) If a security certificate contains a printed or mechanically reproduced signature of a person, the corporation may issue the security certificate, notwithstanding that the person has ceased to be a director or an officer of the corporation, and the security certificate is as valid as if he were a director or an officer at the date of its issue.
- (7) There shall be stated on the face of each share certificate issued by a corporation
 - (a) the name of the corporation,
 - (b) the words "Incorporated under the Business Corporations Act",
 - (c) the name of the person to whom it was issued, and
 - (d) the number and class of shares and the designation of any series that the certificate represents.
- (8) If a security certificate issued by a corporation or by a body corporate before the body corporate was continued under this Act is or becomes subject to
 - (a) a restriction on its transfer other than a constraint under section 168, or
 - (b) a lien in favour of the corporation,

the restriction or lien is ineffective against a transferee of the security who has no actual knowledge of it unless

- (c) it or a reference to it is noted conspicuously on the security certificate,
- (d) the security certificate contains a conspicuous statement that it is non-negotiable, or

- (e) the transferee is not
 - (i) a bona fide purchaser, or
 - (ii) a purchaser against whom the owner of the security may not assert the ineffectiveness of an endorsement under section 64.

- (9) A distributing corporation shall not restrict the transfer of its shares except by way of a constraint permitted under section 168.

- (9.1) Where a Yukon company continued under section 4.2 has outstanding security certificates, and the words "private company" appear on the certificates, those words are deemed to be a notice of a restriction, lien, agreement or endorsement for the purposes of subsection (8).

- (10) There shall be stated legibly on a share certificate issued by a corporation that is authorized to issue shares of more than one class or series
 - (a) the rights, privileges, restrictions and conditions attached to the shares of each class and series that exists when the share certificate is issued, or
 - (b) that the class or series of shares that it represents has rights, privileges, restrictions or conditions attached to it and that the corporation will furnish to a shareholder, on demand and without charge, a full copy of the text of
 - (i) the rights, privileges, restrictions and conditions attached to each class authorized to be issued and to each series in so far as they have been fixed by the directors, and
 - (ii) the authority of the directors to fix the rights, privileges, restrictions and conditions of subsequent series.

- (11) If a share certificate issued by a corporation contains the statement mentioned in paragraph (10)(b), the corporation shall furnish to a shareholder on demand and without charge a full copy of the text of
 - (a) the rights, privileges, restrictions and conditions attached to each class authorized to be issued and to each series in so far as they have been fixed by the directors, and
 - (b) the authority of the directors to fix the rights, privileges, restrictions and conditions of subsequent series.

- (12) A corporation may issue a certificate for a fractional share or may issue in its place scrip certificates in a form that entitles the holder to receive a certificate for a full share by exchanging scrip certificates aggregating a full share.
- (13) The directors may attach conditions to any scrip certificates issued by a corporation, including conditions that
- (a) the scrip certificates become void if they are not exchanged for a share certificate representing a full share before a specified date, and
 - (b) any shares for which those scrip certificates are exchangeable may, notwithstanding any pre-emptive right, be issued by the corporation to any person and the proceeds of those shares distributed rateably to the holders of the scrip certificates.
- (14) A holder of a fractional share issued by a corporation is not entitled to exercise voting rights or to receive a dividend in respect of the fractional share, unless
- (a) the fractional share results from a consolidation of shares, or
 - (b) the articles of the corporation otherwise provide.
- (15) A holder of a scrip certificate is not entitled to exercise voting rights or to receive a dividend in respect of the scrip certificate.
- 46 (1) A corporation shall maintain a securities register in which it records the securities issued by it in registered form, showing with respect to each class or series of securities
- (a) the names, alphabetically arranged, and the latest known address of each person who is or has been a security holder,
 - (b) the number of securities held by each security holder, and
 - (c) the date and particulars of the issue and transfer of each security.
- (2) A corporation may appoint
- (a) an agent to maintain a central securities register or registers, and
 - (b) an agent or agents to maintain a branch securities register or registers.

- (3) Registration of the issue or transfer of a security in the central securities register or in a branch securities register is complete and valid registration for all purposes.
 - (4) A branch securities register shall contain particulars of securities issued or transferred at that branch.
 - (5) Particulars of each issue or transfer of a security registered in a branch securities register shall also be kept in the corresponding central securities register.
 - (6) Neither a corporation, nor its agent nor a trustee defined in subsection 77(1) is required to produce
 - (a) a cancelled security certificate in registered form, an instrument referred to in subsection 29(1) that is cancelled or a like cancelled instrument in registered form 6 years after the date of its cancellation,
 - (b) a cancelled security certificate in bearer form or an instrument referred to in subsection 29(1) that is cancelled or a like cancelled instrument in bearer form after the date of its cancellation, or
 - (c) an instrument referred to in subsection 29(1) or a like instrument, irrespective of its form, after the date of its expiry.
- 47 (1) A corporation or a trustee as defined in subsection 77(1) may, subject to sections 128, 129 and 132, treat the registered owner of a security as the person exclusively entitled to vote, to receive notices, to receive any interest, dividend or other payments in respect of the security, and otherwise to exercise all the rights and powers of an owner of the security.
- (2) Notwithstanding subsection (1), but subject to a unanimous shareholder agreement, a corporation whose articles restrict the right to transfer its securities shall, and any other corporation may, treat a person as a registered security holder entitled to exercise all the rights of the security holder he represents if that person furnishes evidence as described in subsection 72(4) to the corporation that he is
 - (a) the executor, administrator, heir or legal representative of the heirs of the estate of a deceased security holder,

- (b) a guardian, committee, trustee, curator or tutor representing a registered security holder who is an infant, an incompetent person or a missing person, or
 - (c) a liquidator of, or a trustee in bankruptcy for, a registered security holder.
- (3) If a person on whom the ownership of a security devolves by operation of law, other than a person described in subsection (2), furnishes proof of his authority to exercise rights or privileges in respect of a security of the corporation that is not registered in his name, the corporation shall treat that person as entitled to exercise those rights or privileges.
- (4) A corporation is not required to inquire into the existence of, or see to the performance or observance of, any duty owed to a third person by a registered holder of any of its securities or by anyone whom it treats, as permitted or required by this section, as the owner or registered holder of the securities.
- (5) If an infant exercises any rights of ownership in the securities of a corporation, no subsequent repudiation or avoidance is effective against the corporation.
- (6) A corporation shall treat as owner of a security the survivors of persons to whom the security was issued if
- (a) it receives proof satisfactory to it of the death of any joint holder of the security, and
 - (b) the security provides that the persons to whom the security was issued are joint holders with right of survivorship.
- (7) Subject to any applicable law relating to the collection of taxes, a person referred to in paragraph (2)(a) is entitled to become a registered holder or to designate a registered holder, if he deposits with the corporation or its transfer agent
- (a) the original grant of probate or of letters of administration, or a copy of it certified to be a true copy by
 - (i) the court that granted the probate or letters of administration,
 - (ii) a trust company incorporated under the laws of Canada or a province, or

(iii) a lawyer or notary acting on behalf of the person referred to in paragraph (2)(a),

or

(b) in the case of transmission by notarial will in the Province of Quebec, a copy of the will authenticated pursuant to the laws of that province,

together with

(c) an affidavit, statutory declaration or declaration of transmission made by a person referred to in paragraph (2)(a), stating the particulars of the transmission, and

(d) the security certificate that was owned by the deceased holder

(i) in the case of a transfer to a person referred to in paragraph (2)(a), with or without the endorsement of that person, and

(ii) in the case of a transfer to any other person, endorsed in accordance with section 61,

and accompanied by any assurance the corporation may require under section 72.

(8) Notwithstanding subsection (7), if the laws of the jurisdiction governing the transmission of a security of a deceased holder do not require a grant of probate or of letters of administration in respect of the transmission, a legal representative of the deceased holder is entitled, subject to any applicable law relating to the collection of taxes, to become a registered holder or to designate a registered holder, if he deposits with the corporation or its transfer agent

(a) the security certificate that was owned by the deceased holder, and

(b) reasonable proof of the governing laws, of the deceased holder's interest in the security and of the right of the legal representative or the person he designates to become the registered holder.

- (9) Deposit of the documents required by subsection (7) or (8) empowers a corporation or its transfer agent to record in a securities register the transmission of a security from the deceased holder to a person referred to in paragraph (2)(a) or to any person that the person referred to in paragraph (2)(a) may designate and, thereafter, to treat the person who thus becomes a registered holder as the owner of the security.
- 48 (1) The provisions of this Part that validate a security or compel its issue or reissue do not apply to the extent that validation, issue or reissue would result in overissue, but
- (a) if a valid security, similar in all respects to the security involved in the overissue, is reasonably available for purchase, the person entitled to the validation or issue may compel the issuer to purchase and deliver such a security to him against surrender of the security that he holds, or
 - (b) if a valid security, similar in all respects to the security involved in the overissue, is not reasonably available for purchase, the person entitled to the validation or issue may recover from the issuer an amount equal to the price the last purchaser for value paid for the invalid security.
- (2) When an issuer subsequently amends its articles, or a trust indenture to which it is a party, to increase its authorized securities to a number equal to or in excess of the number of securities previously authorized plus the amount of the securities overissued, the securities so overissued are valid from the date of their issue.
- (3) Subsection (2) does not apply if the issuer has purchased and delivered a security in accordance with paragraph (1)(a) or paid the amount referred to in paragraph (1)(b).
- (4) A purchase or payment by an issuer under subsection (1) is not a purchase or payment to which section 32, 33, 34 or 37 applies.
- 49 (1) In an action on a security,
- (a) unless specifically denied in the pleadings, each signature on the security or in a necessary endorsement is admitted,

- (b) a signature on the security is presumed to be genuine and authorized but, if the effectiveness of the signature is put in issue, the burden of establishing that it is genuine and authorized is on the party claiming under the signature,
 - (c) if a signature is admitted or established, production of the instrument entitles a holder to recover on it unless the defendant establishes a defence or a defect going to the validity of the security, and
 - (d) if the defendant establishes that a defence or defect exists, the plaintiff has the burden of establishing that the defence or defect is ineffective against him or some person under whom he claims.
- 50 (1) Unless otherwise agreed, and subject to any applicable law, regulation or stock exchange rule, a person required to deliver securities may deliver any security of the specified issue in bearer form or registered in the name of the transferee or endorsed to him or in blank.

Division 2

Issue - Issuer

- 51 (1) Even against a purchaser for value and without notice of a defect going to the validity of a security, the terms of the security include those stated on the security and those incorporated in it by reference to another instrument, statute, rule, regulation or order to the extent that the terms so referenced do not conflict with the stated terms, but such a reference is not of itself notice to a purchaser for value of a defect going to the validity of the security, notwithstanding that the security expressly states that a person accepting it admits such notice.
- (2) A security is valid in the hands of a purchaser for value without notice of any defect going to its validity.
- (3) Except as provided in section 53, the fact that a security is not genuine is a complete defence even against a purchaser for value and without notice.

- (4) All other defences of an issuer, including non-delivery and conditional delivery of a security, are ineffective against a purchaser for value without notice of the particular defence.
- 52 (1) After an event that creates a right to immediate performance of the principal obligation evidenced by a security, or that sets a date on or after which a security is to be presented or surrendered for redemption or exchange, a purchaser is deemed to have notice of any defect in its issue or of any defence of the issuer,
- (a) if the event requires the payment of money or the delivery of securities, or both, on presentation or surrender of the security, and such funds or securities are available on the date set for payment or exchange, and the purchaser takes the security more than one year after that date, or
 - (b) if the purchaser takes the security more than two years after the date set for surrender or presentation or the date on which such performance became due.
- 53 (1) An unauthorized signature on a security before or in the course of issue is ineffective, except that the signature is effective in favour of a purchaser for value and without notice of the lack of authority, if the signing has been done by
- (a) an authenticating trustee, registrar, transfer agent or other person entrusted by the issuer with the signing of the security, or of similar securities, or their immediate preparation for signing, or
 - (b) an employee of the issuer or of a person referred to in paragraph (a) who in the ordinary course of his duties handles the security.
- 54 (1) If a security contains the signatures necessary to its issue or transfer but is incomplete in any other respect,
- (a) any person may complete it by filling in the blanks in accordance with his authority, and
 - (b) notwithstanding that the blanks are incorrectly filled in, the security as completed is enforceable by a purchaser who took it for value and without notice of the incorrectness.

- (2) A completed security that has been improperly altered, even if fraudulently altered, remains enforceable, but only according to its original terms.
- 55
- (1) A person signing a security as authenticating trustee, registrar, transfer agent or other person entrusted by the issuer with the signing of the security, warrants to a purchaser for value without notice that
 - (a) the security is genuine,
 - (b) his acts in connection with the issue of the security are within his authority, and
 - (c) he has reasonable grounds for believing that the security is in the form and within the amount the issuer is authorized to issue.
 - (2) Unless otherwise agreed, a person referred to in subsection (1) does not assume any further liability for the validity of a security.

Division 3

Purchase

- 56
- (1) On delivery of a security, the purchaser acquires the rights in the security that his transferor had or had authority to convey, except that a purchaser who has been a party to any fraud or illegality affecting the security or who as a prior holder had notice of an adverse claim does not improve his position by taking from a later bona fide purchaser.
 - (2) A bona fide purchaser, in addition to acquiring the rights of a purchaser, also acquires the security free from any adverse claim.
 - (3) A purchaser of a limited interest acquires rights only to the extent of the interest purchased.
 - (4) Nothing in subsection (2) confers any rights on a purchaser unless all necessary endorsements are made by an appropriate person as defined in section 61.

- 57 (1) A purchaser of a security, or any broker for a seller or purchaser, is deemed to have notice of all adverse claims if
- (a) the security, whether in bearer or registered form, has been endorsed "for collection" or "for surrender" or for some other purpose not involving transfer, or
 - (b) the security is in bearer form and has on it a statement that it is the property of a person other than the transferor, except that the mere writing of a name on a security is not such a statement.
- (2) Notwithstanding that a purchaser or any broker for a seller or purchaser has notice that a security is held for a third person or is registered in the name of or endorsed by a fiduciary, he has no duty to inquire into the rightfulness of the transfer and has no notice of an adverse claim, except that if a purchaser knows that the consideration is to be used for, or that the transaction is for, the personal benefit of the fiduciary or is otherwise in breach of the fiduciary's duty, the purchaser is deemed to have notice of an adverse claim.
- 58 (1) An event that creates a right to immediate performance of the principal obligation evidenced by a security or that sets a date on or after which the security is to be presented or surrendered for redemption or exchange is not of itself notice of an adverse claim, except in the case of a purchase
- (a) after one year from any date set for such presentation or surrender for redemption or exchange, or
 - (b) after six months from any date set for payment of money against presentation or surrender of the security if funds are available for payment on that date.
- 59 (1) A person who presents a security for registration of transfer or for payment or exchange warrants to the issuer that he is entitled to the registration, payment or exchange, except that a purchaser for value without notice of an adverse claim who receives a new, reissued or re-registered security on registration of transfer warrants only that he has no knowledge of any unauthorized signature in a necessary endorsement.

- (2) A person by transferring a security to a purchaser for value warrants only that
 - (a) the transfer is effective and rightful,
 - (b) the security is genuine and has not been materially altered, and
 - (c) he knows of nothing that might impair the validity of the security.

- (3) If a security is delivered by an intermediary known by the purchaser to be entrusted with delivery of the security on behalf of another or with collection of a draft or other claim to be collected against such delivery, the intermediary by such delivery warrants only his own good faith and authority even if he has purchased or made advances against the draft or other claim to be collected against the delivery.

- (4) A pledgee or other holder for purposes of security who redelivers a security received, or after payment and on order of the debtor delivers that security to a third person, gives only the warranties of an intermediary under subsection (3).

- (5) A broker gives
 - (a) to his customer and to a purchaser the warranties provided in subsection (2), and
 - (b) to the issuer the warranties provided in subsection (1).

- (6) A broker has the rights and privileges of a purchaser under this section.

- (7) The warranties of and in favour of a broker acting as an agent are in addition to warranties given by his customer and warranties given in favour of his customer.

- 60 (1) If a security in registered form is delivered to a purchaser without a necessary endorsement, he may become a bona fide purchaser only as of the time the endorsement is supplied, but against the transferor the transfer is complete on delivery and the purchaser has a specifically enforceable right to have any necessary endorsement supplied.

- 61 (1) In this section, "appropriate person" means
- (a) the person specified by the security or by special endorsement to be entitled to the security,
 - (b) if a person described in paragraph (a) is described as a fiduciary but is no longer serving in the described capacity, either that person or his successor,
 - (c) if the security or endorsement mentioned in paragraph (a) specifies more than one person as fiduciaries and one or more are no longer serving in the described capacity, the remaining fiduciary or fiduciaries, whether or not a successor has been appointed or qualified,
 - (d) if a person described in paragraph (a) is an individual and is without capacity to act by reason of death, incompetence, minority, or otherwise, his fiduciary,
 - (e) if the security or endorsement mentioned in paragraph (a) specifies more than one person with right of survivorship and by reason of death all cannot sign, the survivor or survivors,
 - (f) a person having power to sign under applicable law or a power of attorney, or
 - (g) to the extent that a person described in paragraphs (a) to (f) may act through an agent, his authorized agent.
- (2) Whether the person signing is an appropriate person is determined as of the time of signing and an endorsement by such a person does not become unauthorized for the purposes of this Part by reason of any subsequent change of circumstances.
- (3) An endorsement of a security in registered form is made when an appropriate person signs, either on the security or on a separate document, an assignment or transfer of the security or a power to assign or transfer it, or when the signature of an appropriate person is written without more on the back of the security.
- (4) An endorsement may be special or in blank.
- (5) An endorsement in blank includes an endorsement to bearer.
- (6) A special endorsement specifies the person to whom the security is to be transferred, or who has power to transfer it.

- (7) A holder may convert an endorsement in blank into a special endorsement.
 - (8) Unless otherwise agreed, the endorser by his endorsement assumes no obligation that the security will be honoured by the issuer.
 - (9) An endorsement purporting to be only of part of a security representing units intended by the issuer to be separately transferable is effective to the extent of the endorsement.
 - (10) Failure of a fiduciary to comply with a controlling instrument or with the law of the jurisdiction governing the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of a transfer, does not render his endorsement unauthorized for the purposes of this Part.
- 62 (1) An endorsement of a security, whether special or in blank, does not constitute a transfer until delivery of the security on which it appears or, if the endorsement is on a separate document, until delivery of both the security and that document.
- 63 (1) An endorsement of a security in bearer form may give notice of an adverse claim under section 57 but does not otherwise affect any right to registration that the holder has.
- 64 (1) Unless the owner has ratified an unauthorized endorsement or is otherwise precluded from asserting its ineffectiveness, he may assert its ineffectiveness against the issuer or any purchaser, other than a purchaser for value and without notice of adverse claims, who has in good faith received a new, reissued or re-registered security on registration of transfer.
- 65 (1) A person who guarantees a signature of an endorser of a security warrants that at the time of signing
- (a) the signature was genuine,
 - (b) the signer was an appropriate person as defined in section 61 to endorse, and
 - (c) the signer had legal capacity to sign.
- (2) A person who guarantees a signature of an endorser does not otherwise warrant the rightfulness of the particular transfer.

- (3) A person who guarantees an endorsement of a security warrants both the signature and the rightfulness of the transfer in all respects, but an issuer may not require a guarantee of endorsement as a condition to registration of transfer.
- (4) The warranties referred to in this section are made to any person taking or dealing with the security relying on the guarantee and the guarantor is liable to that person for any loss resulting from breach of warranty.
- 66 (1) Delivery to a purchaser occurs when
- (a) he or a person designated by him acquires possession of a security,
 - (b) his broker acquires possession of a security specially endorsed to or issued in the name of the purchaser,
 - (c) his broker sends him confirmation of the purchase and the broker in his records identifies a specific security as belonging to the purchaser, or
 - (d) with respect to an identified security to be delivered while still in the possession of a third person, that person acknowledges that he holds it for the purchaser.
- (2) A purchaser is the owner of a security held for him by his broker, but a purchaser is not a holder except in the cases referred to in paragraphs (1)(b) and (c).
- (3) If a security is part of a fungible bulk a purchaser of the security is the owner of a proportionate interest in the fungible bulk.
- (4) Notice of an adverse claim received by a broker or by a purchaser after the broker takes delivery as a holder for value is not effective against the broker or the purchaser, except that, as between the broker and the purchaser, the purchaser may demand delivery of an equivalent security in relation to which no notice of an adverse claim has been received.

- 67 (1) Unless otherwise agreed, if a sale of a security is made on an exchange or otherwise through brokers,
- (a) the selling customer fulfils his duty to deliver when
 - (i) he delivers the security to the selling broker or to a person designated by the selling broker, or
 - (ii) he causes an acknowledgement to be made to the selling broker that the security is held for him,

and

 - (b) the selling broker, including a correspondent broker, acting for a selling customer fulfils his duty to deliver
 - (i) by delivering the security or a like security to the buying broker or to a person designated by the buying broker, or
 - (ii) by effecting clearance of the sale in accordance with the rules of the exchange on which the transaction took place.
- (2) Except as otherwise provided in this section and unless otherwise agreed, a transferor's duty to deliver a security under a contract of purchase is not fulfilled until he
- (a) delivers the security in negotiable form to a purchaser or to a person designated by the purchaser, or
 - (b) causes an acknowledgement to be made to the purchaser that the security is held for him.
- (3) A sale to a broker purchasing for his own account is subject to subsection (2) and not subsection (1), unless the sale is made on a stock exchange.
- 68 (1) A person against whom the transfer of a security is wrongful for any reason, including his incapacity but not including an unauthorized endorsement, may against any person except a bona fide purchaser reclaim possession of the security or obtain possession of any new security evidencing all or part of the same rights or claim damages.

- (2) If the transfer of a security is wrongful by reason of an unauthorized endorsement, the owner may reclaim possession of the security or obtain possession of a new security even from a purchaser for value and without notice of an adverse claim if the ineffectiveness of the purported endorsement may be asserted against such purchaser under section 64.
- (3) The right to reclaim possession of a security may be specifically enforced, its transfer may be restrained and the security may be impounded pending litigation.
- 69 (1) Unless otherwise agreed, a transferor shall on demand supply a purchaser with proof of his authority to transfer or with any other requisite that is necessary to obtain registration of the transfer of a security, but if the transfer is not for value a transferor need not do so unless the purchaser pays the reasonable and necessary costs of the proof and transfer.
- (2) If the transferor fails to comply with a demand under subsection (1) within a reasonable time, the purchaser may reject or rescind the transfer.
- 70 (1) No seizure of a security of a distributing corporation or other interest evidenced by a security is effective until the person making the seizure obtains possession of the security.
- 70.1 (1) An agent or bailee who in good faith, including observance of reasonable commercial standards if he is in the business of buying, selling or otherwise dealing with securities, has received securities and sold, pledged or delivered them according to the instructions of his principal is not liable for conversion or for participation in breach of fiduciary duty although the principal has no right to dispose of them.
- 71 (1) If a security in registered form is presented for registration of transfer, the issuer shall register the transfer if
- (a) the security is endorsed by an appropriate person, as defined in section 61,
 - (b) reasonable assurance is given that that endorsement is genuine and effective,
 - (c) the issuer has no duty to inquire into adverse claims or has discharged any such duty,

- (d) any applicable law relating to the collection of taxes has been complied with,
 - (e) the transfer is rightful or is to a bona fide purchaser, and
 - (f) any fee referred to in subsection 45(2) has been paid.
- (2) If an issuer has a duty to register a transfer of a security, the issuer is liable to the person presenting it for registration for loss resulting from any unreasonable delay in registration or from failure or refusal to register the transfer.
- 72 (1) An issuer may require an assurance that each necessary endorsement on a security is genuine and effective by requiring a guarantee of the signature of the person endorsing and by requiring
- (a) if the endorsement is by an agent, reasonable assurance of the agent's authority to sign,
 - (b) if the endorsement is by a fiduciary, evidence of his appointment or incumbency,
 - (c) if there is more than one fiduciary, reasonable assurance that all who are required to sign have done so, and
 - (d) in any other case, assurance that corresponds as closely as practicable to the foregoing.
- (2) In subsection (1), "guarantee of the signature" means a guarantee signed by or on behalf of a person reasonably believed by the issuer to be a responsible person.
- (3) An issuer may adopt reasonable standards to determine responsible persons for the purpose of subsection (2).
- (4) In paragraph (1)(b), "evidence of appointment or incumbency" means
- (a) in the case of a fiduciary appointed by a court, a copy of the order certified in accordance with subsection 47(7), and dated not earlier than 60 days before the date a security is presented for transfer, or
 - (b) in any other case, a copy of a document showing the appointment or other evidence believed by the issuer to be appropriate.

- (5) An issuer may adopt reasonable standards with respect to evidence for the purposes of paragraph (4)(b).
 - (6) An issuer is not deemed to have notice of the contents of any document obtained pursuant to subsection (4) except to the extent that the contents relate directly to appointment or incumbency.
 - (7) If an issuer demands assurance additional to that specified in this section for a purpose other than that specified in subsection (4) and obtains a copy of a will, trust or partnership agreement, by-law or similar document, the issuer is deemed to have notice of all matters contained therein affecting the transfer.
- 73 (1) An issuer to whom a security is presented for registration of transfer has a duty to inquire into adverse claims if
- (a) written notice of an adverse claim is received at a time and in a manner that affords the issuer a reasonable opportunity to act on it before the issue of a new, reissued or re-registered security and the notice discloses the name and address of the claimant, the registered owner and the issue of which the security is a part, or
 - (b) the issuer is deemed to have notice of an adverse claim from a document that is obtained under subsection 72(7).
- (2) An issuer may discharge a duty of inquiry by any reasonable means, including notifying an adverse claimant by registered mail sent to the address furnished by him or, if no such address has been furnished, to his residence or regular place of business, that a security has been presented for registration of transfer by a named person, and that the transfer will be registered unless within 30 days from the date of mailing the notice either
- (a) the issuer is served with a restraining order or other order of the Court, or
 - (b) the issuer is provided with an indemnity bond sufficient in the issuer's judgment to protect the issuer and any registrar, transfer agent or other agent of the issuer from any loss that may be incurred by any of them as a result of complying with the adverse claim.

- (3) Unless an issuer is deemed to have notice of an adverse claim from a document that it obtained under subsection 72(7) or has received notice of an adverse claim under subsection (1), if a security presented for registration is endorsed by the appropriate person as defined in section 61 the issuer has no duty to inquire into adverse claims, and in particular,
- (a) an issuer registering a security in the name of a person who is a fiduciary or who is described as a fiduciary is not bound to inquire into the existence, extent or correct description of the fiduciary relationship, and thereafter the issuer may assume without inquiry that the fiduciary is no longer acting as such with respect to the particular security,
 - (b) an issuer registering a transfer on an endorsement by a fiduciary has no duty to inquire whether the transfer is made in compliance with the document or with the law of the jurisdiction governing the fiduciary relationship, and
 - (c) an issuer is not deemed to have notice of the contents of any court record or any registered document even if the record or document is in the issuer's possession and even if the transfer is made on the endorsement of a fiduciary to the fiduciary himself or to his nominee.
- (4) A written notice of adverse claim received by an issuer is effective for 12 months from the date when it was received and thereon ceases to be effective unless the notice is renewed in writing.
- (5) An issuer who registers the transfer of a security on an unauthorized endorsement is liable for improper registration.
- 74 (1) Except as otherwise provided in any applicable law relating to the collection of taxes, the issuer is not liable to the owner or any other person who incurs a loss as a result of the registration of a transfer of a security if
- (a) the necessary endorsements were on or with the security, and
 - (b) the issuer had no duty to inquire into adverse claims or had discharged any such duty.

- (2) If an issuer has registered a transfer of a security to a person not entitled to it, the issuer shall on demand deliver a like security to the owner unless
 - (a) subsection (1) applies,
 - (b) the owner is precluded by subsection 75(1) from asserting any claim, or
 - (c) the delivery would result in overissue, in which case the issuer's liability is governed by section 48.

- 75 (1) If
- (a) a security has been lost, apparently destroyed or wrongfully taken, and the owner fails to notify the issuer of that fact by giving the issuer written notice of his adverse claim within a reasonable time after he knows of the loss, destruction or taking, and
 - (b) the issuer has registered a transfer of the security before receiving such notice,

the owner is precluded from asserting against the issuer any claim to a new security.

- (2) If the owner of a security claims that the security has been lost, destroyed or wrongfully taken, the issuer shall issue a new security in place of the original security if the owner
 - (a) so requests before the issuer has notice that the security has been acquired by a bona fide purchaser and before a purchaser described in section 64 has received a new, reissued or re-registered security,
 - (b) furnishes the issuer with a sufficient indemnity bond, and
 - (c) satisfies any other reasonable requirements imposed by the issuer.
- (3) If, after the issue of a new security under subsection (2), a bona fide purchaser of the original security presents the original security for registration of transfer, the issuer shall register the transfer unless registration would result in overissue, in which case the issuer's liability is governed by section 48.
- (4) In addition to any rights on an indemnity bond, the issuer may recover a new security issued under subsection (2) from the person to whom it was issued or any person taking under him other than a bona fide purchaser.

- 76 (1) An authenticating trustee, registrar, transfer agent or other agent of an issuer has, in respect of the issue, registration of transfer and cancellation of a security of the issuer,
- (a) a duty to the issuer to exercise good faith and reasonable diligence, and
 - (b) the same obligations to the holder or owner of a security and the same rights, privileges and immunities as the issuer.
- (2) Notice to an authenticating trustee, registrar, transfer agent or other agent of an issuer is notice to the issuer with respect to the functions performed by the agent.

PART 7

CORPORATE BORROWING

Division 1

Trust Indentures

- 77 (1) In this Division,
- "event of default" means an event specified in a trust indenture on the occurrence of which
- (a) a security interest constituted by the trust indenture becomes enforceable, or
 - (b) the principal, interest and other money payable under the trust indenture become or may be declared to be payable before maturity,
- but the event is not an event of default until all conditions prescribed by the trust indenture in connection with that event for the giving of notice or the lapse of time or otherwise have been satisfied;
- "trustee" means any person appointed as trustee under the terms of a trust indenture to which a corporation is a party and includes any successor trustee;

"trust indenture" means any deed, indenture or other instrument, including any supplement or amendment to it, made by a corporation after its incorporation or continuance under this Act, under which the corporation issues debt obligations and in which a person is appointed as trustee for the holders of the debt obligations issued under it.

- (2) This Division applies to a trust indenture only if the debt obligations issued or to be issued under the trust indenture are part of a distribution to the public.
- 78 (1) No person shall be appointed as trustee if there is a material conflict of interest between his role as trustee and his role in any other capacity.
- (2) A trustee shall, within 90 days after he becomes aware that a material conflict of interest exists,
- (a) eliminate the conflict of interest, or
 - (b) resign from office.
- (3) A trust indenture, any debt obligations issued under it and a security interest effected by it are valid notwithstanding a material conflict of interest of the trustee.
- (4) If a trustee contravenes subsection (1) or (2), any interested person may apply to the Court for an order that the trustee be replaced, and the Court may make an order on any terms it thinks fit.
- 79 (1) A trustee, or at least one of the trustees if more than one is appointed, shall be a body corporate incorporated under the laws of Canada or a province and authorized to carry on the business of a trust company.
- 80 (1) A holder of debt obligations issued under a trust indenture may, on payment to the trustee of a reasonable fee, require the trustee to furnish within 15 days after delivering to the trustee the statutory declaration referred to in subsection (4), a list setting out
- (a) the names and addresses of the registered holders of the outstanding debt obligations,

- (b) the principal amount of outstanding debt obligations owned by each of those holders, and
 - (c) the aggregate principal amount of debt obligations outstanding, as shown on the records maintained by the trustee on the day that the statutory declaration is delivered to that trustee.
- (2) On the demand of a trustee, the issuer of debt obligations shall furnish the trustee with the information required to enable the trustee to comply with subsection (1).
- (3) If the person requiring the trustee to furnish a list under subsection (1) is a body corporate, the statutory declaration required under that subsection shall be made by a director or officer of the body corporate.
- (4) The statutory declaration required under subsection (1) shall state
- (a) the name and address of the person requiring the trustee to furnish the list and, if the person is a body corporate, the address for service of the body corporate, and
 - (b) that the list will not be used except as permitted under subsection (5).
- (5) A list obtained under this section shall not be used by any person except in connection with
- (a) an effort to influence the voting of the holders of debt obligations,
 - (b) an offer to acquire debt obligations, or
 - (c) any other matter relating to the debt obligations or the affairs of the issuer or guarantor of the debt obligations.
- (6) A person who, without reasonable cause, contravenes subsection (5) is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than 6 months or to both.

- 81 (1) An issuer or a guarantor of debt obligations issued or to be issued under a trust indenture shall before the doing of any act under paragraph (a), (b) or (c), furnish the trustee with evidence of compliance with the conditions in the trust indenture relating to
- (a) the issue, certification and delivery of debt obligations under the trust indenture,
 - (b) the release or release and substitution of property subject to a security interest constituted by the trust indenture, or
 - (c) the satisfaction and discharge of the trust indenture.
- (2) On the demand of a trustee, the issuer or guarantor of debt obligations issued or to be issued under a trust indenture shall furnish the trustee with evidence of compliance with the trust indenture by the issuer or guarantor in respect of any act to be done by the trustee at the request of the issuer or guarantor.
- 82 (1) Evidence of compliance as required by section 81 shall consist of
- (a) a statutory declaration or certificate made by a director or an officer of the issuer or guarantor stating that the conditions referred to in that section have been complied with, and
 - (b) if the trust indenture requires compliance with conditions that are subject to review
 - (i) by legal counsel, an opinion of legal counsel that those conditions have been complied with, and
 - (ii) by an auditor or accountant, an opinion or report of the auditor of the issuer or guarantor, or any other accountant the trustee may select, that those conditions have been complied with.
- 83 (1) The evidence of compliance referred to in section 82 shall include a statement by the person giving the evidence
- (a) declaring that he has read and understands the conditions of the trust indenture described in section 81,
 - (b) describing the nature and scope of the examination or investigation on which he based the certificate, statement or opinion, and
 - (c) declaring that he has made any examination or investigation that he believes necessary to enable him to make the statements or give the opinions contained or expressed therein.

- 84 (1) On the demand of a trustee, the issuer or guarantor of debt obligations issued under a trust indenture shall furnish the trustee with evidence in any form the trustee may require as to compliance with any condition of the trust indenture relating to any action required or permitted to be taken by the issuer or guarantor under the trust indenture.
- (2) At least once in each 12-month period beginning on the date of the trust indenture and at any other time on the demand of a trustee, the issuer or guarantor of debt obligations issued under a trust indenture shall furnish the trustee with a certificate that the issuer or guarantor has complied with all requirements contained in the trust indenture that, if not complied with, would, with the giving of notice, lapse of time or otherwise, constitute an event of default, or, if there has been failure to so comply, giving particulars of the failure.
- 85 (1) The trustee shall, within 30 days after the trustee becomes aware of its occurrence, give to the holders of debt obligations issued under a trust indenture, notice of every event of default arising under the trust indenture and continuing at the time the notice is given, unless the trustee reasonably believes that it is in the best interests of the holders of the debt obligations to withhold the notice and so informs the issuer or guarantor in writing.
- 86 (1) A trustee in exercising his powers and discharging his duties shall
- (a) act honestly and in good faith with a view to the best interests of the holders of the debt obligations issued under the trust indenture, and
 - (b) exercise the care, diligence and skill of a reasonably prudent trustee.
- 87 (1) Notwithstanding section 86, a trustee is not liable if he relies in good faith on statements contained in a statutory declaration, certificate, opinion or report that complies with this Act or the trust indenture.
- 88 (1) No term of a trust indenture or of any agreement between
- (a) a trustee and the holders of debt obligations issued under the trust indenture, or

(b) between the trustee and the issuer or guarantor

shall operate so as to relieve a trustee from the duties imposed on him by section 86.

PART 8

RECEIVERS AND RECEIVER-MANAGERS

- 89 (1) A receiver of any property of a corporation may, subject to the rights of secured creditors, receive the income from the property, pay the liabilities connected with the property and realize the security interest of those on behalf of whom he is appointed, but, except to the extent permitted by the Court, he may not carry on the business of the corporation.
- 90 (1) A receiver of a corporation may, if he is also appointed receiver-manager of the corporation, carry on any business of the corporation to protect the security interest of those on behalf of whom he is appointed.
- 91 (1) If a receiver-manager is appointed by the Court or under an instrument, the powers of the directors of the corporation that the receiver-manager is authorized to exercise may not be exercised by the directors until the receiver-manager is discharged.
- 92 (1) A receiver or receiver-manager appointed by the Court shall act in accordance with the directions of the Court.
- 93 (1) A receiver or receiver-manager appointed under an instrument shall act in accordance with that instrument and any direction of the Court made under section 95.
- 94 (1) A receiver or receiver-manager of a corporation appointed under an instrument shall
- (a) act honestly and in good faith, and
 - (b) deal with any property of the corporation in his possession or control in a commercially reasonable manner.

- 95 (1) On an application by a receiver or receiver-manager, whether appointed by the Court or under an instrument, or on an application by any interested person, the Court may make any order it thinks fit including, without limiting the generality of the foregoing, any or all of the following:
- (a) an order appointing, replacing or discharging a receiver or receiver-manager and approving his accounts;
 - (b) an order determining the notice to be given to any person or dispensing with notice to any person;
 - (c) an order fixing the remuneration of the receiver or receiver-manager;
 - (d) an order
 - (i) requiring the receiver or receiver-manager, or a person by or on behalf of whom he is appointed, to make good any default in connection with the receiver's or receiver-manager's custody or management of the property and business of the corporation;
 - (ii) relieving any of those persons from any default on any terms the Court thinks fit;
 - (iii) confirming any act of the receiver or receiver-manager;
 - (e) an order giving directions on any matter relating to the duties of the receiver or receiver-manager.
- 96 (1) A receiver or receiver-manager shall
- (a) immediately notify the Registrar of his appointment or discharge,
 - (b) take into his custody and control the property of the corporation in accordance with the Court order or instrument under which he is appointed,
 - (c) open and maintain a bank account in his name as receiver or receiver-manager of the corporation for the money of the corporation coming under his control,
 - (d) keep detailed accounts of all transactions carried out by him as receiver or receiver-manager,
 - (e) keep accounts of his administration that shall be available during usual business hours for inspection by the directors of the corporation,

- (f) prepare at least once in every 6-month period after the date of his appointment financial statements of his administration as far as is practicable in the form required by section 149, and, subject to any order of the Court, file a copy of them with the Registrar within 60 days after the end of each 6-month period, and
- (g) on completion of his duties,
 - (i) render a final account of his administration in the form adopted for interim accounts under paragraph (f),
 - (ii) send a copy of the final report to the Registrar who shall file it, and
 - (iii) send a copy of the final report to each director of the corporation.

PART 9

DIRECTORS AND OFFICERS

- 97 (1) Subject to any unanimous shareholder agreement, the directors shall manage the business and affairs of a corporation.
- (2) A corporation shall have one or more directors but a distributing corporation shall have not fewer than three directors, at least two of whom are not officers or employees of the corporation or its affiliates.
- 98 (1) Unless the articles, by-laws or a unanimous shareholder agreement otherwise provide, the directors may, by resolution, make, amend or repeal any by-laws that regulate the business or affairs of the corporation.
- (2) The directors shall submit a by-law, or an amendment or a repeal of a by-law, made under subsection (1) to the shareholders at the next meeting of shareholders, and the shareholders may, by ordinary resolution, confirm, reject or amend the by-law, amendment or repeal.

- (3) A by-law, or an amendment or a repeal of a by-law, is effective from the date of the resolution of the directors under subsection (1) until it is confirmed, confirmed as amended or rejected by the shareholders under subsection (2) or until it ceases to be effective under subsection (4) and, if the by-law is confirmed or confirmed as amended, it continues in effect in the form in which it was so confirmed.
 - (4) If a by-law, or an amendment or a repeal of a by-law, is rejected by the shareholders, or if the directors do not submit a by-law, or an amendment or a repeal of a by-law, to the shareholders as required under subsection (2), the by-law, amendment or repeal ceases to be effective and no subsequent resolution of the directors to make, amend or repeal a by-law having substantially the same purpose or effect is effective until it is confirmed or confirmed as amended by the shareholders.
 - (5) A shareholder entitled to vote at an annual meeting of shareholders may in accordance with section 131 make a proposal to make, amend or repeal a by-law.
- 98.1 (1) Unless the articles or by-laws of, or a unanimous shareholder agreement relating to, a corporation otherwise provide, the directors of a corporation may, without authorization of the shareholders,
- (a) borrow money on the credit of the corporation,
 - (b) issue, reissue, sell or pledge debt obligations of the corporation,
 - (c) subject to section 42, give a guarantee on behalf of the corporation to secure performance of an obligation of any person, and
 - (d) mortgage, hypothecate, pledge or otherwise create a security interest in all or any property of the corporation, owned or subsequently acquired, to secure any obligation of the corporation.
- (2) Notwithstanding subsections 110(2) and paragraph 116(1)(a), unless the articles or by-laws of or a unanimous shareholder agreement relating to a corporation otherwise provide, the directors may, by resolution, delegate the powers referred to in subsection (1) to a director, a committee of directors or an officer.

- 99 (1) After issue of the certificate of incorporation, a meeting of the directors of the corporation shall be held at which the directors may
- (a) make by-laws,
 - (b) adopt forms of security certificates and corporate records,
 - (c) authorize the issue of securities,
 - (d) appoint officers,
 - (e) appoint an auditor to hold office until the first annual meeting of shareholders,
 - (f) make banking arrangements, and
 - (g) transact any other business.
- (2) Subsection (1) does not apply to a body corporate to which a certificate of amalgamation has been issued under section 179 or 180.1 or to which a certificate of continuance has been issued under section 181.
- (3) An incorporator or a director may call the meeting of directors referred to in subsection (1) by giving not less than 5 days' notice of the meeting to each director, stating the time and the place of the meeting.
- (4) A director may waive notice under subsection 99(3).
- 100 (1) The following persons are disqualified from being a director of a corporation:
- (a) anyone who is less than 19 years of age;
 - (b) anyone who
 - (i) is the subject of an order under the Mental Health Act appointing a committee of his person or estate or both, or
 - (ii) has been found to be mentally incompetent by a court elsewhere than in Yukon;
 - (c) a person who is not an individual;
 - (d) a person who has the status of bankrupt.
- (2) Unless the articles otherwise provide, a director of a corporation is not required to hold shares issued by the corporation.

- (3) A person who is elected or appointed a director is not a director unless
 - (a) he was present at the meeting when he was elected or appointed and did not refuse to act as a director, or
 - (b) if he was not present at the meeting when he was elected or appointed,
 - (i) he consented to act as a director in writing before his election or appointment or within 10 days after it, or
 - (ii) he has acted as a director pursuant to the election or appointment.
 - (4) For the purpose of subsection (3), a person who is elected or appointed as a director and refuses under paragraph (3)(a) or fails to consent or act under paragraph (3)(b) shall be deemed not to have been elected or appointed as a director.
- 101 (1) At the time of sending articles of incorporation, the incorporators shall send to the Registrar a notice of directors in prescribed form and the Registrar shall file the notice.
- (2) Each director named in the notice referred to in subsection (1) holds office from the issue of the certificate of incorporation until the first meeting of shareholders.
 - (3) Subject to paragraph (9)(a) and section 102, shareholders of a corporation shall, by ordinary resolution at the first meeting of shareholders and at each succeeding annual meeting at which an election of directors is required, elect directors to hold office for a term expiring not later than the close of the next annual meeting of shareholders following the election.
 - (4) If the articles so provide, the directors may, between annual general meetings, appoint one or more additional directors of the corporation to serve until the next annual general meeting, but the number of additional directors shall not at any time exceed one third of the number of directors who held office at the expiration of the last annual meeting of the corporation.
 - (5) It is not necessary that all directors elected at a meeting of shareholders hold office for the same term.

- (6) A director not elected for an expressly stated term ceases to hold office at the close of the first annual meeting of shareholders following his election.
 - (7) Notwithstanding subsections (2), (3) and (6), if directors are not elected at a meeting of shareholders, the incumbent directors continue in office until their successors are elected.
 - (8) If a meeting of shareholders fails to elect the number or the minimum number of directors required by the articles by reason of the disqualification or death of any candidate, the directors elected at that meeting may exercise all the powers of the directors if the number of directors so elected constitutes a quorum.
 - (9) The articles or a unanimous shareholder agreement may provide for the election or appointment of a director or directors
 - (a) for terms expiring not later than the close of the third annual meeting of shareholders following the election, and
 - (b) by creditors or employees of the corporation or by a class or classes of those creditors or employees.
- 102 (1) If the articles provide for cumulative voting,
- (a) the articles shall require a fixed number and not a minimum and maximum number of directors,
 - (b) each shareholder entitled to vote at an election of directors has the right to cast a number of votes equal to the number of votes attached to the shares held by him multiplied by the number of directors to be elected, and he may cast all those votes in favour of one candidate or distribute them among the candidates in any manner,
 - (c) a separate vote of shareholders shall be taken with respect to each candidate nominated for director unless a resolution is passed unanimously permitting two or more candidates to be elected by a single resolution,
 - (d) if a shareholder votes for more than one candidate without specifying the distribution of his votes among the candidates, he is deemed to have distributed his votes equally among the candidates for whom he voted,

- (e) if the number of candidates nominated for director exceeds the number of positions to be filled, the candidates who receive the least number of votes shall be eliminated until the number of candidates remaining equals the number of positions to be filled,
 - (f) each director ceases to hold office at the close of the first annual meeting of shareholders following his election,
 - (g) a director may not be removed from office if the votes cast against his removal would be sufficient to elect him and those votes could be voted cumulatively at an election at which the same total number of votes were cast and the number of directors required by the articles were then being elected, and
 - (h) the number of directors required by the articles may not be decreased if the votes cast against the motion to decrease would be sufficient to elect a director, and those votes could be voted cumulatively, at an election at which the same total number of votes were cast and the number of directors required by the articles were then being elected.
- 103 (1) A director of a corporation ceases to hold office when
- (a) he dies or resigns,
 - (b) he is removed in accordance with section 104, or
 - (c) he becomes disqualified under subsection 100(1).
- (2) A resignation of a director becomes effective at the time a written resignation is sent to the corporation, or at the time specified in the resignation, whichever is later.
- 104 (1) Subject to paragraph 102(1)(g) or a unanimous shareholder agreement, the shareholders of a corporation may by ordinary resolution at a special meeting remove any director or directors from office.
- (2) If the holders of any class or series of shares of a corporation have an exclusive right to elect one or more directors, a director so elected may only be removed by an ordinary resolution at a meeting of the shareholders of that class or series.

- (3) Subject to paragraphs 102(1)(b) to (e), a vacancy created by the removal of a director may be filled at the meeting of the shareholders at which the director is removed or, if not so filled, may be filled under section 106.
- (4) A director elected or appointed under subsection 101(9) may be removed only by those persons having the power to elect or appoint that director.
- 105 (1) A director of a corporation is entitled to receive notice of and to attend and be heard at every meeting of shareholders.
- (2) A director who
- (a) resigns,
 - (b) receives a notice or otherwise learns of a meeting of shareholders called for the purpose of removing him from office, or
 - (c) receives a notice or otherwise learns of a meeting of directors or shareholders at which another person is to be appointed or elected to fill the office of director, whether because of his resignation or removal or because his term of office has expired or is about to expire,
- is entitled to submit to the corporation a written statement giving the reasons for his resignation or the reasons why he opposes any proposed action or resolution.
- (3) A corporation shall forthwith send a copy of the statement referred to in subsection (2)
- (a) to every shareholder entitled to receive notice of any meeting referred to in subsection (1) and,
 - (b) if the corporation is a distributing corporation, to the Registrar of Securities
- unless the statement is included in or attached to a management proxy circular required by section 144.
- (4) No corporation or person acting on its behalf incurs any liability by reason only of circulating a director's statement in compliance with subsection (3).

- 106 (1) A quorum of directors may, subject to subsections (3) and (4), fill a vacancy among the directors, except a vacancy resulting from an increase in the number or minimum number of directors or from a failure to elect the number or minimum number of directors required by the articles.
- (2) If there is not a quorum of directors, or if there has been a failure to elect the number or minimum number of directors required by the articles, the directors then in office shall forthwith call a special meeting of shareholders to fill the vacancy and, if they fail to call a meeting or if there are no directors then in office, the meeting may be called by any shareholder.
- (3) If the holders of any class or series of shares of a corporation or any other class of persons have an exclusive right to elect one or more directors and a vacancy occurs among those directors,
- (a) subject to subsection (4), the remaining directors elected by that class or series may fill the vacancy except a vacancy resulting from an increase in the number or minimum number of directors for that class or series or from a failure to elect the number or minimum number of directors for that class or series, or
- (b) if there are no such remaining directors, any holder of shares of that class or series or any member of that other class of persons, as the case may be, may call a meeting of those shareholders or those persons for the purpose of filling the vacancy.
- (4) The articles or a unanimous shareholder agreement may provide that a vacancy among the directors shall only be filled by
- (a) a vote of the shareholders,
- (b) a vote of the holders of any class or series of shares having an exclusive right to elect one or more directors if the vacancy occurs among the directors elected by that class or series, or
- (c) the vote of any class of persons having an exclusive right to elect one or more directors if the vacancy occurs among the directors elected by that class of persons.
- (5) A director appointed or elected to fill a vacancy holds office for the unexpired term of his predecessor.

- 107 (1) The shareholders of a corporation may amend the articles to increase or, subject to paragraph 102(h), to decrease the number of directors or the minimum or maximum number of directors, but no decrease shall shorten the term of an incumbent director.
- (2) If the shareholders adopt an amendment to the articles of a corporation to increase the number or minimum number of directors, the shareholders may, at the meeting at which they adopt the amendment, elect an additional number of directors authorized by the amendment, and for that purpose, notwithstanding subsections 173(1) and 255(3), on the issue of a certificate of amendment the articles are deemed to be amended as of the date the shareholders adopt the amendment to the articles.
- 108 (1) Within 15 days after a change is made among the directors, a corporation shall send to the Registrar a notice in prescribed form setting out the change and the Registrar shall file the notice.
- (2) Any interested person, or the Registrar, may apply to the Court for an order to require a corporation to comply with subsection (1), and the Court may so order and make any further order it thinks fit.
- 109 (1) Unless the articles otherwise provide, the directors may meet at any place and on any notice the by-laws require.
- (2) Subject to the articles or by-laws, a majority of the number of directors appointed constitutes a quorum at any meeting of directors, and, notwithstanding any vacancy among the directors, a quorum of directors may exercise all the powers of the directors.
- (3) A notice of a meeting of directors shall specify any matter referred to in subsection 110(2) that is to be dealt with at the meeting but, unless the by-laws otherwise provide, need not specify the purpose or the business to be transacted at the meeting.

- (4) A director may in any manner waive a notice of a meeting of directors, and attendance of a director at a meeting of directors is a waiver of notice of the meeting, except when a director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called.
- (5) Notice of an adjourned meeting of directors is not required to be given if the time and place of the adjourned meeting is announced at the original meeting.
- (6) If a corporation has only one director, that director may constitute a meeting.
- (7) A director may participate in a meeting of directors or of a committee of directors by means of telephone or other communication facilities that permit all persons participating in the meeting to hear each other if
 - (a) the by-laws so provide, or
 - (b) subject to the by-laws, all the directors of the corporation consent,

and a director participating in a meeting by those means is deemed for the purposes of this Act to be present at that meeting.

- 110 (1) Directors of a corporation may appoint from their number a managing director or a committee of directors and delegate to the managing director or committee any of the powers of the directors.
- (2) Notwithstanding subsection (1), no managing director and no committee of directors has authority to
 - (a) submit to the shareholders any question or matter requiring the approval of the shareholders,
 - (b) fill a vacancy among the directors or in the office of auditor,
 - (c) issue securities except in the manner and on the terms authorized by the directors,
 - (d) declare dividends,
 - (e) purchase, redeem or otherwise acquire shares issued by the corporation, except in the manner and on the terms authorized by the directors,

- (f) pay a commission referred to in section 39,
 - (g) approve a management proxy circular referred to in Part 12,
 - (h) approve any financial statements referred to in section 149,
or
 - (i) adopt, amend or repeal by-laws.
- 111 (1) An act of a director or officer is valid notwithstanding an irregularity in his election or appointment or a defect in his qualification.
- 112 (1) Subject to the articles, the by-laws or a unanimous shareholder agreement, a resolution in writing, signed by all the directors entitled to vote on that resolution at a meeting of directors or committee of directors, is as valid as if it had been passed at a meeting of directors or committee of directors.
- (2) A copy of every resolution referred to in subsection (1) shall be kept with the minutes of the proceedings of the directors or committee of directors.
- 113 (1) Directors of a corporation who vote for or consent to a resolution authorizing the issue of a share under section 25 for a consideration other than money are jointly and severally liable to the corporation to make good any amount by which the consideration received is less than the fair equivalent of the money that the corporation would have received if the share had been issued for money on the date of the resolution.
- (2) Subsection (1) does not apply if the shares, on allotment, are held in escrow pursuant to an escrow agreement required by the Registrar of Securities of any Territory or Province or the Securities Commission of any Province and are surrendered for cancellation pursuant to that agreement.
- (3) Directors of a corporation who vote for or consent to a resolution authorizing
- (a) a purchase, redemption or other acquisition of shares contrary to section 32, 33 or 34,
 - (b) a commission on a sale of shares not provided for in section 39,

- (c) a payment of a dividend contrary to section 40,
- (d) financial assistance contrary to section 42,
- (e) a payment of an indemnity contrary to section 119, or
- (f) a payment to a shareholder contrary to section 184 or 234,

are jointly and severally liable to restore to the corporation any amounts so paid and the value of any property so distributed, and not otherwise recovered by the corporation.

- (4) A director who has satisfied a judgment rendered under this section is entitled to contribution from the other directors who voted for or consented to the unlawful act on which the judgment was founded.
 - (5) If money or property of a corporation was paid or distributed to a shareholder or other recipient contrary to section 32, 33, 34, 39, 40, 42, 119, 184 or 234, the corporation, any director or shareholder of the corporation, or any person who was a creditor of the corporation at the time of the payment or distribution, is entitled to apply to the Court for an order under subsection (6).
 - (6) On an application under subsection (5), the Court may, if it is satisfied that it is equitable to do so, do any or all of the following:
 - (a) order a shareholder or other recipient to restore to the corporation any money or property that was paid or distributed to him contrary to section 32, 33, 34, 39, 40, 42, 119, 184 or 234;
 - (b) order the corporation to return or issue shares to a person from whom the corporation has purchased, redeemed or otherwise acquired shares;
 - (c) make any further order it thinks fit.
- 114 (1) A director is not liable under subsection 113 (1) if he proves that he did not know and could not reasonably have known that the share was issued for a consideration less than the fair equivalent of the money that the corporation would have received if the share had been issued for money.

- (2) A director is not liable under paragraph 113 (3)(d) if he proves that he did not know and could not reasonably have known that the financial assistance was given contrary to section 42.
- (3) An action to enforce a liability imposed by section 113 may not be commenced after two years from the date of the resolution authorizing the action complained of.
- 115 (1) A director or officer of a corporation who
- (a) is a party to a material contract or proposed material contract with the corporation, or
 - (b) is a director or an officer of or has a material interest in any person who is a party to a material contract or proposed material contract with the corporation,
- shall disclose in writing to the corporation or request to have entered in the minutes of meetings of directors the nature and extent of his interest.
- (2) The disclosure required by subsection (1) shall be made, in the case of a director,
- (a) at the meeting at which a proposed contract is first considered,
 - (b) if the director was not interested in a proposed contract at the time of the meeting referred to in paragraph (a), at the first meeting after he becomes so interested,
 - (c) if the director becomes interested after a contract is made, at the first meeting after he becomes so interested, or
 - (d) if a person who is interested in a contract later becomes a director, at the first meeting after he becomes a director.
- (3) The disclosure required by subsection (1) shall be made, in the case of an officer who is not a director,
- (a) forthwith after he becomes aware that the contract or proposed contract is to be considered or has been considered at a meeting of directors,
 - (b) if the officer becomes interested after a contract is made, forthwith after he becomes so interested, or
 - (c) if a person who is interested in a contract later becomes an officer, forthwith after he becomes an officer.

- (4) If a material contract or proposed material contract is one that, in the ordinary course of the corporation's business, would not require approval by the directors or shareholders, a director or officer shall disclose in writing to the corporation, or request to have entered in the minutes of meetings of directors, the nature and extent of his interest forthwith after the director or officer becomes aware of the contract or proposed contract.

- (5) A director referred to in subsection (1) shall not vote on any resolution to approve the contract unless the contract is
 - (a) an arrangement by way of security for money lent to or obligations undertaken by him, or by a body corporate in which he has an interest, for the benefit of the corporation or an affiliate,
 - (b) a contract relating primarily to his remuneration as a director, officer, employee or agent of the corporation or an affiliate,
 - (c) a contract for indemnity or insurance under section 119, or
 - (d) a contract with an affiliate.

- (6) For the purpose of this section, a general notice to the directors by a director or officer is a sufficient disclosure of interest in relation to any contract made between the corporation and a person in which the director has a material interest or of which he is a director or officer if
 - (a) the notice declares he is a director or officer of or has a material interest in the person and is to be regarded as interested in any contract made or to be made by the corporation with that person, and states the nature and extent of his interest,
 - (b) at the time disclosure would otherwise be required under subsection (2), (3) or (4), as the case may be, the extent of his interest in that person is not greater than that stated in the notice, and
 - (c) the notice is given within the 12-month period immediately preceding the time at which disclosure would otherwise be required under subsection (2), (3) or (4), as the case may be.

- (7) If a material contract is made between a corporation and one or more of its directors or officers, or between a corporation and another person of which a director or officer of the corporation is a director or officer or in which he has a material interest,
- (a) the contract is neither void nor voidable by reason only of that relationship, or by reason only that a director with an interest in the contract is present at or is counted to determine the presence of a quorum at a meeting of directors or committee of directors that authorized the contract, and
 - (b) a director or officer or former director or officer of the corporation to whom a profit accrues as a result of the making of the contract is not liable to account to the corporation for that profit by reason only of holding office as a director or officer,

If the director or officer disclosed his interest in accordance with subsection (2), (3), (4) or (6), as the case may be, and the contract was approved by the directors or the shareholders and it was reasonable and fair to the corporation at the time it was approved.

- (8) If a director or officer of a corporation fails to disclose his interest in a material contract in accordance with this section, the Court may, on the application of the corporation or a shareholder of the corporation, set aside the contract on any terms it thinks fit.
- (9) This section is subject to any unanimous shareholder agreement.
- 116 (1) Subject to the articles, the by-laws or any unanimous shareholder agreement,
- (a) the directors may designate the offices of the corporation, appoint as officers individuals of full capacity, specify their duties and delegate to them powers to manage the business and affairs of the corporation, except powers to do anything referred to in subsection 110(2),
 - (b) a director may be appointed to any office of the corporation, and
 - (c) two or more offices of the corporation may be held by the same person.

- 117 (1) Every director and officer of a corporation in exercising his powers and discharging his duties shall
- (a) act honestly and in good faith with a view to the best interests of the corporation, and
 - (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.
- (2) Every director and officer of a corporation shall comply with this Act, the regulations, articles, by-laws and any unanimous shareholder agreement.
- (3) Subject to subsection 140(7), no provision in a contract, the articles, the by-laws or a resolution relieves a director or officer from the duty to act in accordance with this Act or the regulations or relieves him from liability for a breach of that duty.
- (4) In determining whether a particular transaction or course of action is in the best interests of the corporation, a director, if he is elected or appointed by the holders of a class or series of shares or by employees or creditors or a class of employees or creditors, may give special, but not exclusive, consideration to the interests of those who elected or appointed him.
- 118 (1) A director who is present at a meeting of directors or committee of directors is deemed to have consented to any resolution passed or action taken at the meeting unless
- (a) he requests that his abstention or dissent be, or his abstention or dissent is, entered in the minutes of the meeting,
 - (b) he sends his written dissent to the secretary of the meeting before the meeting is adjourned,
 - (c) he sends his dissent by registered mail or delivers it to the registered office of the corporation immediately after the meeting is adjourned, or
 - (d) he otherwise proves that he did not consent to the resolution or action.
- (2) A director who votes for or consents to a resolution or action is not entitled to dissent under subsection (1).

- (3) A director is not liable under section 113, or 117 if he relies in good faith on
- (a) financial statements of the corporation represented to him by an officer of the corporation or in a written report of the auditor of the corporation fairly to reflect the financial condition of the corporation, or
 - (b) an opinion or report of a lawyer, accountant, engineer, appraiser or other person whose profession lends credibility to a statement made by him.
- 119 (1) Except in respect of an action by or on behalf of the corporation or body corporate to procure a judgment in its favour, a corporation may indemnify a director or officer of the corporation, a former director or officer of the corporation or a person who acts or acted at the corporation's request as a director or officer of a body corporate of which the corporation is or was a shareholder or creditor, and his heirs and legal representatives, against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgment, reasonably incurred by him in respect of any civil, criminal or administrative action or proceeding to which he is made a party by reason of being or having been a director or officer of that corporation or body corporate, if
- (a) he acted honestly and in good faith with a view to the best interests of the corporation, and
 - (b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, he had reasonable grounds for believing that his conduct was lawful.
- (2) A corporation may with the approval of the Court indemnify a person referred to in subsection (1) in respect of an action by or on behalf of the corporation or body corporate to procure a judgment in its favour, to which he is made a party by reason of being or having been a director or an officer of the corporation or body corporate, against all costs, charges and expenses reasonably incurred by him in connection with the action if he fulfils the conditions set out in paragraphs (1)(a) and (b).

- (3) Notwithstanding anything in this section, a person referred to in subsection (1) is entitled to indemnity from the corporation in respect of all costs, charges and expenses reasonably incurred by him in connection with the defence of any civil, criminal or administrative action or proceeding to which he is made a party by reason of being or having been a director or officer of the corporation or body corporate, if the person seeking indemnity
- (a) was substantially successful on the merits in his defence of the action or proceeding,
 - (b) fulfils the conditions set out in paragraphs (1)(a) and (b), and
 - (c) is fairly and reasonably entitled to indemnity.
- (4) A corporation may purchase and maintain insurance for the benefit of any person referred to in subsection (1) against any liability incurred by him
- (a) in his capacity as a director or officer of the corporation, except when the liability relates to his failure to act honestly and in good faith with a view to the best interests of the corporation, or
 - (b) in his capacity as a director or officer of another body corporate if he acts or acted in that capacity at the corporation's request, except when the liability relates to his failure to act honestly and in good faith with a view to the best interests of the body corporate.
- (5) A corporation or a person referred to in subsection (1) may apply to the Court for an order approving an indemnity under this section and the Court may so order and make any further order it thinks fit.
- (6) On an application under subsection (5), the Court may order notice to be given to any interested person and that person is entitled to appear and be heard in person or by counsel.
- 120 (1) Subject to the articles, the by-laws or any unanimous shareholder agreement, the directors of the corporation may fix the remuneration of the directors, officers and employees of the corporation.

- (2) Disclosure of the aggregate remuneration of directors, the aggregate remuneration of officers and the aggregate remuneration of employees shall be made as prescribed.

PART 10

INSIDER TRADING

121 (1) In this Part,

"corporation" does not include a distributing corporation;

"insider" means, with respect to a corporation,

- (a) the corporation, in respect of the purchase or other acquisition by it of shares issued by it or any of its affiliates,
- (b) a director or officer of the corporation,
- (c) a person who, with respect to at least 10% of the voting rights attached to the voting shares of the corporation,
 - (i) beneficially owns, directly or indirectly, voting shares carrying those voting rights,
 - (ii) exercises control or direction over those voting rights, or
 - (iii) beneficially owns, directly or indirectly, voting shares carrying some of those voting rights and exercises control or direction over the remainder of those voting rights,
- (d) a person employed by the corporation or retained by it on a professional or consulting basis,
- (e) an affiliate of the corporation,
- (f) a person who receives specific confidential information from a person described in this section or in section 123 and who has knowledge that the person giving the information is a person described in this section or in section 123, and
- (g) a person who receives specific confidential information from the first mentioned person in paragraph (f) and who has knowledge that that person received that knowledge in the manner described in that paragraph;

"voting share" means an issued and outstanding share carrying voting rights under all circumstances or under any circumstances that have occurred and are continuing.

- 122 (1) For the purposes of this Part,
- (a) a director or an officer of a body corporate that is an insider of a corporation is deemed to be an insider of the corporation,
 - (b) a director or an officer of a body corporate that is a subsidiary is deemed to be an insider of its holding corporation,
 - (c) a person is deemed to own beneficially shares beneficially owned by a body corporate controlled by him directly or indirectly, and
 - (d) a body corporate is deemed to own beneficially shares beneficially owned by its affiliates.
- 123 (1) For the purposes of this Part,
- (a) if a body corporate becomes an insider of a corporation or enters into a business combination with a corporation, a director or officer of the body corporate is deemed to have been an insider of the corporation for the previous six months or for any shorter period during which he was a director or officer of the body corporate, and
 - (b) if a corporation becomes an insider of a body corporate or enters into a business combination with a body corporate, a director or an officer of the body corporate is deemed to have been an insider of the corporation for the previous six months or for any shorter period during which he was a director or officer of the body corporate.
- 124 (1) In section 123, "business combination" means an acquisition of all or substantially all the property of one body corporate by another or an amalgamation of two or more bodies corporate.
- 125 (1) An insider who sells to or purchases from a shareholder of the corporation or any of its affiliates a security of the corporation or any of its affiliates and in connection with such sale or purchase makes use of any specific confidential

- information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of the security
- (a) is liable to compensate any person for any direct loss suffered by that person as a result of the transaction, unless the information was known or in the exercise of reasonable diligence should have been known to that person at the time of the transaction, and
 - (b) is accountable to the corporation for any direct benefit or advantage received or receivable by the insider as a result of the transaction.
- (2) An action to enforce a right created by this section may be commenced only within two years after the date of completion of the transaction that gave rise to the cause of action.

PART 11

SHAREHOLDERS

- 126 (1) Meetings of shareholders of a corporation shall be held at the place within Yukon provided in the by-laws or, in the absence of such provision, at the place within Yukon that the directors determine.
- (2) Notwithstanding subsection (1), a meeting of shareholders of a corporation may be held outside Yukon if all the shareholders entitled to vote at that meeting so agree, and a shareholder who attends a meeting of shareholders held outside Yukon is deemed to have so agreed except when he attends the meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully held.

- (3) A shareholder or any other person entitled to attend a meeting of shareholders may participate in the meeting by means of telephone or other communication facilities that permit all persons participating in the meeting to hear each other if
 - (a) the by-laws so provide, or
 - (b) subject to the by-laws, all the shareholders entitled to vote at the meeting consent,

and a person participating in such a meeting by those means is deemed for the purposes of this Act to be present at the meeting.

- (4) Notwithstanding subsections (1) and (2), if the articles so provide, meetings of shareholders may be held outside Yukon at one or more places specified in the articles.

- 127 (1) The directors of a corporation
 - (a) shall call an annual meeting of shareholders to be held not later than 18 months after
 - (i) the date of its incorporation, or
 - (ii) the date of its certificate of amalgamation, in the case of an amalgamated corporation,

and subsequently not later than 15 months after holding the last preceding annual meeting, and

- (b) may at any time call a special meeting of shareholders.
- (2) Notwithstanding subsection (1), the corporation may apply to the Court for an order extending the time in which the first or the next annual meeting of the corporation shall be held.
- (3) Notice of any application under subsection (2) by a distributing corporation shall be filed with the Registrar of Securities.
- (4) If, on an application under subsection (2), the Court is satisfied that it is in the best interests of the corporation, the Court may extend the time in which the first or the next annual meeting of the corporation shall be held, in any manner and on any terms it thinks fit.

- 128 (1) For the purpose of determining shareholders
- (a) entitled to receive payment of a dividend,
 - (b) entitled to participate in a liquidation distribution, or
 - (c) for any other purpose except the right to receive notice of or to vote at a meeting,

the directors may fix in advance a date as the record date for that determination of shareholders, but the record date shall not precede by more than 50 days the particular action to be taken.

- (2) For the purpose of determining shareholders entitled to receive notice of a meeting of shareholders, the directors may fix in advance a date as the record date for that determination of shareholders, but that record date shall not precede by more than 50 days or by less than 21 days the date on which the meeting is to be held.

- (3) If no record date is fixed,
- (a) the record date for the determination of shareholders entitled to receive notice of a meeting of shareholders shall be
 - (i) at the close of business on the last business day preceding the day on which the notice is sent, or,
 - (ii) if no notice is sent, the day on which the meeting is held,

and

- (b) the record date for the determination of shareholders for any purpose other than to establish a shareholder's right to receive notice of a meeting or to vote, shall be at the close of business on the day on which the directors pass the resolution relating to that purpose.
- (4) If the directors of a distributing corporation fix a record date then, unless notice of the record date is waived in writing by every holder of a share of the class or series affected whose name is set out in the securities register at the close of

business on the day the directors fixed the record date, notice of the record date shall be given not less than 7 days before the date so fixed

- (a) by advertisement in a newspaper published or distributed in the place where the corporation has its registered office and in each place in Canada where it has a transfer agent or where a transfer of its shares may be recorded, and
 - (b) by written notice to each stock exchange in Canada on which the shares of the corporation are listed for trading.
- 129 (1) Notice of the time and place of a meeting of shareholders shall be sent not less than 21 days and not more than 50 days before the meeting,
- (a) to each shareholder entitled to vote at the meeting,
 - (b) to each director, and
 - (c) to the auditor of the corporation.
- (2) Notwithstanding subsection 246(3), a notice of a meeting of shareholders sent by mail to a shareholder, director or auditor in accordance with subsection 246(1) is deemed to be sent to the shareholder on the day on which it is deposited in the mail.
- (3) A notice of a meeting is not required to be sent to shareholders who were not registered on the records of the corporation or its transfer agent on the record date determined under subsection 128(2) or (3), but failure to receive a notice does not deprive a shareholder of the right to vote at the meeting.
- (4) If a meeting of shareholders is adjourned by one or more adjournments for an aggregate of less than 30 days it is not necessary, unless the by-laws otherwise provide, to give notice of the adjourned meeting, other than by announcement at the time of an adjournment.
- (5) If a meeting of shareholders is adjourned by one or more adjournments for an aggregate of 30 days or more, notice of the adjourned meeting shall be given as for an original meeting but, unless the meeting is adjourned by one or more adjournments for an aggregate of more than 90 days, subsection 143(1) does not apply.

- (6) All business transacted at a special meeting of shareholders and all business transacted at an annual meeting of shareholders, except consideration of the financial statements, auditor's report, election of directors and reappointment of the incumbent auditor, is deemed to be special business.
 - (7) Notice of a meeting of shareholders at which special business is to be transacted shall state
 - (a) the nature of that business in sufficient detail to permit the shareholder to form a reasoned judgment on that business, and
 - (b) the text of any special resolution to be submitted to the meeting.
 - (8) The text of a special resolution may be amended at a meeting of shareholders if the amendments correct manifest errors or are not material.
- 130 (1) A shareholder and any other person entitled to attend a meeting of shareholders may in any manner waive notice of a meeting of shareholders, and attendance of the shareholder or other person at a meeting of shareholders is waiver of notice of the meeting, except when he attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called.
- 131 (1) A shareholder entitled to vote at an annual meeting of shareholders may
 - (a) submit to the corporation notice of any matter that he proposes to raise at the meeting, in this section referred to as a "proposal", and
 - (b) discuss at the meeting any matter in respect of which he would have been entitled to submit a proposal.
- (2) A corporation that solicits proxies shall set out the proposal in the management proxy circular required by section 144 or attach the proposal to it.
 - (3) If so requested by the shareholder, the corporation shall include in the management proxy circular or attach to it a statement by the shareholder of not more than 200 words in support of the proposal, and the name and address of the shareholder.

- (4) A proposal may include nominations for the election of directors if the proposal is signed by one or more holders of shares representing in the aggregate not less than 5% of the shares or 5% of the shares of a class of shares of the corporation entitled to vote at the meeting to which the proposal is to be presented, but this subsection does not preclude nominations made at a meeting of shareholders.
- (5) A corporation is not required to comply with subsections (2) and (3) if
- (a) the proposal is not submitted to the corporation at least 90 days before the anniversary date of the previous annual meeting of shareholders,
 - (b) it clearly appears that the proposal has been submitted by the shareholder primarily for the purpose of enforcing a personal claim or redressing a personal grievance against the corporation, its directors, officers or security holders or any of them, or primarily for the purpose of promoting general economic, political, racial, religious, social or similar causes,
 - (c) the corporation, at the shareholder's request, included a proposal in a management proxy circular relating to a meeting of shareholders held within two years preceding the receipt of the request, and the shareholder failed to present the proposal, in person or by proxy, at the meeting,
 - (d) substantially the same proposal was submitted to shareholders in a management proxy circular or a dissident's proxy circular relating to a meeting of shareholders held within two years preceding the receipt of the shareholder's request and the proposal was defeated, or
 - (e) the rights being conferred by this section are being abused to secure publicity.
- (6) No corporation or person acting on its behalf incurs any liability by reason only of circulating a proposal or statement in compliance with this section.

- (7) If a corporation refuses to include a proposal in a management proxy circular, the corporation shall, within 10 days after receiving the proposal, notify the shareholder submitting the proposal of its intention to omit the proposal from the management proxy circular and send to him a statement of the reasons for the refusal.
 - (8) On the application of a shareholder claiming to be aggrieved by a corporation's refusal under subsection (7), the Court may restrain the holding of the meeting to which the proposal is sought to be presented and make any further order it thinks fit.
 - (9) The corporation or any person claiming to be aggrieved by a proposal may apply to the Court for an order permitting the corporation to omit the proposal from the management proxy circular, and the Court, if it is satisfied that subsection (5) applies, may make any order it thinks fit.
- 132 (1) A corporation having more than 15 shareholders entitled to vote at a meeting of shareholders shall prepare a list of shareholders entitled to receive notice of a meeting, arranged in alphabetical order and showing the number of shares held by each shareholder,
- (a) if a record date is fixed under subsection 128(2), not later than 10 days after that date, or
 - (b) if no record date is fixed,
 - (i) at the close of business on the last business day preceding the day on which the notice is given, or
 - (ii) if no notice is given, on the day on which the meeting is held.
- (2) If a corporation fixes a record date under subsection 128(2), a person named in the list prepared under paragraph (1)(a) is entitled to vote the shares shown opposite his name at the meeting to which the list relates, except to the extent that
- (a) the person has transferred the ownership of any of his shares after the record date, and
 - (b) the transferee of those shares
 - (i) produces properly endorsed share certificates, or
 - (ii) otherwise establishes that he owns the shares,

and demands, not later than 10 days before the meeting, or any shorter period before the meeting that the by-laws of the corporation may provide, that his name be included in the list before the meeting,

in which case the transferee is entitled to vote his shares at the meeting.

- (3) If a corporation does not fix a record date under subsection 128(2), a person named in a list prepared under clause (1)(b)(1) is entitled to vote the shares shown opposite his name at the meeting to which the list relates except to the extent that
- (a) the person has transferred the ownership of any of his shares after the date on which a list referred to in clause (1)(b)(1) is prepared, and
 - (b) the transferee of those shares
 - (i) produces properly endorsed share certificates, or
 - (ii) otherwise establishes that he owns the shares, and demands, not later than 10 days before the meeting or any shorter period before the meeting that the by-laws of the corporation may provide, that his name be included in the list before the meeting,

in which case the transferee is entitled to vote his shares at the meeting.

- (4) A shareholder may examine the list of shareholders
- (a) during usual business hours at the records office of the corporation or at the place where its central securities register is maintained, and
 - (b) at the meeting of shareholders for which the list was prepared.

- 133 (1) Unless the by-laws otherwise provide, a quorum of shareholders is present at a meeting of shareholders, irrespective of the number of persons actually present at the meeting, if the holder or holders of a majority of the shares entitled to vote at the meeting are present in person or represented by proxy.

- (2) If a quorum is present at the opening of a meeting of shareholders, the shareholders present may, unless the by-laws otherwise provide, proceed with the business of the meeting, notwithstanding that a quorum is not present throughout the meeting.
 - (3) If a quorum is not present at the opening of a meeting of shareholders, the shareholders present may adjourn the meeting to a fixed time and place but may not transact any other business.
 - (4) If a corporation has only one shareholder, or only one holder of any class or series of shares, the shareholder present in person or by proxy constitutes a meeting.
- 134 (1) Unless the articles otherwise provide, each share of a corporation entitles the holder of it to one vote at a meeting of shareholders.
- (2) If a body corporate or association is a shareholder of a corporation, the corporation shall recognize any individual authorized by a resolution of the directors or governing body of the body corporate or association to represent it at meetings of shareholders of the corporation.
 - (3) An individual authorized under subsection (2) may exercise on behalf of the body corporate or association he represents all the powers it could exercise if it were an individual shareholder.
 - (4) Unless the by-laws otherwise provided, if two or more persons hold shares jointly, one of those holders present at a meeting of shareholders may in the absence of the others vote the shares, but if two or more of those persons who are present, in person or by proxy, vote, they shall vote as one on the shares jointly held by them.
- 135 (1) Unless the by-laws otherwise provide, voting at a meeting of shareholders shall be by show of hands except when a ballot is demanded by a shareholder or proxyholder entitled to vote at the meeting.

- (2) A shareholder or proxyholder may demand a ballot either before or on the declaration of the result of any vote by show of hands.
- 136
- (1) A resolution in writing signed by all the shareholders entitled to vote on that resolution is as valid as it if had been passed at a meeting of the shareholders.
 - (2) A resolution in writing dealing with all matters required by this Act to be dealt with at a meeting of shareholders, and signed by all the shareholders entitled to vote at that meeting, satisfies all the requirements of this Act relating to meetings of shareholders.
 - (3) A copy of every resolution referred to in subsection (1) or (2) shall be kept with the minutes of the meetings of shareholders.
- 137
- (1) The holders of not less than 5% of the issued shares of a corporation that carry the right to vote at a meeting sought to be held may requisition the directors to call a meeting of shareholders for the purposes stated in the requisition.
 - (2) The requisition referred to in subsection (1), which may consist of several documents of like form each signed by one or more shareholders, shall state the business to be transacted at the meeting and shall be sent to each director and to the registered office of the corporation.
 - (3) On receiving the requisition referred to in subsection (1), the directors shall call a meeting of shareholders to transact the business stated in the requisition unless
 - (a) a record date has been fixed under subsection 128(2) and notice of the record date has been given under subsection 128(4),
 - (b) the directors have called a meeting of shareholders and have given notice of the meeting under section 129, or
 - (c) the business of the meeting as stated in the requisition includes matters described in paragraphs 131(5)(b) to (e).
 - (4) If the directors do not within 21 days after receiving the requisition referred to in subsection (1) call a meeting, any shareholder who signed the requisition may call the meeting.

- (5) A meeting called under this section shall be called as nearly as possible in the manner in which meetings are to be called pursuant to the by-laws, this Part and Part 12.
- (6) Unless the shareholders otherwise resolve at a meeting called under subsection (4), the corporation shall reimburse the shareholders the expenses reasonably incurred by them in requisitioning, calling and holding the meeting.
- 138 (1) If for any reason it is impracticable to call a meeting of shareholders of a corporation in the manner in which meetings of those shareholders may be called, or to conduct the meeting in the manner prescribed by the by-laws and this Act, or if for any other reason the Court thinks fit, the Court, on the application of a director, a shareholder entitled to vote at the meeting or, if the corporation is a distributing corporation the Registrar of Securities, may order a meeting to be called, held and conducted in the manner the Court directs.
- (2) Without restricting the generality of subsection (1), the Court may order that the quorum required by the by-laws or this Act be varied or dispensed with at a meeting called, held and conducted pursuant to this section.
- (3) A meeting called, held and conducted pursuant to this section is for all purposes a meeting of shareholders of the corporation duly called, held and conducted.
- 139 (1) A corporation or a shareholder or director may apply to the Court to determine any controversy with respect to an election or appointment of a director or auditor of the corporation.
- (2) On an application under this section, the Court may make any order it thinks fit including, without limiting the generality of the foregoing, any one or more of the following:
- (a) an order restraining a director or auditor whose election or appointment is challenged from acting pending determination of the dispute;
 - (b) an order declaring the result of the disputed election or appointment;

- (c) an order requiring a new election or appointment, and including in the order directions for the management of the business and affairs of the corporation until a new election is held or appointment made;
 - (d) an order determining the voting rights of shareholders and of persons claiming to own shares.
- 139.1(1) A written agreement between two or more shareholders may provide that in exercising voting rights the shares held by them shall be voted as provided in the agreement.
- 140 (1) A unanimous shareholder agreement may provide for any or all of the following:
- (a) the regulation of the rights and liabilities of the shareholders, as shareholders, among themselves or between themselves and any other party to the agreement;
 - (b) the regulation of the election of directors;
 - (c) the management of the business and affairs of the corporation, including the restriction or abrogation, in whole or in part, of the powers of the directors;
 - (d) any other matter that may be contained in a unanimous shareholder agreement pursuant to any other provision of this Act.
- (2) If a unanimous shareholder agreement is in effect at the time a share is issued by a corporation to a person other than an existing shareholder,
- (a) that person is deemed to be a party to the agreement whether or not he had actual knowledge of it when the share certificate was issued,
 - (b) the issue of the share certificate does not operate to terminate the agreement, and
 - (c) if he is a bona fide purchaser without actual knowledge of the unanimous shareholder agreement, that person may rescind the contract under which the shares were acquired by giving a notice to that effect to the corporation within a reasonable time after the person receives actual knowledge of the unanimous shareholder agreement.

- (3) Notwithstanding subsection 45(8), if a unanimous shareholder agreement is in effect when a person who is not a party to the agreement acquires a share of a corporation, other than under subsection (2),
- (a) the person who acquired the share is deemed to be a party to the agreement whether or not he had actual knowledge of it when he acquired the share, and
 - (b) neither the acquisition of the share nor the registration of that person as a shareholder operates to terminate the agreement.
- (4) If
- (a) a person referred to in subsection (3) is a bona fide purchaser as defined in subsection 44(2) and did not have actual knowledge of the unanimous shareholder agreement, and
 - (b) his transferor's share certificate did not contain a reference to the unanimous shareholder agreement,
- that person may, within 30 days after he acquires actual knowledge of the existence of the agreement, send to the corporation a notice of objection to the agreement.
- (5) If a person sends a notice of objection under subsection (4),
- (a) he is entitled to be paid by the corporation the fair value of the shares held by him, determined as of the close of business on the day on which he became a shareholder, and
 - (b) subsections 184(4) and (6) to (20) applies, with the necessary changes, as if the notice of objection under subsection (4) were a written objection sent to the corporation under subsection 184(5).
- (6) A transferee who is entitled to be paid the fair value of his shares under subsection (5) also has the right to recover from the transferor by action the amount by which the value of the consideration paid for his shares exceeds the fair value of those shares.

- (7) A shareholder who is a party or is deemed to be a party to a unanimous shareholder agreement has all the rights, powers and duties and incurs all the liabilities of a director of the corporation to which the agreement relates to the extent that the agreement restricts the powers of the directors to manage the business and affairs of the corporation, and the directors are thereby relieved of their duties and liabilities to the same extent.
- (8) A unanimous shareholder agreement may not be amended without the written consent of all those who are shareholders at the effective date of the amendment unless otherwise provided for in the unanimous shareholder agreement.

PART 12

PROXIES

141 (1) In this Part,

"form of proxy" means a written or printed form that, on completion and execution by or on behalf of a shareholder, becomes a proxy;

"proxy" means a completed and executed form of proxy by means of which a shareholder appoints a proxyholder to attend and act on his behalf at a meeting of shareholders;

"registrant" means a person required to be registered to trade or deal in securities under the laws of any jurisdiction;

"solicit" or "solicitation" includes

- (a) a request for a proxy whether or not accompanied by or included in a form of proxy,
- (b) a request to execute or not to execute a form of proxy or to revoke a proxy,

- (c) the sending of a form of proxy or other communication to a shareholder under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy, and
- (d) the sending of a form of proxy to a shareholder under section 143,

but does not include

- (e) the sending of a form of proxy in response to an unsolicited request made by or on behalf of a shareholder,
- (f) the performance of administrative acts or professional services on behalf of a person soliciting a proxy,
- (g) the sending by a registrant of the documents referred to in section 147, or
- (h) a solicitation by a person in respect of shares of which he is the beneficial owner;

"solicitation by or on behalf of the management of a corporation" means a solicitation by any person pursuant to a resolution or the instructions of, or with the acquiescence of, the directors or a committee of the directors.

- 142 (1) A shareholder entitled to vote at a meeting of shareholders may by means of a proxy appoint a proxyholder and one or more alternate proxyholders, who are not required to be shareholders, to attend and act at the meeting in the manner and to the extent authorized by the proxy and with the authority conferred by the proxy.
- (2) A proxy shall be executed by the shareholder or by his attorney authorized in writing.
 - (3) A proxy is valid only at the meeting in respect of which it is given or any adjournment of that meeting.
 - (4) A shareholder may revoke a proxy
 - (a) by depositing an instrument in writing executed by him or by his attorney authorized in writing
 - (i) at the registered office of the corporation at any time up to and including the last business day preceding the day of the meeting, or an adjournment of that meeting, at which the proxy is to be used, or

- (ii) with the chairman of the meeting on the day of the meeting or an adjournment of the meeting, or
 - (b) in any other manner permitted by law.
- (5) The directors may specify in a notice calling a meeting of shareholders a time not exceeding 48 hours, excluding Saturdays and holidays, preceding the meeting or an adjournment of the meeting before which time proxies to be used at the meeting must be deposited with the corporation or its agent.
- 143 (1) Subject to subsection (2), the management of a corporation shall, concurrently with giving notice of a meeting of shareholders, send a form of proxy in prescribed form to each shareholder who is entitled to receive notice of the meeting.
- (2) The management of a corporation is not required to send a form of proxy under subsection (1)
- (a) if the corporation has not more than 15 shareholders entitled to vote at a meeting of shareholders, two or more joint shareholders being counted as one shareholder, or
 - (b) if all of the shareholders entitled to vote at a meeting of shareholders have agreed in writing to waive the application of subsection (1).
- (3) A shareholder may revoke a waiver given under paragraph (2)(b) in respect of any meeting of shareholders by sending to the corporation a notice in writing to that effect not less than 40 days before the date of the meeting in respect of which the waiver was given.
- (4) If the management of a corporation, without reasonable cause, contravenes subsection (1), the corporation is guilty of an offence and liable to a fine of not more than \$5000.
- (5) If a corporation contravenes subsection (1), then, whether or not the corporation has been prosecuted or convicted in respect of that contravention, any director or officer of the corporation who knowingly authorizes, permits or acquiesces in the contravention is also guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than six months or to both.

- 144 (1) A person shall not solicit proxies unless
- (a) in the case of solicitation by or on behalf of the management of a corporation, a management proxy circular in prescribed form, either as an appendix to or as a separate document accompanying the notice of the meeting, or
 - (b) in the case of any other solicitation, a dissident's proxy circular in prescribed form stating the purposes of the solicitation

is sent to the auditor of the corporation, to each shareholder whose proxy is solicited and, if paragraph (b) applies, to the corporation.

- (2) Subsection (1) does not apply to a corporation that has 15 or fewer shareholders entitled to vote at meetings of shareholders.
 - (3) A person required to send a management proxy circular or dissident's proxy circular under subsection (1) shall, if the corporation is a distributing corporation, file concurrently a copy of it with the Registrar of Securities, together with a copy of the notice of the meeting, form of proxy and any other documents for use in connection with the meeting.
 - (4) A person who contravenes subsection (1) or (3) is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than six months or to both.
 - (5) If the person who contravenes subsection (3) is a body corporate, then, whether or not the body corporate has been prosecuted or convicted in respect of the contravention, any director or officer of the body corporate who knowingly authorizes, permits or acquiesces in the contravention is also guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than six months or to both.
- 145 (1) On the application of an interested person,
- (a) the Registrar of Securities, if the corporation is a distributing corporation, or
 - (b) the Court, if the corporation is not a distributing corporation

may make an order on any terms it considers appropriate exempting that person from the application of section 143 or subsection 144(1), and the order may have retrospective effect.

- 146 (1) A person who solicits a proxy and is appointed as a proxyholder shall attend in person or cause an alternate proxyholder to attend the meeting in respect of which the proxy is given and comply with the directions of the shareholder who appointed him.
- (2) A proxyholder or an alternate proxyholder has the same rights as the shareholder who appointed him to speak at a meeting of shareholders in respect of any matter, to vote by way of ballot at the meeting and, except where a proxyholder or an alternate proxyholder has conflicting instructions from more than one shareholder, to vote at such a meeting in respect of any matter by way of any show of hands.
- (3) Notwithstanding subsections (1) and (2), if the chairman of a meeting of shareholders declares to the meeting that, if a ballot is conducted, the total number of votes attached to shares represented at the meeting by proxy required to be voted against what to his knowledge will be the decision of the meeting in relation to any matter or group of matters is less than 5% of the votes attached to the shares entitled to vote and represented at the meeting on that ballot, then, unless a shareholder or proxyholder demands a ballot,
- (a) the chairman may conduct the vote in respect of that matter or group of matters by a show of hands, and
- (b) a proxyholder or alternate proxyholder may vote in respect of that matter or group of matters by a show of hands.
- (4) A proxyholder or alternate proxyholder who without reasonable cause fails to comply with the directions of a shareholder under this section is guilty of an offence and liable to a fine of not more than \$5000 dollars or to imprisonment for a term of not more than six months or to both.
- 147 (1) Shares of a corporation that are registered in the name of a registrant or his nominee and not beneficially owned by the registrant shall not be voted unless the registrant, forthwith after receipt of the notice of the meeting, financial statements,

- management proxy circular, dissident's proxy circular and any other documents, other than the form of proxy sent to shareholders by or on behalf of any person for use in connection with the meeting, sends a copy of those documents to the beneficial owner and, except where the registrant has received written voting instructions from the beneficial owner, a written request for voting instructions.
- (2) A registrant shall not vote or appoint a proxyholder to vote shares registered in his name or in the name of his nominee that he does not beneficially own unless he receives voting instructions from the beneficial owner.
 - (3) A person by or on behalf of whom a solicitation is made shall, at the request of a registrant, forthwith furnish to the registrant at that person's expense the necessary number of copies of the documents referred to in subsection (1) other than copies of the document requesting voting instructions.
 - (4) A registrant shall vote or appoint a proxyholder to vote any shares referred to in subsection (1) in accordance with any written voting instructions received from the beneficial owner.
 - (5) If requested by a beneficial owner, a registrant shall appoint the beneficial owner or a nominee of the beneficial owner as proxyholder.
 - (6) The contravention of this section by a registrant does not render void any meeting of shareholders or any action taken at a meeting of shareholders.
 - (7) Nothing in this section gives a registrant the right to vote shares that he is otherwise prohibited from voting.
 - (8) A registrant who knowingly contravenes this section is guilty to an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than six months or to both.
 - (9) If the registrant who contravenes this section is a body corporate, then, whether or not the body corporate has been prosecuted or convicted in respect of the contravention, any director or officer of the body corporate who knowingly

authorizes, permits or acquiesces in the contravention is also guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than six months or to both.

- 148 (1) If a form of proxy, management proxy circular or dissident's proxy circular contains an untrue statement of a material fact or omits to state a material fact required in it or necessary to make a statement contained in it not misleading in the light of the circumstances in which it was made, an interested person or, if the corporation is a distributing corporation the Registrar of Securities, may apply to the Court and the Court may make any order it thinks fit including, without limiting the generality of the foregoing, any one or more of the following:
- (a) an order restraining the solicitation, the holding of the meeting or any person from implementing or acting on any resolution passed at the meeting to which the form of proxy, management proxy circular or dissident's proxy circular relates;
 - (b) an order requiring correction of any form of proxy or proxy circular and a further solicitation; or
 - (c) an order adjourning the meeting.

PART 13

FINANCIAL DISCLOSURE

- 149 (1) Subject to section 150, the directors of a corporation shall place before the shareholders at every annual meeting
- (a) the following financial statements as prescribed:
 - (i) if the corporation has not completed a financial period and the meeting is held after the end of the first 6-month period of that financial period, a financial statement for the next period that began on the date the corporation came into existence and ended on a date occurring not earlier than six months before the annual meeting;
 - (ii) if the corporation has completed only one financial period, a financial statement for that year;

- (iii) if the corporation has completed two or more financial periods, financial statements for the completed financial periods;
 - (iv) if the corporation has completed one or more financial periods but the annual meeting is held after six months has expired in its current financial period, a financial statement for the period that
 - (A) began at the commencement of its current financial period, and
 - (B) ended on a date that occurred not earlier than six months before the annual meeting,in addition to any statements required under clause (ii) or (iii),
 - (b) the report of the auditor, if any, and
 - (c) any further information respecting the financial position of the corporation and the results of its operations required by the articles, the by-laws or any unanimous shareholder agreement.
- 150 (1) A distributing corporation may apply to the Registrar of Securities for an order authorizing the corporation to omit from its financial statements any item prescribed, or to dispense with the publication of any financial statement prescribed, and the Registrar of Securities may, if he reasonably believes that the disclosure of the item or statement would be detrimental to the corporation, make the order on any reasonable conditions he thinks fit.
- 151 (1) A corporation shall keep at its records office a copy of the financial statements of each of its subsidiary bodies corporate and of each body corporate the accounts of which are consolidated in the financial statements of the corporation.
- (2) Shareholders of a corporation and their agents and legal representatives may on request examine the statements referred to in subsection (1) during the usual business hours of the corporation, and may make extracts from them, free of charge.

- (3) A corporation may, within 15 days of a request to examine under subsection (2), apply to the Court for an order barring the right of any person to so examine, and the Court may, if it is satisfied that the examination would be detrimental to the corporation or a subsidiary body corporate, bar that right and make any further order it thinks fit.
- (4) A corporation shall give notice of an application under subsection (3) to the person making a request under subsection (2), and that person may appear and be heard in person or by counsel.
- 152 (1) The directors of a corporation shall approve the financial statements referred to in section 149 and the approval shall be evidenced by the signature of one or more directors.
- (2) A corporation shall not issue, publish or circulate copies of the financial statements referred to in section 149 unless the financial statements are
- (a) approved and signed in accordance with subsection (1), and
 - (b) accompanied by the report of the auditor of the corporation, if any.
- 153 (1) A corporation shall, not less than 21 days before each annual meeting of shareholders or before the signing of a resolution under subsection 136(2) in lieu of the annual meeting, send a copy of the documents referred to in section 149 to each shareholder, except to a shareholder who has informed the corporation in writing that he does not want a copy of those documents.
- (2) A corporation that, without reasonable cause, contravenes subsection (1) is guilty of an offence and liable to a fine of not more than \$5000.
- 154 (1) A distributing corporation shall, not less than 21 days before each annual meeting of shareholders or forthwith after the signing of a resolution under subsection 136(2) in lieu of the annual meeting, and in any event not later than 15 months after the last date when the last preceding annual meeting should have been held or a resolution in lieu of the meeting should have been signed, file a copy of the documents referred to in section 149 with the Registrar of Securities.

- (2) If a distributing corporation
 - (a) sends to its shareholders, or
 - (b) is required to file with or send to a public authority or a stock exchange

interim financial statements or related documents, the corporation shall forthwith file copies of them with the Registrar of Securities.

- (3) A subsidiary corporation is not required to comply with this section if
 - (a) the financial statements of its holding corporation are in consolidated or combined form and include the accounts of the subsidiary, and
 - (b) the consolidated or combined financial statements of the holding corporation are included in the documents filed with the Registrar of Securities by the holding corporation in compliance with this section.
- (4) A corporation that contravenes this section is guilty of an offence and liable to a fine of not more than \$5000.

155 (1) Subject to subsection (5), a person is disqualified from being an auditor of a corporation if he is not independent of the corporation and its affiliates and the directors and officers of the corporation and its affiliates.

- (2) For the purposes of this section,
 - (a) independence is a question of fact, and
 - (b) a person is deemed not to be independent if he or his business partner
 - (i) is a business partner, a director, an officer or an employee of the corporation or any of its affiliates, or a business partner of any director, officer or employee of the corporation or any of its affiliates,
 - (ii) beneficially owns or controls, directly or indirectly, an interest in the securities of the corporation or any of its affiliates, or
 - (iii) has been a receiver, receiver-manager, liquidator or trustee in bankruptcy of the corporation or any of its affiliates within two years of his proposed appointment as auditor of the corporation.

- (3) An auditor who becomes disqualified under this section shall, subject to subsection (5), resign forthwith after becoming aware of his disqualification.
 - (4) An interested person may apply to the Court for an order declaring an auditor to be disqualified under this section and the office of auditor to be vacant.
 - (5) An interested person may apply to the Court for an order exempting an auditor from disqualification under this section and the Court may, if it is satisfied that an exemption would not unfairly prejudice the shareholders, make an exemption order on any terms it thinks fit, which order may have retrospective effect.
- 156 (1) Subject to section 157, shareholders of a corporation shall, by ordinary resolution, at the first annual meeting of shareholders and at each succeeding annual meeting, appoint an auditor to hold office until the close of the next annual meeting.
- (2) An auditor appointed under section 99 is eligible for appointment under subsection (1).
 - (3) Notwithstanding subsection (1), if an auditor is not appointed at a meeting of shareholders, the incumbent auditor continues in office until his successor is appointed.
 - (4) The remuneration of an auditor may be fixed by ordinary resolution of the shareholders or, if not so fixed, may be fixed by the directors.
- 157 (1) The shareholders of a corporation other than a distributing corporation may resolve not to appoint an auditor.
- (2) A resolution under subsection (1) is valid only until the next succeeding annual meeting of shareholders.
 - (3) A resolution under subsection (1) is not valid unless it is consented to by all the shareholders, including shareholders not otherwise entitled to vote.

- 158 (1) An auditor of a corporation ceases to hold office when
- (a) he dies or resigns, or
 - (b) he is removed pursuant to section 159.
- (2) A resignation of an auditor becomes effective at the time a written resignation is sent to the corporation or at the time specified in the resignation, whichever is later.
- 159 (1) The shareholders of a corporation may by ordinary resolution at a special meeting remove from office the auditor, other than an auditor appointed by the Court under section 161.
- (2) A vacancy created by the removal of an auditor may be filled at the meeting at which the auditor is removed or, if not so filled, may be filled under section 160.
- 160 (1) Subject to subsection (3), the directors shall forthwith fill a vacancy in the office of auditor.
- (2) If there is not a quorum of directors, the directors then in office shall, within 21 days after a vacancy in the office of auditor occurs, call a special meeting of shareholders to fill the vacancy and, if they fail to call a meeting or if there are no directors, the meeting may be called by any shareholder.
- (3) The articles of a corporation may provide that a vacancy in the office of auditor shall only be filled by vote of the shareholders.
- (4) An auditor appointed to fill a vacancy holds office for the unexpired term of his predecessor.
- (5) Subsections (1) and (2) do not apply if the shareholders have resolved under section 157 not to appoint an auditor.
- 161 (1) If a corporation does not have an auditor, the Court may, on the application of a shareholder or, if the corporation is a distributing corporation the Registrar of Securities, appoint and fix the remuneration of an auditor who holds office until an auditor is appointed by the shareholders.

- (2) Subsection (1) does not apply if the shareholders have resolved under section 157 not to appoint an auditor.
- 162 (1) The auditor of a corporation is entitled to receive notice of every meeting of shareholders and, at the expense of the corporation, to attend and be heard at every meeting on matters relating to his duties as auditor.
- (2) If a director or shareholder of a corporation, whether or not the shareholder is entitled to vote at the meeting, gives written notice to the auditor or a former auditor of the corporation not less than 10 days before a meeting of shareholders, the auditor or former auditor shall attend the meeting at the expense of the corporation and answer questions relating to his duties as auditor.
- (3) A director or shareholder who sends a notice referred to in subsection (2) shall send concurrently a copy of the notice to the corporation.
- (4) An auditor or former auditor of a corporation who without reasonable cause contravenes subsection (2) is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than six months or to both.
- (5) An auditor who
- (a) resigns,
 - (b) receives a notice or otherwise learns of a meeting of directors or shareholders called for the purpose of removing him from office,
 - (c) receives a notice or otherwise learns of a meeting of directors or shareholders at which another person is to be appointed to fill the office of auditor, whether because of resignation or removal of the incumbent auditor or because his term of office has expired or is about to expire, or
 - (d) receives a notice or otherwise learns of a meeting of shareholders at which a resolution referred to in section 157 is to be proposed,
- is entitled to submit to the corporation a written statement giving the reasons for his resignation or the reasons why he opposes any proposed action or resolution.

- (6) The corporation shall forthwith
- (a) send to every shareholder entitled to receive notice of any meeting referred to in subsection (1), and
 - (b) file with the Registrar of Securities, if the corporation is a distributing corporation,

a copy of the statement referred to in subsection (5), unless the statement is included in or attached to a management proxy circular required by section 144.

- (7) No person shall accept an appointment as or consent to be appointed as auditor of a corporation if he is replacing an auditor who has resigned or been removed or whose term of office has expired or is about to expire until he has requested and received from that auditor a written statement of the circumstances and the reasons why, in that auditor's opinion, he is to be replaced.
- (8) Notwithstanding subsection (7), a person otherwise qualified may accept appointment or consent to be appointed as auditor of a corporation if, within 15 days after making the request referred to in that subsection, he does not receive a reply.

- 163 (1) An auditor of a corporation shall make the examination that is in his opinion necessary to enable him to report in the prescribed manner on the financial statements required by this Act to be placed before the shareholders, except those financial statements or parts of those statements that relate to the earlier of the two financial years referred to in clause 149(1)(a)(iii).
- (2) Notwithstanding section 164, an auditor of a corporation may reasonably rely on the report of an auditor of a body corporate or an unincorporated business the accounts of which are included in whole or in part in the financial statements of the corporation.
- (3) For the purpose of subsection (2), reasonableness is a question of fact.
- (4) Subsection (2) applies whether or not the financial statements of the holding corporation reported on by the auditor are in consolidated form.

- 164 (1) On the demand of the auditor of a corporation, the present or former directors, officers, employees or agents of the corporation and the former auditors of the corporation shall furnish any
- (a) information and explanations, and
 - (b) access to records, documents, books, accounts and vouchers of the corporation or any of its subsidiaries

that are, in the opinion of the auditor, necessary to enable him to make the examination and report required under section 163 and that the directors, officers, employees, agents or former auditors are reasonably able to furnish.

- (2) On the demand of the auditor of a corporation, the directors of the corporation shall
- (a) to the extent they are reasonably able to do so, obtain from the present or former directors, officers, employees, agents or auditors of any subsidiary of the corporation the information and explanations that the present or former directors, officers, employees, agents or auditors are reasonably able to furnish and that are, in the opinion of the corporation's auditor, necessary to enable him to make the examination and report required under section 163, and
 - (b) furnish the information and explanations so obtained to the corporation's auditor.

- 165 (1) Subject to subsection (3), a distributing corporation shall, and any other corporation may, have an audit committee.

- (2) The audit committee of a distributing corporation shall be composed of not less than three directors of the corporation, a majority of whom are not officers or employees of the corporation or any of its affiliates.

- (3) A distributing corporation may apply to the Registrar of Securities for an order authorizing the corporation to dispense with an audit committee, and the Registrar of Securities may, if he is satisfied that the shareholders will not be prejudiced by such an order, permit the corporation to dispense with an audit committee on any reasonable conditions that he thinks fit.

- (4) An audit committee shall review the financial statements of the corporation before they are approved under section 152.

- (5) The auditor of a corporation is entitled to receive notice of every meeting of the audit committee and, at the expense of the corporation, to attend and be heard at the meeting, and, if so requested by a member of the audit committee, shall attend every meeting of the committee held during the term of office of the auditor.
 - (6) The auditor of a corporation or a member of the audit committee may call a meeting of the committee.
 - (7) A director or an officer of a corporation shall forthwith notify the audit committee and the auditor of any error or misstatement of which he becomes aware in a financial statement that the auditor or a former auditor has reported on.
 - (8) If the auditor or a former auditor of a corporation is notified or becomes aware of an error or misstatement in a financial statement on which he has reported, and if in his opinion the error or misstatement is material, he shall inform each director accordingly.
 - (9) When under subsection (8) the auditor or a former auditor informs the directors of an error or misstatement in a financial statement,
 - (a) the directors shall prepare and issue revised financial statements or otherwise inform the shareholders, and
 - (b) if the corporation is a distributing corporation, the corporation shall file the revised financial statements with the Registrar of Securities or inform the Registrar of Securities of the error or misstatement in the same manner that the shareholders were informed of it.
 - (10) Every director or officer of a corporation who knowingly contravenes subsection (7) or (9) is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than six months or to both.
- 166 (1) Any oral or written statement or report made under this Act by the auditor or a former auditor of a corporation has qualified privilege.

PART 14

FUNDAMENTAL CHANGES

- 167 (1) Subject to sections 170 and 171, the articles of a corporation may by special resolution be amended to
- (a) change its name, subject to section 12,
 - (b) add, change or remove any restriction on the business or businesses that the corporation may carry on,
 - (c) change any maximum number of shares that the corporation is authorized to issue,
 - (d) create new classes of shares,
 - (e) change the designation of all or any of its shares, and add, change or remove any rights, privileges, restrictions and conditions, including rights to accrued dividends, in respect of all or any of its shares, whether issued or unissued,
 - (f) change the shares of any class or series, whether issued or unissued, into a different number of shares of the same class or series or into the same or a different number of shares of other classes or series,
 - (g) divide a class of shares, whether issued or unissued, into series and fix the number of shares in each series and the rights, privileges, restrictions and conditions of that series,
 - (h) authorize the directors to divide any class of unissued shares into series and fix the number of shares in each series and the rights, privileges, restrictions and conditions of that series,
 - (i) authorize the directors to change the rights, privileges, restrictions and conditions attached to unissued shares of any series,
 - (j) revoke, diminish or enlarge any authority conferred under paragraphs (h) and (i),
 - (k) increase or decrease the number of directors or the minimum or maximum number of directors, subject to sections 102 and 107,
 - (l) subject to subsection 45(8), add, change or remove restrictions on the transfer of shares, or
 - (m) add, change or remove any other provision that is permitted by this Act to be set out in the articles.

- (2) The directors of a corporation may, if authorized by the shareholders in the special resolution effecting an amendment under this section, revoke the resolution before it is acted on without further approval of the shareholders.
- (3) Notwithstanding subsection (1), but subject to section 12, where a corporation has a designating number as a name, the directors may amend its articles to change that name to a verbal name.
- 168 (1) In this section "resident Canadian" means an individual who is
- (a) a Canadian citizen ordinarily resident in Canada,
 - (b) a Canadian citizen not ordinarily resident in Canada who is a member of a prescribed class of persons, or
 - (c) a permanent resident within the meaning of the Immigration Act, 1976 (Canada) and ordinarily resident in Canada, except a permanent resident who has been ordinarily resident in Canada for more than one year after the time at which he first became eligible to apply for Canadian citizenship.
- (2) Subject to sections 170 and 171, a distributing corporation may by special resolution amend its articles in accordance with the regulations to constrain the issue or transfer of its shares
- (a) to persons who are not resident Canadians, or
 - (b) to enable the corporation or any of its affiliates to qualify under any law of Canada or any province of Canada referred to in the regulations
 - (i) to obtain a licence to carry on any business,
 - (ii) to become a publisher of a Canadian newspaper or periodical, or
 - (iii) to acquire shares of a financial intermediary as defined in the regulations.
- (3) A corporation referred to in subsection (2) may by special resolution amend its articles to remove any constraint on the issue or transfer of its shares.
- (4) The directors of a corporation may, if authorized by the shareholders in the special resolution effecting an amendment under subsection (2), revoke the resolution before it is acted on without further approval of the shareholders.

- (5) The Commissioner in Executive Council may make regulations with respect to a corporation that constrains the issue or transfer of its shares prescribing
- (a) the disclosure required of the constraints in documents issued or published by the corporation,
 - (b) the duties and powers of the directors to refuse to issue or register transfers of shares in accordance with the articles of the corporation,
 - (c) the limitations on voting rights of any shares held contrary to the articles of the corporation,
 - (d) the powers of the directors to require disclosure of beneficial ownership of shares of the corporation and the right of the corporation and its directors, employees and agents to rely on such disclosure and the effects of such reliance, and
 - (e) the rights of any person owning shares of the corporation at the time of an amendment to its articles constraining share issues or transfers.
- (6) An issue or a transfer of a share or an act of a corporation is valid notwithstanding any contravention of this section or the regulations.
- 169 (1) Subject to subsection (2), a director or a shareholder who is entitled to vote at an annual meeting of shareholders may, in accordance with section 131, make a proposal to amend the articles.
- (2) Notice of a meeting of shareholders at which a proposal to amend the articles is to be considered shall set out the proposed amendment and, if applicable, shall state that a dissenting shareholder is entitled to be paid the fair value of his shares in accordance with section 184, but failure to make that statement does not invalidate an amendment.
- 170 (1) The holders of shares of a class or, subject to subsection (2), of a series are entitled to vote separately as a class or series on a proposal to amend the articles to
- (a) increase or decrease any maximum number of authorized shares of that class, or increase the maximum number of authorized shares of a class having rights or privileges equal or superior to the rights or privileges attached to the shares of that class,

- (b) effect an exchange, reclassification or cancellation of all or part of the shares of that class,
 - (c) add, change or remove the rights, privileges, restrictions or conditions attached to the shares of that class and, without limiting the generality of the foregoing,
 - (i) remove or change prejudicially rights to accrued dividends or rights to cumulative dividends,
 - (ii) add, remove or change prejudicially redemption rights,
 - (iii) reduce or remove a dividend preference or a liquidation preference, or
 - (iv) add, remove or change prejudicially conversion privileges, options, voting, transfer or pre-emptive rights, rights to acquire securities of a corporation or sinking fund provisions,
 - (d) increase the rights or privileges of any class of shares having rights or privileges equal or superior to the rights or privileges attached to the shares of that class,
 - (e) create a new class of shares having rights or privileges equal or superior to the rights or privileges attached to the shares of that class,
 - (f) make the rights or privileges of any class of shares having rights or privileges inferior to the rights or privileges of the shares of that class equal or superior to the rights or privileges of the shares of that class,
 - (g) effect an exchange or create a right of exchange of all or part of the shares of another class into the shares of that class, or
 - (h) constrain the issue or transfer of the shares of that class or extend or remove that constraint.
- (2) The holders of a series of shares of a class are entitled to vote separately as a series under subsection (1) only if the series is affected by an amendment in a manner different from other shares of the same class.
- (3) Subsection (1) applies whether or not shares of a class or series otherwise carry the right to vote.
- (4) A proposed amendment to the articles referred to in subsection (1) is adopted when the holders of the shares of each class or series entitled to vote separately on the amendment as a class or series have approved the amendment by a special resolution.

- 171 (1) Subject to any revocation under subsection 167(2) or 168(4), after an amendment has been adopted under section 167, 168 or 170, articles of amendment in prescribed form shall be sent to the Registrar.
- (2) If an amendment effects or requires a reduction of stated capital, subsections 36(3) and (4) apply.
- 172 (1) On receipt of articles of amendment, the Registrar shall issue a certificate of amendment in accordance with section 255.
- 173 (1) An amendment becomes effective on the date shown in the certificate of amendment and the articles are amended accordingly.
- (2) No amendment to the articles affects an existing cause of action or claim or liability to prosecution in favour of or against the corporation or any of its directors or officers, or any civil, criminal or administrative action or proceeding to which a corporation or any of its directors or officers is a party.
- 174 (1) A corporation may at any time, and shall when reasonably so directed by the Registrar, restate by special resolution the articles of incorporation as amended.
- (2) Restated articles of incorporation in prescribed form shall be sent to the Registrar.
- (3) On receipt of restated articles of incorporation, the Registrar shall issue a certificate of registration of restated articles in accordance with section 255.
- (4) Restated articles of incorporation are effective on the date shown in the certificate of registration of restated articles and supersede the original articles of incorporation and all amendments to them.
- 175 (1) Two or more corporations, including holding and subsidiary corporations, may amalgamate and continue as one corporation.
- (2) Subsection (1) does not apply if one or more of the corporations is a professional corporation.

- 176 (1) Each corporation proposing to amalgamate shall enter into an agreement setting out the terms and means of effecting the amalgamation and, in particular, setting out
- (a) the provisions that are required to be included in articles of incorporation under section 6,
 - (b) the name and address of each proposed director of the amalgamated corporation,
 - (c) the manner in which the shares of each amalgamating corporation are to be converted into shares or other securities of the amalgamated corporation,
 - (d) if any shares of an amalgamating corporation are not to be converted into securities of the amalgamated corporation, the amount of money or securities of any body corporate that the holders of those shares are to receive in addition to or instead of securities of the amalgamated corporation,
 - (e) the manner of payment of money instead of the issue of fractional shares of the amalgamated corporation or of any other body corporate the securities of which are to be received in the amalgamation,
 - (f) whether the by-laws of the amalgamated corporation are to be those of one of the amalgamating corporations and, if not, a copy of the proposed by-laws, and
 - (g) details of any arrangements necessary to perfect the amalgamation and to provide for the subsequent management and operation of the amalgamated corporation.
- (2) If shares of one of the amalgamating corporations are held by or on behalf of another of the amalgamating corporations, the amalgamation agreement shall provide for the cancellation of those shares when the amalgamation becomes effective without any repayment of capital in respect of those shares, and no provision shall be made in the agreement for the conversion of those shares into shares of the amalgamated corporation.
- 177 (1) The directors of each amalgamating corporation shall submit the amalgamation agreement for approval to a meeting of the holders of shares of the amalgamating corporation of which they are directors and, subject to subsection (4), to the holders of each class or series of those shares.

- (2) A notice of a meeting of shareholders complying with section 129 shall be sent in accordance with that section to each shareholder of each amalgamating corporation and shall
 - (a) include or be accompanied by a copy or summary of the amalgamation agreement, and
 - (b) state that a dissenting shareholder is entitled to be paid the fair value of his shares in accordance with section 184, but failure to make that statement does not invalidate an amalgamation.
 - (3) Each share of an amalgamating corporation carries the right to vote in respect of an amalgamation whether or not it otherwise carries the right to vote.
 - (4) The holders of shares of a class or series of shares of an amalgamating corporation are entitled to vote separately as a class or series in respect of an amalgamation if the amalgamation agreement contains a provision that, if contained in a proposed amendment to the articles, would entitle those holders to vote as a class or series under section 170.
 - (5) Subject to subsections (4) and (6), an amalgamation agreement is adopted when the shareholders of each amalgamating corporation have approved of the amalgamation by special resolutions.
 - (6) An amalgamation agreement may provide that at any time before the issue of a certificate of amalgamation the agreement may be terminated by the directors of an amalgamating corporation, notwithstanding approval of the agreement by the shareholders of all or any of the amalgamating corporations.
- 178 (1) A holding corporation and one or more of its wholly-owned subsidiary corporations may amalgamate and continue as one corporation without complying with sections 176 and 177 if
- (a) the amalgamation is approved by a resolution of the directors of each amalgamating corporation, and
 - (b) the resolutions provide that
 - (i) the shares of each amalgamating subsidiary corporation shall be cancelled without any repayment of capital in respect of those shares,

- (ii) except as may be prescribed, the articles of amalgamation will be the same as the articles of incorporation of the amalgamating holding corporation, and
 - (iii) no securities shall be issued by the amalgamated corporation in connection with the amalgamation.
 - (2) Two or more wholly-owned subsidiary corporations of the same holding body corporate may amalgamate and continue as one corporation without complying with sections 176 and 177 if
 - (a) the amalgamation is approved by a resolution of the directors of each amalgamating corporation, and
 - (b) the resolutions provide that
 - (i) the shares of all but one of the amalgamating subsidiary corporations shall be cancelled without any repayment of capital in respect of those shares,
 - (ii) except as may be prescribed, the articles of amalgamation will be the same as the articles of incorporation of the amalgamating subsidiary corporation whose shares are not cancelled, and
 - (iii) the stated capital of the amalgamating subsidiary corporations whose shares are cancelled shall be added to the stated capital of the amalgamating subsidiary corporation whose shares are not cancelled.
- 179 (1) Subject to subsection 177(6), after an amalgamation agreement has been adopted under section 177 or an amalgamation has been approved under section 178, articles of amalgamation in prescribed form shall be sent to the Registrar together with the documents required by sections 19 and 101.
- (2) The articles of amalgamation shall have attached to them the amalgamation agreement, if any, and a statutory declaration of a director or an officer of each amalgamating corporation that establishes to the satisfaction of the Registrar that
- (a) there are reasonable grounds for believing that
 - (i) each amalgamating corporation is and the amalgamated corporation will be able to pay its liabilities as they become due, and
 - (ii) the realizable value of the amalgamated corporation's assets will not be less than the aggregate of its liabilities and stated capital of all classes, and

- (b) there are reasonable grounds for believing that
 - (i) no creditor will be prejudiced by the amalgamation, or
 - (ii) adequate notice has been given to all known creditors of the amalgamating corporations and no creditor objects to the amalgamation otherwise than on grounds that are frivolous or vexatious.

- (3) For the purposes of subsection (2), adequate notice is given if
 - (a) a notice of the proposed amalgamation in writing is sent to each known creditor having a claim against the corporation that exceeds \$1000,
 - (b) a notice of the proposed amalgamation is published once in a newspaper published or distributed in the place where the corporation has its registered office and reasonable notice of the proposed amalgamation is given in each province in Canada where the corporation carries on business, and
 - (c) each notice states that the corporation intends to amalgamate with one or more specified corporations in accordance with this Act unless a creditor of the corporation objects to the amalgamation within 30 days from the date of the notice.

- (4) On receipt of articles of amalgamation and the other documents required by subsections (1) and (2), and on receipt of the prescribed fees, the Registrar shall issue a certificate of amalgamation in accordance with section 255.

- 180 (1) On the date shown in a certificate of amalgamation
 - (a) the amalgamation of the amalgamating corporations and their continuance as one corporation become effective,
 - (b) the property of each amalgamating corporation continues to be the property of the amalgamated corporation,
 - (c) the amalgamated corporation continues to be liable for the obligations of each amalgamating corporation,
 - (d) an existing cause of action, claim or liability to prosecution is unaffected,
 - (e) a civil, criminal or administrative action or proceeding pending by or against an amalgamating corporation may be continued to be prosecuted by or against the amalgamated corporation,
 - (f) a conviction against, or ruling, order or judgement in favour of or against, an amalgamating corporation may be enforced by or against the amalgamated corporation, and

- (g) the articles of amalgamation are deemed to be the articles of incorporation of the amalgamated corporation and the certificate of amalgamation is deemed to be the certificate of incorporation of the amalgamated corporation.

- 180.1(1) A corporation may amalgamate with an extra-territorial corporation and continue as one corporation under this Act if
- (a) the extra-territorial corporation is authorized to amalgamate with the corporation by the laws of the jurisdiction in which the extra-territorial corporation is incorporated, and
 - (b) one is the wholly-owned subsidiary of the other.
- (2) Subsection (1) does not apply if the corporation is a professional corporation.
- (3) A corporation and an extra-territorial corporation proposing to amalgamate shall enter into an amalgamation agreement setting out the terms and means of effecting the amalgamation and, in particular,
- (a) providing for the matters enumerated in paragraphs 176(1)(a), (b) and (g),
 - (b) providing that the shares of the wholly-owned subsidiary shall be cancelled without any repayment of capital in respect of those shares, and
 - (c) providing that no securities shall be issued by the amalgamated corporation in connection with the amalgamation.
- (4) An amalgamation under this section is adopted when
- (a) the agreement is approved by the directors of the corporation,
 - (b) the agreement is approved by the directors or comparable governing body of, or the members of, the extra-territorial corporation, whichever body is required under the laws of the jurisdiction of incorporation of the extra-territorial corporation to approve it, and
 - (c) the extra-territorial corporation has otherwise complied with the law of the jurisdiction in which it is incorporated.

- (5) An amalgamation agreement under this section may provide that at any time before the issue of a certificate of amalgamation, the agreement may be terminated by the directors of the corporation or the directors or comparable governing body of the extra-territorial corporation, notwithstanding any previous approval of the agreement.
- (6) Sections 179 and 180 apply to an amalgamation under this section as if both of the amalgamating bodies corporate were corporations except that the notice referred to in paragraph 179(3)(b) shall also be published or distributed in each jurisdiction outside Canada where either body corporate carries on business.
- 181 (1) An extra-territorial corporation may, if so authorized by the laws of the jurisdiction where it is incorporated, apply to the Registrar for a certificate of continuance.
- (2) The provisions of the articles of continuance of an extra-territorial corporation may, without so stating, vary from the provisions of the extra-territorial corporation's act of incorporation, articles, letters patent or memorandum or articles of association, if the variation is one which a corporation incorporated under this Act could effect by way of amendment to its articles.
- (3) Articles of continuance in prescribed form shall be sent to the Registrar together with the documents required by sections 19 and 101.
- (4) On receipt of articles of continuance and the documents required by sections 19 and 101, the Registrar shall issue a certificate of continuance in accordance with section 255.
- (5) On the date shown in the certificate of continuance
- (a) the extra-territorial corporation becomes a corporation to which this Act applies as if it had been incorporated under this Act,
 - (b) the articles of continuance are deemed to be the articles of incorporation of the continued corporation, and
 - (c) the certificate of continuance is deemed to be the certificate of incorporation of the continued corporation.

- (6) The Registrar shall forthwith send a copy of the certificate of continuance to the appropriate official or public body in the jurisdiction in which continuance under this Act was authorized.
- (7) When an extra-territorial corporation is continued as a corporation under this Act,
- (a) the property of the extra-territorial corporation continues to be the property of the corporation,
 - (b) the corporation continues to be liable for the obligations of the extra-territorial corporation,
 - (c) an existing cause of action, claim or liability to prosecution is unaffected,
 - (d) a civil, criminal or administrative action or proceeding pending by or against the extra-territorial corporation may be continued to be prosecuted by or against the corporation, and
 - (e) a conviction against, or ruling, order or judgment in favour of or against, the extra-territorial corporation may be enforced by or against the corporation.
- (8) Subject to subsection 45(8), a share of an extra-territorial corporation issued before the extra-territorial corporation was continued under this Act is deemed to have been issued in compliance with this Act and with the provisions of the articles of continuance irrespective of whether the share is fully paid and irrespective of any designation, rights, privileges, restrictions or conditions set out on or referred to in the certificate representing the share, and continuance under this section does not deprive a holder of any right or privilege that he claims under, or relieve him of any liability in respect of, an issued share.
- (9) Notwithstanding subsection 24(1), if a corporation continued under this Act had, before it was so continued, issued a share certificate in registered form that is convertible to a share certificate in favour of bearer, the corporation may, if a holder of such a share certificate exercises the conversion privilege attached to it, issue a share certificate in favour of bearer for the same number of shares to the holder.
- (10) For the purposes of subsections (8) and (9), "share" includes an instrument referred to in subsection 29(1), a share warrant or a like instrument.

- (11) If the Registrar determines on the application of an extra-territorial corporation, that it is not practicable to change a reference to the nominal or par value of shares of a class or series that it was authorized to issue before it was continued under this Act, the Registrar may, notwithstanding section 24(1), permit the extra-territorial corporation to continue to refer in its articles to those shares, whether issued or unissued, as shares having a nominal or par value.
- (12) A corporation shall set out in its articles the maximum number of shares of a class or series referred to in subsection (11) and may not amend its articles to increase that maximum number of shares or to change the nominal or par value of those shares.
- 182 (1) Subject to subsection (9), a corporation may, if it is authorized by the shareholders in accordance with this section, apply to the appropriate official or public body of another jurisdiction requesting that the corporation be continued as if it had been incorporated under the laws of that other jurisdiction.
- (2) A notice of a meeting of shareholders complying with section 129 shall be sent in accordance with that section to each shareholder and shall state that a dissenting shareholder is entitled to be paid the fair value of his shares in accordance with section 184, but failure to make that statement does not invalidate a discontinuance under this Act.
- (3) Each share of the corporation carries the right to vote in respect of a continuance whether or not it otherwise carries the right to vote.
- (4) An application for continuance becomes authorized when the shareholders voting on it have approved of the continuance by a special resolution.
- (5) The directors of a corporation may, if authorized by the shareholders at the time of approving an application for continuance under this section, abandon the application without further approval of the shareholders.

- (6) On receipt of notice satisfactory to him that the corporation has been continued under the laws of another jurisdiction, and on giving his approval under subsection (1), the Registrar shall file the notice and issue a certificate of discontinuance.
 - (7) Section 255 applies with the necessary changes to the notice filed under subsection (6) as though the notice were articles that conform to law.
 - (8) On the date shown in the certificate of discontinuance, the corporation becomes an extra-territorial corporation as if it had been incorporated under the laws of the other jurisdiction.
 - (9) A corporation shall not be continued as a body corporate under the laws of another jurisdiction unless those laws provide in effect that
 - (a) the property of the corporation continues to be the property of the body corporate,
 - (b) the body corporate continues to be liable for the obligations of the corporation,
 - (c) an existing cause of action, claim or liability to prosecution is unaffected,
 - (d) a civil, criminal or administrative action or proceeding pending by or against the corporation may be continued to be prosecuted by or against the body corporate, and
 - (e) a conviction against, or ruling, order or judgment in favour of or against the corporation may be enforced by or against the body corporate.
- 183 (1) A sale, lease or exchange of all or substantially all the property of a corporation other than in the ordinary course of business of the corporation requires the approval of the shareholders in accordance with subsections (2) to (6).
- (2) A notice of meeting of shareholders complying with section 129 shall be sent in accordance with that section to each shareholder and shall
 - (a) include or be accompanied by a copy or summary of the agreement of sale, lease or exchange, and

- (b) state that a dissenting shareholder is entitled to be paid the fair value of his shares in accordance with section 184, but failure to make that statement does not invalidate a sale, lease or exchange referred to in subsection (1).
 - (3) At the meeting referred to in subsection (2) the shareholders may authorize the sale, lease or exchange and may fix or authorize the directors to fix any of its terms and conditions.
 - (4) Each share of the corporation carries the right to vote in respect of a sale, lease or exchange referred to in subsection (1) whether or not it otherwise carries the right to vote.
 - (5) The holders of shares of a class or series of shares of the corporation are entitled to vote separately as a class or series in respect of a sale, lease or exchange referred to in subsection (1) only if that class or series is affected by the sale, lease or exchange in a manner different from the shares of another class or series.
 - (6) A sale, lease or exchange referred to in subsection (1) is adopted when the holders of each class or series entitled to vote on it have approved of the sale, lease or exchange by a special resolution.
 - (7) The directors of a corporation may, if authorized by the shareholders approving a proposed sale, lease or exchange, and subject to the rights of third parties, abandon the sale, lease or exchange without further approval of the shareholders.
- 184 (1) Subject to sections 185 and 234, a holder of shares of any class of a corporation may dissent if the corporation resolves to
- (a) amend its articles under section 167 or 168 to add, change or remove any provisions restricting or constraining the issue or transfer of shares of that class,
 - (b) amend its articles under section 167 to add, change or remove any restrictions on the business or businesses that the corporation may carry on,
 - (c) amalgamate with another corporation, otherwise than under section 178 or 180.1,
 - (d) be continued under the laws of another jurisdiction under section 182, or

- (e) sell, lease or exchange all or substantially all its property under section 183.
- (2) A holder of shares of any class or series of shares entitled to vote under section 170 may dissent if the corporation resolves to amend its articles in a manner described in that section.
- (3) In addition to any other right he may have, but subject to subsection (20), a shareholder entitled to dissent under this section and who complies with this section is entitled to be paid by the corporation the fair value of the shares held by him in respect of which he dissents, determined as of the close of business on the last business day before the day on which the resolution from which he dissents was adopted.
- (4) A dissenting shareholder may only claim under this section with respect to all the shares of a class held by him or on behalf of any one beneficial owner and registered in the name of the dissenting shareholder.
- (5) A dissenting shareholder shall send to the corporation a written objection to a resolution referred to in subsection (1) or (2)
 - (a) at or before any meeting of shareholders at which the resolution is to be voted on, or
 - (b) if the corporation did not send notice to the shareholder of the purpose of the meeting or of his right to dissent, within a reasonable time after he learns that the resolution was adopted and of his right to dissent.
- (6) An application may be made to the Court after the adoption of a resolution referred to in subsection (1) or (2),
 - (a) by the corporation, or
 - (b) by a shareholder if he has sent an objection to the corporation under subsection (5),to fix the fair value in accordance with subsection (3) of the shares of a shareholder who dissents under this section.
- (7) If an application is made under subsection (6), the corporation shall, unless the Court otherwise orders, send to each dissenting shareholder a written offer to pay him an amount considered by the directors to be the fair value of the shares.

- (8) Unless the Court otherwise orders, an offer referred to in subsection (7) shall be sent to each dissenting shareholder
 - (a) at least 10 days before the date on which the application is returnable, if the corporation is the applicant, or
 - (b) within 10 days after the corporation is served with a copy of the originating notice, if a shareholder is the applicant.

- (9) Every offer made under subsection (7) shall
 - (a) be made on the same terms, and
 - (b) contain or be accompanied by a statement showing how the fair value was determined.

- (10) A dissenting shareholder may make an agreement with the corporation for the purchase of his shares by the corporation, in the amount of the corporation's offer under subsection (7) or otherwise, at any time before the Court pronounces an order fixing the fair value of the shares.

- (11) A dissenting shareholder
 - (a) is not required to give security for costs in respect of an application under subsection (6), and
 - (b) except in special circumstances shall not be required to pay the costs of the application or appraisal.

- (12) In connection with an application under subsection (6), the Courts may give directions for
 - (a) joining as parties all dissenting shareholders whose shares have not been purchased by the corporation and for the representation of dissenting shareholders who, in the opinion of the Court, are in need of representation,
 - (b) the trial of issues and interlocutory matters, including pleadings and examinations for discovery,
 - (c) the payment to the shareholder of all or part of the sum offered by the corporation for the shares,
 - (d) the deposit of the share certificates with the Court or with the corporation or its transfer agent,
 - (e) the appointment and payment of independent appraisers, and the procedures to be followed by them,
 - (f) the service of documents, and
 - (g) the burden of proof on the parties.

- (13) On an application under subsection (6), the Court shall make an order
- (a) fixing the fair value of the shares in accordance with subsection (3) of all dissenting shareholders who are parties to the application,
 - (b) giving judgment in that amount against the corporation and in favour of each of those dissenting shareholders, and
 - (c) fixing the time within which the corporation must pay that amount to a shareholder.

- (14) On
- (a) the action approved by the resolution from which the shareholder dissents becoming effective,
 - (b) the making of an agreement under subsection (10) between the corporation and the dissenting shareholder as to the payment to be made by the corporation for his shares, whether by the acceptance of the corporation's offer under subsection (7) or otherwise, or
 - (c) the pronouncement of an order under subsection (13),

whichever first occurs, the shareholder ceases to have any rights as a shareholder other than the right to be paid the fair value of his shares in the amount agreed to between the corporation and the shareholder or in the amount of the judgment, as the case may be.

- (15) Paragraph (14)(a) does not apply to a shareholder referred to in paragraph (5)(b).

- (16) Until one of the events mentioned in subsection (14) occurs,
- (a) the shareholder may withdraw his dissent, or
 - (b) the corporation may rescind the resolution,

and in either event proceedings under this section shall be discontinued.

- (17) The Court may in its discretion allow a reasonable rate of interest on the amount payable to each dissenting shareholder, from the date on which the shareholder ceases to have any rights as a shareholder by reason of subsection (14) until the date of payment.

(18) If subsection (20) applies, the corporation shall, within 10 days after

- (a) the pronouncement of an order under subsection (13), or
- (b) the making of an agreement between the shareholder and the corporation as to the payment to be made for his shares,

notify each dissenting shareholder that it is unable lawfully to pay dissenting shareholders for their shares.

(19) Notwithstanding that a judgment has been given in favour of a dissenting shareholder under paragraph (13)(b), if subsection (20) applies, the dissenting shareholder, by written notice delivered to the corporation within 30 days after receiving the notice under subsection (18), may withdraw his notice of objection, in which case the corporation is deemed to consent to the withdrawal and the shareholder is reinstated to his full rights as a shareholder, failing which he retains a status as a claimant against the corporation, to be paid as soon as the corporation is lawfully able to do so or, in a liquidation, to be ranked subordinate to the rights of creditors of the corporation but in priority to its shareholders.

(20) A corporation shall not make a payment to a dissenting shareholder under this section if there are reasonable grounds for believing that

- (a) the corporation is or would after the payment be unable to pay its liabilities as they become due, or
- (b) the realizable value of the corporation's assets would thereby be less than the aggregate of its liabilities.

PART 15

CORPORATE REORGANIZATION AND ARRANGEMENTS

185 (1) In this section, "order for reorganization" means an order of the Court made under

- (a) section 234,
- (b) the Bankruptcy Act (Canada) approving a proposal, or

- (c) any other Act of the Parliament of Canada or an Act of the Legislature that affects the rights among the corporation, its shareholders and creditors.
 - (2) If a corporation is subject to an order for reorganization, its articles may be amended by the order to effect any change that might lawfully be made by an amendment under section 167.
 - (3) If the Court makes an order for reorganization, the Court may also
 - (a) authorize the issue of debt obligations of the corporation, whether or not convertible into shares of any class or having attached any rights or options to acquire shares of any class, and fix the terms of those debt obligations, and
 - (b) appoint directors in place of or in addition to all or any of the directors then in office.
 - (4) After an order for reorganization has been made, articles of reorganization in prescribed form shall be sent to the Registrar together with the documents required by sections 19 and 108, if applicable.
 - (5) On receipt of articles of reorganization, the Registrar shall issue a certificate of amendment in accordance with section 255.
 - (6) An order for reorganization becomes effective on the date shown in the certificate of amendment and the articles of incorporation are amended accordingly.
 - (7) A shareholder is not entitled to dissent under section 184 if an amendment to the articles of incorporation is effected under this section.
- 186 (1) In this section, "arrangement" includes, but is not restricted to
- (a) an amendment to the articles of a corporation,
 - (b) an amalgamation of two or more corporations,
 - (c) an amalgamation of a body corporate with a corporation that results in an amalgamated corporation subject to this Act,
 - (d) a division of the business carried on by a corporation,
 - (e) a transfer of all or substantially all the property of a corporation to another body corporate in exchange for property, money or securities of the body corporate,

- (f) an exchange of securities of a corporation held by security holders for property, money or other securities of the corporation or property, money or securities of another body corporate that is not a take-over bid as defined in section 187,
 - (g) a liquidation and dissolution of a corporation,
 - (h) a compromise between a corporation and its creditors or any class of its creditors or between a corporation and the holders of its shares or debt obligations or any class of those holders, or
 - (i) any combination of the foregoing.
- (2) An application may be made to the Court by a corporation or a security holder or creditor of a corporation for an order approving an arrangement in respect of the corporation.
- (3) If an arrangement can be effected under any other provision of this Act, an application may not be made under this section unless it is impracticable to effect the arrangement under that other provision.
- (4) In connection with an application under this section, the Court, unless it dismisses the application,
- (a) shall order the holding of a meeting of shareholders or a class or classes of shareholders to vote on the proposed arrangement,
 - (b) shall order a meeting of persons who are creditors or holders of debt obligations of the corporation or of options or rights to acquire securities of the corporation, or any class of those persons, if the Court considers that those persons or that class of persons are affected by the proposed arrangement,
 - (c) may, with respect to any meeting referred to in paragraph (a) or (b), give any directions in the order respecting
 - (i) the calling of and the giving of notice of the meeting,
 - (ii) the conduct of the meeting,
 - (iii) subject to subsection (6), the majority required to pass a resolution at the meeting, and
 - (iv) any other matter it thinks fit,

and

- (d) may make an order appointing counsel to represent, at the expense of the corporation, the interests of the shareholders or any of them.
- (5) The notice of a meeting referred to in paragraph (4)(a) or (b) shall contain or be accompanied by
- (a) a statement explaining the effect of the arrangement, and
 - (b) if the application is made by the corporation, a statement of any material interests of the directors of the corporation, whether as directors, security holders or creditors, and the effect of the arrangement on those interests.
- (6) An order made under clause (4)(c)(iii) in respect of any meeting may not provide for any majority that is less than the following:
- (a) in the case of a vote of the shareholders or a class of shareholders, a majority of at least 2/3 of the votes cast by the shareholders voting on the resolution;
 - (b) in the case of a vote of creditors or a class of creditors, a majority in number representing at least 2/3 of the amount of their claims;
 - (c) in the case of a vote of the holders of debt obligations or a class of those holders, a majority in number representing at least 2/3 of the amount of their claims;
 - (d) in the case of a vote of holders of options or rights to acquire securities, the majority that would be required under paragraph (a) or (c) if those holders had acquired ownership of the securities.
- (7) Notwithstanding anything in subsections (4) to (6), if a resolution required to be voted on pursuant to the order under subsection (4) is in writing and signed by all the persons entitled to vote on the resolution,
- (a) the meeting required to be held by the order need not be held, and
 - (b) the resolution is as valid as if it had been passed at a meeting.
- (8) If the application is in respect of a distributing corporation, the applicant shall give the Registrar of Securities notice of the application and the Registrar of Securities is entitled to appear and be heard in person or by counsel.

- (9) After the holding of the meetings required by an order under subsection (4) or the submission to it of written resolutions that comply with subsection (7), the Court shall hear the application and may in its discretion
- (a) approve the arrangement as proposed by the applicant or as amended by the Court, or
 - (b) refuse to approve the arrangement,

and make any further order it thinks fit.

- (10) After an order referred to in paragraph (9)(a) has been made, the corporation shall send to the Registrar
- (a) a copy of the order,
 - (b) articles of arrangement in prescribed form,
 - (c) articles of amalgamation or statement of intent to dissolve pursuant to section 204 in prescribed form, if applicable, and
 - (d) the documents required by sections 19 and 108, if applicable,

and the Registrar shall file them.

- (11) On filing any documents referred to in paragraphs 10(b) and (c), the Registrar shall issue the appropriate certificate in accordance with section 255.

- (12) An arrangement becomes effective
- (a) on the date shown in the certificate issued pursuant to subsection (11), or
 - (b) if no certificate is required to be issued pursuant to subsection (11), on the date the documents are filed pursuant to subsection (10).

- (13) An arrangement as approved by the Court is binding on the corporation and all other persons.

PART 16

TAKE-OVER BIDS - COMPULSORY PURCHASE

187 (1) In this Part,

"dissenting offeree" means an offeree who does not accept a take-over bid and a person who acquires from an offeree a share for which a take-over bid is made;

"offer" includes an invitation to make an offer;

"offeree" means a person to whom a take-over bid is made;

"offeree corporation" means a corporation whose shares are the object of a take-over bid;

"offeror" means a person, other than an agent, who makes a take-over bid, and includes two or more persons who, directly or indirectly,

- (a) make take-over bids jointly or in concert, or
- (b) intend to exercise jointly or in concert voting rights attached to shares for which a take-over bid is made;

"share" means a share with or without voting rights and includes

- (a) a security currently convertible into such a share, and
- (b) currently exercisable options and rights to acquire such a share or such a convertible security;

"take-over bid" means an offer made by an offeror to shareholders to acquire all of the shares of any class of shares of an offeree corporation not already owned by the offeror, and includes every take-over bid by a corporation to repurchase all of the shares of any class of its shares which leaves outstanding voting shares of the corporation.

188 (1) A take-over bid is deemed to be dated as of the date on which it is sent.

- (2) If within the time limited in a take-over bid for its acceptance or within 120 days after the date of a take-over bid, whichever period is the shorter, the bid is accepted by the holders of not less than 90% of the shares of any class of shares to which the take-over bid relates, other than shares of that class held at the date of the take-over bid by or on behalf of the offeror or an affiliate or associate of the offeror, the offeror is entitled, on the bid being so accepted and on complying with this Part, to acquire the shares of that class held by the dissenting offerees.
- (3) The rights of an offeror and offeree under this Part are subject to any unanimous shareholder agreement.
- 189 (1) An offeror may acquire shares held by a dissenting offeree by sending by registered mail within 60 days after the date of termination of the take-over bid and in any event within 180 days after the date of the take-over bid, an offeror's notice to each dissenting offeree stating that
- (a) the offerees holding more than 90% of the shares to which the bid relates have accepted the take-over bid,
 - (b) the offeror is bound to take up and pay for or has taken up and paid for the shares of the offerees who accepted the take-over bid,
 - (c) a dissenting offeree is required to elect
 - (i) to transfer his shares to the offeror on the terms on which the offeror acquired the shares of the offerees who accepted the take-over bid, or
 - (ii) to demand payment of the fair value of his shares
 - (A) by notifying the offeror, and
 - (B) by applying to the Court to fix the fair value of the shares of the dissenting offeree,
- within 60 days after the date of the sending of the offeror's notice,
- (d) a dissenting offeree who does not notify the offeror and apply to the Court in accordance with clause (c)(ii) is deemed to have elected to transfer his shares to the offeror on the same terms that the offeror acquired the shares from the offerees who accepted the take-over bid, and

- (e) a dissenting offeree shall send the share certificates of the class of shares to which the take-over bid relates to the offeree corporation within 20 days after he receives the offeror's notice.
- (2) Concurrently with sending the offeror's notice under subsection (1), the offeror shall send to the offeree corporation a notice of adverse claim in accordance with section 73 with respect to each share held by a dissenting offeree.
- 190 (1) A dissenting offeree to whom an offeror's notice is sent under subsection 189(1) shall, within 20 days after he receives that notice, send his share certificates of the class of shares to which the take-over bid relates to the offeree corporation.
- (2) Within 20 days after the offeror sends an offeror's notice under subsection 189(1), the offeror shall pay or transfer to the offeree corporation the amount of money or other consideration that the offeror would have had to pay or transfer to a dissenting offeree if the dissenting offeree had elected to accept the take-over bid under clause 189(1)(c)(i).
- 191 (1) The offeree corporation is deemed to hold in trust for the dissenting offerees the money or other consideration it receives under subsection 190(2), and the offeree corporation shall deposit the money in a separate account in a bank or other body corporate any of whose deposits are insured by the Canada Deposit Insurance Corporation or guaranteed by the Quebec Deposit Insurance Board, and shall place the other consideration in the custody of a bank or such other body corporate.
- (2) Within 30 days after the offeror sends an offeror's notice under subsection 189(1), the offeree corporation shall, if the offeror has paid or transferred to the offeree corporation the money or other consideration referred to in subsection 190(2),
- (a) issue to the offeror a share certificate in respect of the shares that were held by dissenting offerees,

- (b) give to each dissenting offeree who elects to accept the take-over bid terms under clause 189(1)(c)(i) and who sends or delivers his share certificates as required under subsection 190(1), the money or other consideration to which he is entitled, disregarding fractional shares, which may be paid for in money, and
 - (c) send to each dissenting shareholder who has not sent his share certificates as required under subsection 190(1) a notice stating that
 - (i) his shares have been cancelled,
 - (ii) the offeree corporation or some designated person holds in trust for him the money or other consideration to which he is entitled as payment for or in exchange for his shares, and
 - (iii) the offeree corporation will, subject to sections 192 to 198, send that money or other consideration to him forthwith after receiving his shares.
- 192 (1) If a dissenting offeree has elected to demand payment of the fair value of his shares under paragraph 189(1)(c), the offeror may, within 20 days after it has paid the money or transferred the other consideration under subsection 190(2), apply to the Court to fix the fair value of the shares of that dissenting offeree.
- 193 (1) A dissenting offeree is not required to give security for costs in an application made under this Part.
- 194 (1) If more than one application is made under sections 189 and 192, the offeror or a dissenting offeree may apply to have the applications heard together.
- 195 (1) On an application under this Part, the Court shall fix a fair value for the shares of each dissenting offeree who is a party to the application.
- 196 (1) The Court may in its discretion appoint one or more appraisers to assist the Court to fix a fair value for the shares of a dissenting offeree.

- 197 (1) The final order of the Court shall be made against the offeror in favour of each dissenting offeree who has elected to demand payment of the fair value of his shares for the fair value of his shares as fixed by the Court.
- 198 (1) In connection with proceedings under this Part, the Court may make any order it thinks fit and, without limiting the generality of the foregoing, it may do any or all of the following:
- (a) fix the amount of money or other consideration that is required to be held in trust under subsection 191(1);
 - (b) order that that money or other consideration be held in trust by a person other than the offeree corporation;
 - (c) allow a reasonable rate of interest on the amount payable to each dissenting offeree from the date he sends or delivers his share certificates under subsection 190(1) until the date of payment;
 - (d) order that any money payable to a shareholder who cannot be found be paid to the Treasurer and subsection 220(3) applies in respect of money so paid.
- 199 (1) If the take-over bid is an offer by a corporation to repurchase its own shares subsection 189(2) does not apply, and subsection 190(2) does not apply, but the corporation shall comply with subsection 191(1) within 20 days after it sends an offeror's notice under subsection 189(1).
- (2) If
- (a) the take-over bid is an offer by a corporation to repurchase its own shares, and
 - (b) the corporation is prohibited by section 32
 - (i) from depositing or placing the consideration for the shares pursuant to subsection 191(1), or
 - (ii) paying the amount for the shares fixed by the Court pursuant to section 195
- the corporation
- (c) shall re-issue to the dissenting offeree the shares for which the corporation is not allowed to pay, and
 - (d) is entitled to use for its own benefit any money or consideration deposited or placed under subsection 191(1), and

the dissenting offeree is reinstated to his full rights, as a shareholder.

PART 17

LIQUIDATION AND DISSOLUTION

- 200 (1) Any proceedings taken under this Part to dissolve or to liquidate and dissolve a corporation shall be stayed if the corporation is at any time found to be insolvent within the meaning of the Bankruptcy Act (Canada).
- 201 (1) If a corporation is dissolved under section 203, 204 or 205 or under any similar provision of any Act for which this Act is substituted, any interested person may apply to the Registrar to have the corporation revived.
- (2) Articles of revival in prescribed form shall be sent to the Registrar.
- (3) On receipt of articles of revival, the Registrar shall issue a certificate of revival in accordance with section 255.
- (4) A corporation is revived on the date shown on the certificate of revival, and thereafter the corporation, subject to any reasonable terms that may be imposed by the Registrar and to the rights acquired by any person after its dissolution, has all the rights and privileges and is liable for the obligations that it would have had if it had not been dissolved.
- 202 (1) Any interested person may apply to the Court for an order reviving a body corporate that was dissolved by court order.
- (2) An applicant under subsection (1) shall give notice of the application to the Registrar and the Registrar is entitled to appear and be heard in person or by counsel.
- (3) An order under subsection (1) may revive the body corporate for a limited period for the purpose of carrying out particular acts specified in the order.

- (4) In an order under subsection (1) the Court may
 - (a) give directions as to the holding of meetings of shareholders, the appointment of directors and meetings of directors,
 - (b) change the name of the body corporate to a number designated or name approved by the Registrar, and
 - (c) give any other directions the Court thinks fit.
 - (5) A body corporate revived by an order under this section to which subsection (3) applies is dissolved on the expiration of the time limited by the order.
 - (6) If an order is made under this section, the applicant shall forthwith send a certified copy of the order to the Registrar who shall file it and issue a certificate of revival in accordance with section 255.
 - (7) On the making of an order under this section, the body corporate, subject to the order and to the rights acquired by any person after its dissolution, has all the rights and privileges and is liable for the obligations that it would have had if it had not been dissolved.
- 203 (1) A corporation that has not issued any shares and that has no property and no liabilities may be dissolved at any time by resolution of all the directors.
- (2) A corporation that has no property and no liabilities may be dissolved by special resolution of the shareholders or, if it has issued more than one class of shares, by special resolutions of the holders of each class whether or not they are otherwise entitled to vote.
 - (3) A corporation that has property or liabilities or both may be dissolved by special resolution of the shareholders or, if it has issued more than one class of shares, by special resolutions of the holders of each class whether or not they are otherwise entitled to vote, if
 - (a) by the special resolution or resolutions the shareholders authorize the directors to cause the corporation to distribute all property and discharge all liabilities, and

- (b) the corporation has distributed all property and discharged all liabilities before it sends articles of dissolution to the Registrar pursuant to subsection (4).
 - (4) Articles of dissolution in prescribed form shall be sent to the Registrar.
 - (5) On receipt of articles of dissolution, the Registrar shall issue a certificate of dissolution in accordance with section 255.
 - (6) The corporation ceases to exist on the date shown in the certificate of dissolution.
- 204
- (1) The directors may propose, or a shareholder who is entitled to vote at an annual meeting of shareholders may, in accordance with section 131, make a proposal for the voluntary liquidation and dissolution of a corporation.
 - (2) Notice of any meeting of shareholders at which voluntary liquidation and dissolution is to be proposed shall set out the terms of the liquidation and dissolution.
 - (3) A corporation may liquidate and dissolve by special resolution of the shareholders or, if the corporation has issued more than one class of shares, by special resolution of the holders of each class whether or not they are otherwise entitled to vote.
 - (4) A statement of intent to dissolve in prescribed form shall be sent to the Registrar.
 - (5) On receipt of a statement of intent to dissolve, the Registrar shall issue a certificate of intent to dissolve in accordance with section 255.
 - (6) On issue of a certificate of intent to dissolve, the corporation shall cease to carry on business except to the extent necessary for the liquidation, but its corporate existence continues until the Registrar issues a certificate of dissolution.
 - (7) After issue of a certificate of intent to dissolve, the corporation shall
 - (a) immediately cause notice of the issue of the certificate to be sent or delivered to each known creditor of the corporation,

- (b) forthwith publish notice of the issue of the certificate
 - (i) in the Yukon Gazette, and
 - (ii) once in a newspaper published or distributed in the place where the corporation has its registered office,and take reasonable steps to give notice of the issue of the certificate in every jurisdiction where the corporation was carrying on business at the time it sent the statement of intent to dissolve to the Registrar,
 - (c) proceed to collect its property, to dispose of properties that are not to be distributed in kind to its shareholders, to discharge all its obligations and to do all other acts required to liquidate its business, and
 - (d) after giving the notice required under paragraphs (a) and (b) and adequately providing for the payment or discharge of all its obligations, distribute its remaining property, either in money or in kind among its shareholders according to their respective rights.
- (8) The Registrar or any interested person may, at any time during the liquidation of a corporation, apply to the Court for an order that the liquidation be continued under the supervision of the Court as provided in this Part, and on the application the Court may so order and make any further order it thinks fit.
- (9) An applicant under this section shall give the Registrar notice of the application, and the Registrar is entitled to appear and be heard in person or by counsel.
- (10) At any time after the issue of a certificate of intent to dissolve and before the issue of a certificate of dissolution, a certificate of intent to dissolve may be revoked
- (a) by sending to the Registrar a statement of revocation of intent to dissolve in prescribed form and approved in the same manner as the resolution under subsection (3), and
 - (b) by publishing the statement in the Yukon Gazette.
- (11) On receipt of a statement of revocation of intent to dissolve, the Registrar shall issue a certificate of revocation of intent to dissolve in accordance with section 255.

- (12) On the date shown in the certificate of revocation of intent to dissolve, the revocation is effective and the corporation may continue to carry on its business or businesses.
- (13) If a certificate of intent to dissolve has not been revoked and the corporation has complied with subsection (7), the corporation shall prepare articles of dissolution.
- (14) Articles of dissolution in prescribed form shall be sent to the Registrar.
- (15) On receipt of articles of dissolution, the Registrar shall issue a certificate of dissolution in accordance with section 255.
- (16) The corporation ceases to exist on the date shown in the certificate of dissolution.
- 205 (1) Subject to subsections (2) and (3), if a corporation
- (a) has not commenced business within three years after the date shown in its certificate of incorporation,
 - (b) has not carried on its business for three consecutive years,
 - or
 - (c) is in default for a period of one year in sending to the Registrar any notice or document required by this Act,
- the Registrar may dissolve the corporation by issuing a certificate of dissolution under this section or he may apply to the Court for an order dissolving the corporation, in which case section 210 applies.
- (2) The Registrar shall not dissolve a corporation under this section until he has
- (a) given 120 days notice of his decision to dissolve the corporation to the corporation and to two directors of the corporation and if there is only one director of the corporation, to such director, and
 - (b) published notice of his decision to dissolve the corporation in the Yukon Gazette.
- (3) Unless cause to the contrary has been shown or an order has been made by the Court under section 239, the Registrar may, after expiry of the period referred to in subsection (2), issue a certificate of dissolution in prescribed form.

- (4) The corporation ceases to exist on the date shown in the certificate of dissolution.
- 206 (1) The Registrar or any interested person may apply to the Court for an order dissolving a corporation if the corporation has
- (a) failed for two or more consecutive years to comply with the requirements of this Act with respect to the holding of annual meetings of shareholders,
 - (b) contravened subsection 16(2), or sections 21, 151 or 153, or
 - (c) procured any certificate under this Act by misrepresentation.
- (2) An applicant under this section, other than the Registrar, shall give the Registrar notice of the application, and the Registrar is entitled to appear and be heard in person or by counsel.
- (3) On an application under this section or section 205, the Court may order that the corporation be dissolved or that the corporation be liquidated and dissolved under the supervision of the Court, and the Court may make any other order it thinks fit.
- (4) On receipt of an order under this section, section 205 or section 207, the Registrar shall
- (a) if the order is to dissolve the corporation, issue a certificate of dissolution in prescribed form, or
 - (b) if the order is to liquidate and dissolve the corporation under the supervision of the Court, issue a certificate of intent to dissolve in prescribed form and publish notice of the order in the Yukon Gazette.
- (5) The corporation ceases to exist on the date shown in the certificate of dissolution.
- 207 (1) The Court may order the liquidation and dissolution of a corporation or any of its affiliated corporations on the application of a shareholder,
- (a) if the Court is satisfied that in respect of a corporation or any of its affiliates
 - (i) any act or omission of the corporation or any of its affiliates effects a result,

- (if) the business or affairs of the corporation or any of its affiliates are or have been carried on or conducted in a manner, or
- (iii) the powers of the directors of the corporation or any of its affiliates are or have been exercised in a manner

that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of any security holder, creditor, director or officer, or

- (b) if the Court is satisfied that
 - (i) a unanimous shareholder agreement entitles a complaining shareholder to demand dissolution of the corporation after the occurrence of a specified event and that event has occurred, or
 - (ii) it is just and equitable that the corporation should be liquidated and dissolved.
 - (2) On an application under this section, the Court may make any order under this section or section 234 it thinks fit.
 - (3) Section 235 applies to an application under this section.
- 208 (1) An application to the Court to supervise a voluntary liquidation and dissolution under subsection 204(8) shall state the reasons, verified by an affidavit of the applicant, why the Court should supervise the liquidation and dissolution.
- (2) If the Court makes an order applied for under subsection 204(8), the liquidation and dissolution of the corporation shall continue under the supervision of the Court in accordance with this Act.
- 209 (1) An application to the Court under subsection 207(1) shall state the reasons, verified by an affidavit of the applicant, why the corporation should be liquidated and dissolved.
- (2) On the application under subsection 207(1), the Court may make an order requiring the corporation and any person having an interest in the corporation or a claim against it to show cause, at a time and place specified in the order but not less than 30 days after the date of the order, why the corporation should not be liquidated and dissolved.

- (3) On an application under subsection 207(1), the Court may order the directors and officers of the corporation to furnish to the Court all material information known to or reasonably ascertainable by them, including
- (a) financial statements of the corporation,
 - (b) the name and address of each shareholder of the corporation, and
 - (c) the name and address of each creditor or claimant, including any creditor or claimant with unliquidated, future or contingent claims, and any person with whom the corporation has a contract.
- (4) A copy of an order made under subsection (2) shall be
- (a) published as directed in the order, at least once in each week before the time appointed for the hearing, in a newspaper published or distributed in the place where the corporation has its registered office, and
 - (b) served on the Registrar and each person named in the order.
- (5) Publication and service of an order under this section shall be effected by the corporation or by any other person and in any manner the Court may order.
- 210 (1) In connection with the dissolution or the liquidation and dissolution of a corporation, the Court may make any order it thinks fit including, without limiting the generality of the foregoing, any one or more of the following:
- (a) an order to liquidate;
 - (b) an order appointing a liquidator, with or without security, fixing his remuneration or replacing a liquidator;
 - (c) an order appointing inspectors or referees, specifying their powers, fixing their remuneration or replacing inspectors or referees;
 - (d) an order determining the notice to be given to any interested person, or dispensing with notice to any person;
 - (e) an order determining the validity of any claims made against the corporation;
 - (f) an order at any stage of the proceedings, restraining the directors and officers from
 - (i) exercising any of their powers, or

- (ii) collecting or receiving any debt or other property of the corporation, or from paying out or transferring any property of the corporation, except as permitted by the Court;
- (g) an order determining and enforcing the duty or liability of any director, officer or shareholder
 - (i) to the corporation, or
 - (ii) for an obligation of the corporation;
- (h) an order approving the payment, satisfaction or compromise of claims against the corporation and the retention of assets for that purpose, and determining the adequacy of provisions for the payment or discharge of obligations of the corporation, whether liquidated, unliquidated, future or contingent;
- (i) an order disposing of or destroying the documents and records of the corporation;
- (j) on the application of a creditor, the inspectors or the liquidator, an order giving directions on any matter arising in the liquidation;
- (k) after notice has been given to all interested parties, an order relieving a liquidator from any omission or default on any terms the Court thinks fit or confirming any act of the liquidator;
- (l) subject to section 216, an order approving any proposed interim or final distribution to shareholders in money or in property;
- (m) an order disposing of any property belonging to creditors or shareholders who cannot be found;
- (n) on the application of any director, officer, security holder, creditor or the liquidator,
 - (i) an order staying the liquidation on any terms and conditions the Court thinks fit,
 - (ii) an order continuing or discontinuing the liquidation proceedings, or
 - (iii) an order to the liquidator to restore to the corporation all its remaining property;or
- (o) after the liquidator has rendered his final account to the Court, an order dissolving the corporation.

211 (1) If the Court makes an order for the liquidation of a corporation, the liquidation commences when the order is made.

- 212 (1) If the Court makes an order for liquidation of a corporation,
- (a) the corporation continues in existence but shall cease to carry on business, except the business that is, in the opinion of the liquidator, required for an orderly liquidation, and
 - (b) the powers of the directors and shareholders cease and vest in the liquidator, except as specifically authorized by the Court.
- (2) The liquidator may delegate any of the powers vested in him by paragraph (1)(b) to the directors or shareholders.
- 213 (1) When making an order for the liquidation of a corporation or at any later time, the Court may appoint any person, including a director, an officer or a shareholder of the corporation or any other body corporate, as liquidator of the corporation.
- (2) If an order for the liquidation of a corporation has been made and the office of liquidator is or becomes vacant, the property of the corporation is under the control of the Court until the office of liquidator is filled.
- 214 (1) A liquidator shall
- (a) forthwith after his appointment give notice of his appointment to the Registrar and to each claimant and creditor known to the liquidator,
 - (b) forthwith publish notice in the Yukon Gazette and once a week for two consecutive weeks in a newspaper published or distributed in the place where the corporation has its registered office and take reasonable steps to give notice in each province in Canada where the corporation carries on business, stating the fact of his appointment and requiring any person
 - (i) indebted to the corporation, to provide a statement of account respecting the indebtedness and to pay to the liquidator at the time and place specified any amount owing,
 - (ii) possessing property of the corporation, to deliver it to the liquidator at the time and place specified, and

- (iii) having a claim against the corporation, whether liquidated, unliquidated, future or contingent, to present particulars of the claim in writing to the liquidator not less than two months after the first publication of the notice,
- (c) take into his custody and control the property of the corporation,
- (d) open and maintain a trust account for the money of the corporation,
- (e) keep accounts of the money of the corporation received and paid out by him,
- (f) maintain separate lists of the shareholders, creditors and other persons having claims against the corporation,
- (g) if at any time the liquidator determines that the corporation is unable to pay or adequately provide for the discharge of its obligations, apply to the Court for directions,
- (h) deliver to the Court and to the Registrar, at least once in every 12-month period after his appointment or more often as the Court may require, financial statements of the corporation in the form required by section 149 or in any other form the liquidator thinks proper or as the Court may require, and
- (i) after his final accounts are approved by the Court, distribute any remaining property of the corporation among the shareholders according to their respective rights.

215 (1) A liquidator may

- (a) retain lawyers, accountants, engineers, appraisers and other professional advisers,
- (b) bring, defend or take part in any civil, criminal or administrative action or proceeding in the name and on behalf of the corporation,
- (c) carry on the business of the corporation as required for an orderly liquidation,
- (d) sell property of the corporation publicly or privately,
- (e) do all acts and execute any documents in the name and on behalf of the corporation,
- (f) borrow money on the security of the property of the corporation,
- (g) settle or compromise any claims by or against the corporation, and
- (h) do all other things for the liquidation of the corporation and distribution of its property.

- (2) A liquidator is not liable if he relies in good faith on
 - (a) financial statements of the corporation represented to him by an officer of the corporation or in a written report of the auditor of the corporation to reflect fairly the financial condition of the corporation, or
 - (b) an opinion, a report or a statement of a lawyer, accountant, engineer, appraiser or other professional adviser retained by the liquidator.
 - (3) If a liquidator has reason to believe that any person has in his possession or under his control, or has concealed, withheld or misappropriated any property of the corporation, he may apply to the Court for an order requiring that person to appear before the Court at the time and place designated in the order and to be examined.
 - (4) If the examination referred to in subsection (3) discloses that a person has in his possession or under his control or has concealed, withheld or misappropriated property of the corporation, the Court may order that person to restore it or pay compensation to the liquidator.
- 216 (1) A liquidator shall pay the costs of liquidation out of the property of the corporation and shall pay or make adequate provision for all claims against the corporation.
- (2) Within one year after his appointment, and after paying or making adequate provision for all claims against the corporation, the liquidator shall apply to the Court
 - (a) for approval of his final accounts and for an order permitting him to distribute in money or in kind the remaining property of the corporation to its shareholders according to their respective rights, or
 - (b) for an extension of time, setting out the reasons for the extension.
 - (3) If a liquidator fails to make the application required by subsection (2), a shareholder or creditor of the corporation may apply to the Court for an order for the liquidator to show cause why a final accounting and distribution should not be made.

- (4) A liquidator shall give notice of his intention to make an application under subsection (2) to the Registrar, each inspector appointed under section 210, each shareholder, each creditor known to him and any person who provided a security or fidelity bond for the liquidator.
 - (5) If the Court approves the final accounts rendered by a liquidator the Court shall make an order
 - (a) directing the Registrar to issue a certificate of dissolution,
 - (b) directing the custody or disposal of the documents and records of the corporation, and
 - (c) subject to subsection (6), discharging the liquidator.
 - (6) The liquidator shall forthwith send or deliver a certified copy of the order referred to in subsection (5) to the Registrar.
 - (7) On receipt of the order referred to in subsection (5), the Registrar shall issue a certificate of dissolution in accordance with section 255.
 - (8) The corporation ceases to exist on the date shown in the certificate of dissolution.
- 217 (1) If in the course of liquidation of a corporation the shareholders resolve or the liquidator proposes to
- (a) exchange all or substantially all the property of the corporation for securities of another body corporate that are to be distributed to the shareholders, or
 - (b) distribute all or part of the property of the corporation to the shareholders in kind,
- a shareholder may apply to the Court for an order requiring the distribution of the property of the corporation to be in money.
- (2) On an application under subsection (1), the Court may order that
 - (a) all the property of the corporation be converted into and distributed in money, or
 - (b) the applicant be paid the fair value of his shares, in which case the Court
 - (i) may determine whether any other shareholder is opposed to the proposal and if so, join that shareholder as a party,

- (ii) may appoint one or more appraisers to assist the Court to fix the fair value of the shares,
 - (iii) shall fix the fair value of the shares of the applicant and the other shareholders joined as parties as of a date determined by the Court,
 - (iv) shall give judgment in the amount of the fair value against the corporation and in favour of each of the shareholders who are parties to the application, and
 - (v) fix the time within which the liquidator must pay that amount to a shareholder after delivery of his shares to the liquidator, if his share certificate has not been delivered to the Court or to the liquidator at the time the order is pronounced.
- 218 (1) A person who has been granted custody of the documents and records of a dissolved corporation remains liable to produce those documents and records for six years following the date of its dissolution or until the expiry of any shorter period that may be ordered under subsection 216(5).
- (2) A person who, without reasonable cause, contravenes subsection (1) is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than six months or to both.
- 219 (1) In this section, "shareholder" includes the legal representatives of a shareholder.
- (2) Notwithstanding the dissolution of a body corporate under this Act,
- (a) a civil, criminal or administrative action or proceeding commenced by or against the body corporate before its dissolution may be continued as if the body corporate had not been dissolved,
 - (b) a civil, criminal or administrative action or proceeding may be brought against the body corporate within two years after its dissolution as if the body corporate had not been dissolved, and
 - (c) any property that would have been available to satisfy any judgment or order if the body corporate had not been dissolved remains available for that purpose.

- (3) Service of a document on a corporation after its dissolution may be effected by serving the document on a person shown in the last notice filed under section 101 or 108.
 - (4) Notwithstanding the dissolution of a body corporate under this Act, a shareholder to whom any of its property has been distributed in the liquidation is liable to any person claiming under subsection (2) to the extent of the amount received by that shareholder on the distribution, and an action to enforce that liability may be brought within two years after the date of the dissolution of the body corporate.
 - (5) The Court may order an action referred to in subsection (4) to be brought against the persons who were shareholders as a class, subject to any conditions the Court thinks fit and, if the plaintiff establishes his claim, the Court may refer the proceedings to a referee or other officer of the Court who may
 - (a) add as a party to the proceedings before him each person who was a shareholder found by the plaintiff,
 - (b) determine, subject to subsection (4), the amount that each person who was a shareholder shall contribute towards satisfaction of the plaintiff's claim, and
 - (c) direct payment of the amounts so determined.
- 220 (1) On the dissolution of a body corporate under this Act, the portion of the property distributable to a creditor or shareholder who cannot be found shall be converted into money and paid to the Treasurer.
- (2) A payment under subsection (1) is deemed to be in satisfaction of a debt or claim of the creditor or shareholder.
 - (3) If at any time a person establishes that he is entitled to any money paid to the Treasurer under this Act, the Treasurer shall pay an equivalent amount to him out of the Yukon Consolidated Revenue Fund.
- 221 (1) Subject to subsection 219(2) and section 220, property of a body corporate that has not been disposed of at the date of its dissolution under this Act shall be converted into money and paid to the Treasurer.

- (2) If a body corporate is revived as a corporation under section 201 or 202, any property that has not been disposed of shall be returned to the corporation and there shall be paid to the corporation out of the Yukon Consolidated Revenue Fund
- (a) an amount equal to any money received pursuant to subsection (1), and
 - (b) if property has been disposed of, an amount equal to the amount realized by the Government of Yukon from the disposition of that property.
- (3) Money received by the Treasurer under section 220 or this section is trust money within the meaning of the Financial Administration Act.

PART 18

INVESTIGATION

- 222 (1) In this Part, "affiliated corporation" with reference to a corporation includes a Yukon company affiliated with that corporation.
- 223 (1) A security holder or the Registrar may apply to the Court, ex parte or on any notice that the Court may require, for an order directing an investigation to be made of the corporation and any of its affiliated corporations.
- (2) If, on an application under subsection (1), it appears to the Court that there are sufficient grounds to conduct an investigation to determine whether
- (a) the business of the corporation or any of its affiliates is or has been carried on with intent to defraud any person,
 - (b) the business or affairs of the corporation or any of its affiliates are or have been carried on or conducted, or the powers of the directors are or have been exercised, in a manner that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of a security holder,

- (c) the corporation or any of its affiliates was formed for a fraudulent or unlawful purpose or is to be dissolved for a fraudulent or unlawful purpose, or
- (d) persons concerned with the formation, business or affairs of the corporation or any of its affiliates have in connection therewith acted fraudulently or dishonestly,

the Court may order an investigation to be made of the corporation and any of its affiliated corporations.

- (3) An applicant under this section or section 224 is not required to give security for costs.
 - (4) An application under this section or section 224 shall be heard in camera unless the Court otherwise orders.
 - (5) No person may publish anything relating to proceedings under this section or section 224 except with the authorization of the Court or the written consent of the corporation being investigated.
 - (6) Documents in the possession of the Court relating to an application under this section or section 224 are confidential unless the Court otherwise orders.
 - (7) Subsections (5) and (6) do not apply to an order of the Court under this section or section 224.
- 224 (1) On an application under section 223 or on a subsequent application, the Court may make any order it thinks fit including, without limiting the generality of the foregoing, any or all of the following:
- (a) an order appointing an inspector, fixing the remuneration of an inspector, or replacing an inspector;
 - (b) an order determining the notice to be given to any interested person, or dispensing with notice to any person;
 - (c) an order authorizing an inspector to enter any premises in which the Court is satisfied there might be relevant information, and to examine any thing and make copies of any document or record found on the premises;
 - (d) an order requiring any person to produce documents or records to the inspector;

- (e) an order authorizing an inspector to conduct a hearing, administer oaths and examine any person on oath, and prescribing rules for the conduct of the hearing;
 - (f) an order requiring any person to attend a hearing conducted by an inspector and to give evidence on oath;
 - (g) an order giving directions to an inspector or any interested person on any matter arising in the investigation;
 - (h) an order requiring an inspector to make an interim or final report to the Court;
 - (i) an order determining whether a report of an inspector should be published and, if so, designating the persons to whom all or part of the report should be sent;
 - (j) an order requiring an inspector to discontinue an investigation; or
 - (k) an order requiring any person other than the corporation to pay all or part of the costs of the investigation.
- (2) Unless the Court otherwise orders, an inspector shall send a copy of his report to the corporation.
- (3) Unless the Court otherwise orders, the corporation shall pay the costs of the investigation.
- (4) Any interested person may apply to the Court for directions on any matter arising in the investigation.
- 225 (1) An inspector under this Part has the powers set out in the order appointing him.
- (2) In addition to the powers set out in the order appointing him, an inspector appointed to investigate a corporation may furnish to, or exchange information and otherwise cooperate with, any public official in Canada or elsewhere who is authorized to exercise investigatory powers and who is investigating, in respect of the corporation, any allegation of improper conduct that is the same as or similar to the conduct described in subsection 223(2).
- (3) An inspector shall on request produce to an interested person a copy of any order made under section 223 or subsection 224(1).

- 226 (1) A hearing conducted by an inspector shall be heard in camera unless the Court otherwise orders.
- (2) An individual who is being examined at a hearing conducted by an inspector under this Part has a right to be represented by counsel during the examination.
- 227 (1) A person shall not be excused from attending and giving evidence and producing books, papers, documents or records to an inspector under this Part on the grounds that the oral evidence or documents required of him may tend to criminate him or subject him to any proceeding or penalty, but no such oral evidence so required shall be used or is receivable against him in any proceedings thereafter instituted against him under any enactment.
- 228 (1) Any oral or written statement or report made by an inspector or any other person in an investigation under this Part has absolute privilege.
- 229 (1) Nothing in this Part affects the privilege that exists in respect of a solicitor and his client.
- 230 (1) A copy of the report of an inspector under section 224, certified as a true copy by the inspector, is admissible as evidence of the facts stated in it without proof of the inspector's appointment or of his signature.

PART 19

REMEDIES, OFFENCES AND PENALTIES

- 231 (1) In this Part,
- "action" means an action under this Act or any other law; and
- "complainant" means
- (a) a registered holder or beneficial owner, or a former registered holder or beneficial owner, of a security of a corporation or any of its affiliates,

- (b) a director or an officer or a former director or officer of a corporation or of any of its affiliates, or
 - (c) any other person who, in the discretion of the Court is a proper person to make an application under this Part.
- 232 (1) Subject to subsection (2), a complainant may apply to the Court for leave to
- (a) bring an action in the name and on behalf of a corporation or any of its subsidiaries, or
 - (b) intervene in an action to which a corporation or any of its subsidiaries is a party, for the purpose of prosecuting, defending or discontinuing the action on behalf of the corporation or subsidiary.
- (2) No leave may be granted under subsection (1) unless the Court is satisfied that
- (a) the complainant has given reasonable notice to the directors of the corporation or its subsidiary of his intention to apply to the Court under subsection (1) if the directors of the corporation or its subsidiary do not bring, diligently prosecute, defend or discontinue the action,
 - (b) the complainant is acting in good faith, and
 - (c) it appears to be in the interests of the corporation or its subsidiary that the action be brought, prosecuted, defended or discontinued.
- 233 (1) In connection with an action brought or intervened in under section 232 or paragraph 234(3)(q), the Court may at any time make any order it thinks fit including, without limiting the generality of the foregoing, any or all of the following:
- (a) an order authorizing the complainant or any other person to control the conduct of the action;
 - (b) an order giving directions for the conduct of the action;
 - (c) an order directing that any amount adjudged payable by a defendant in the action shall be paid, in whole or in part, directly to former and present security holders of the corporation or its subsidiary instead of to the corporation or its subsidiary;
 - (d) an order requiring the corporation or its subsidiary to pay reasonable legal fees incurred by the complainant in connection with the action.

- 234 (1) A complainant may apply to the Court for an order under this section.
- (2) If, on an application under subsection (1), the Court is satisfied that in respect of a corporation or any of its affiliates
- (a) any act or omission of the corporation or any of its affiliates effects a result,
 - (b) the business or affairs of the corporation or any of its affiliates are or have been carried on or conducted in a manner, or
 - (c) the powers of the directors of the corporation or any of its affiliates are or have been exercised in a manner

that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of any security holder, creditor, director or officer, the Court may make an order to rectify the matters complained of.

- (3) In connection with an application under this section, the Court may make any interim or final order it thinks fit including, without limiting the generality of the foregoing, any or all of the following:
- (a) an order restraining the conduct complained of;
 - (b) an order appointing a receiver or receiver-manager;
 - (c) an order to regulate a corporation's affairs by amending the articles or by-laws;
 - (d) an order declaring that any amendment made to the articles or by-laws pursuant to paragraph (c) operates notwithstanding any unanimous shareholder agreement made before or after the date of the order, until the Court otherwise orders;
 - (e) an order directing an issue or exchange of securities;
 - (f) an order appointing directors in place of or in addition to all or any of the directors then in office;
 - (g) an order directing a corporation, subject to subsection 32(2), or any other person, to purchase securities of a security holder;
 - (h) an order directing a corporation or any other person to pay to a security holder any part of the money paid by him for securities;
 - (i) an order directing a corporation, subject to section 40, to pay a dividend to its shareholders or a class of its shareholders;

- (j) an order varying or setting aside a transaction or contract to which a corporation is a party and compensating the corporation or any other party to the transaction or contract;
 - (k) an order requiring a corporation, within a time specified by the Court, to produce to the Court or an interested person financial statements in the form required by section 149 or an accounting in any other form the Court may determine;
 - (l) an order compensating an aggrieved person;
 - (m) an order directing rectification of the registers or other records of a corporation under section 236;
 - (n) an order for the liquidation and dissolution of the corporation;
 - (o) an order directing an investigation under Part 18 to be made;
 - (p) an order requiring the trial of any issue; or
 - (q) an order granting leave to the applicant to
 - (i) bring an action in the name and on behalf of the corporation or any of its subsidiaries, or
 - (ii) intervene in an action to which the corporation or any of its subsidiaries is a party, for the purpose of prosecuting, defending or discontinuing an action on behalf of the corporation or any of its subsidiaries.
- (4) This section does not confer on the Court power to revoke a certificate of amalgamation.
- (5) If an order made under this section directs an amendment of the articles or by-laws of a corporation, no other amendment to the articles or by-laws shall be made without the consent of the Court, until the Court otherwise orders.
- (6) If an order made under this section directs an amendment of the articles of a corporation, the directors shall send articles of reorganization in prescribed form to the Registrar together with the documents required by sections 19 and 108, if applicable.
- (7) A shareholder is not entitled to dissent under section 184 if an amendment to the articles is effected under this section.
- (8) An applicant under this section may apply in the alternative under paragraph 207(1)(a) for an order for the liquidation and dissolution of the corporation.

- 235 (1) An application made or an action brought or intervened in under this Part shall not be stayed or dismissed by reason only that it is shown that an alleged breach of a right or duty owed to the corporation or its subsidiary has been or may be approved by the shareholders of the corporation or the subsidiary, but evidence of approval by the shareholders may be taken into account by the Court in making an order under section 207, 233 or 234.
- (2) An application made or an action brought or intervened in under this Part shall not be stayed, discontinued, settled or dismissed for want of prosecution without the approval of the Court given on any terms the Court thinks fit and, if the Court determines that the interests of any complainant may be substantially affected by the stay, discontinuance, settlement or dismissal, the Court may order any party to the application or action to give notice to the complainant.
- (3) A complainant is not required to give security for costs in any application made or action brought or intervened in under this Part, unless the court otherwise orders upon being satisfied that it is just and equitable to do so.
- (4) In an application made or an action brought or intervened in under this Part, the Court may at any time order the corporation or its subsidiary to pay to the complainant interim costs, including legal fees and disbursements, but the complainant may be held accountable for the interim costs on final disposition of the application or action.
- 236 (1) If the name of a person is alleged to be or to have been wrongly entered or retained in, or wrongly deleted or omitted from, the registers or other records of a corporation, the corporation, a security holder of the corporation or any aggrieved person may apply to the Court for an order that the registers or records be rectified.
- (2) If the corporation is a distributing corporation, an applicant under this section shall file notice of the application with the Registrar of Securities.

- (3) In connection with an application under this section, the Court may make any order it thinks fit including, without limiting the generality of the foregoing, any or all of the following:
- (a) an order requiring the registers or other records of the corporation to be rectified;
 - (b) an order restraining the corporation from calling or holding a meeting of shareholders or paying a dividend before the rectification;
 - (c) an order determining the right of a party to the proceedings to have his name entered or retained in, or deleted or omitted from, the registers or records of the corporation, whether the issue arises between two or more security holders or alleged security holders, or between the corporation and any security holders or alleged security holders; or
 - (d) an order compensating a party who has incurred a loss.
- 237 (1) The Registrar or the Registrar of Securities may apply to the Court for directions in respect of any matter concerning his duties under this Act, and on the application the Court may give any directions and make any further order as it thinks fit.
- 238 (1) If the Registrar refuses to file any articles or other document required by this Act to be filed by him before the articles or other document become effective, he shall, within 20 days after its receipt by him or 20 days after he receives any approval that may be required under any other Act, whichever is the later, give written notice of his refusal to the person who sent the articles or document, giving reasons for his refusal.
- (2) If the Registrar does not file or give written notice of his refusal to file any articles or document within the time limited in subsection (1), he is deemed for the purposes of section 239 to have refused to file the articles or document.
- 239 (1) A person who feels aggrieved by a decision of the Registrar
- (a) to refuse to file in the form submitted to him any articles or other document required by this Act to be filed by him,
 - (b) to approve a name, to change, revoke or disapprove a name, or to refuse to reserve, accept, change or revoke a name under section 11, 12 or 269,
 - (c) to refuse under subsection 181(11) to permit a continued reference to shares having a nominal or par value,

- (d) to refuse to issue a certificate of discontinuance under section 182,
- (e) to refuse to revive a corporation under section 201,
- (f) to dissolve a corporation under section 205, or
- (g) to cancel the registration of an extra-territorial corporation under section 272,

may apply to the Court for an order requiring the Registrar to change his decision, and on the application the Court may so order and make any further order it thinks fit.

- (2) A person who feels aggrieved by a decision of the Registrar of Securities to refuse to grant an exemption under subsection 4(3), 145(1), 150(1) or 165(3) may appeal the decision to the Court.
- 240 (1) If a corporation or any shareholder, director, officer, employee, agent, auditor, trustee, receiver, receiver-manager or liquidator of a corporation contravenes this Act, the regulations, the articles or by-laws or a unanimous shareholder agreement, a complainant or a creditor of the corporation may, in addition to any other right he has, apply to the Court for an order directing that person to comply with, or restraining that person from contravening any of those things, and on the application the Court may so order and make any further order it thinks fit.
- 241 (1) When this Act states that a person may apply to the Court, the application may be made in a summary manner in accordance with the rules of the Court by originating notice, petition or otherwise as the rules provide, and subject to any order respecting notice to interested parties, or any other order the Court thinks fit.
- 242 (1) A person who makes or assists in making a report, return, notice or other document required by this Act or the regulations to be sent to the Registrar, the Registrar of Securities or any other person that
- (a) contains an untrue statement of a material fact, or
 - (b) omits to state a material fact required in it or necessary to make a statement contained in it not misleading in the light of the circumstances in which it was made,

is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than six months or to both.

- (2) If a body corporate contravenes subsection (1), then, whether or not the body corporate has been prosecuted or convicted in respect of the contravention, any director or officer of the body corporate who knowingly authorizes, permits or acquiesces in the contravention of subsection (1) is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than six months or to both.
 - (3) No person is guilty of an offence under subsection (1) or (2) if the untrue statement or omission was unknown to him and in the exercise of reasonable diligence could not have been known to him.
- 243 (1) Every person who, without reasonable cause, contravenes a provision of this Act or the regulations for which no penalty is provided is guilty of an offence and liable to
- (a) in the case of a body corporate, a fine of not more than \$1000, and
 - (b) in the case of an individual, a fine of not more than \$1000 or to imprisonment for a term of not more than one month, or to both.
- 244 (1) If a person is found guilty of an offence under this Act or the regulations, the court in which proceedings in respect of the offence are taken may, in addition to any punishment it may impose, order that person to comply with the provisions of this Act or the regulations for the contravention of which he has been found guilty.
- (2) A prosecution for an offence under this Act may be instituted at any time within two years from the time when the subject matter of the complaint arose, but not thereafter.
 - (3) No civil remedy for an act or omission is suspended or affected by reason that the act or omission is an offence under this Act.

- 245 (1) In any action or other legal proceeding in which the plaintiff is a body corporate, if it appears to the court on the application of a defendant that the body corporate will be unable to pay the costs of a successful defendant, the court may order the body corporate to furnish security for costs on any terms it thinks fit.

PART 20

GENERAL

- 246 (1) A notice or document required by this Act, the regulations, the articles or the by-laws to be sent to a shareholder or director of a corporation may be sent by mail addressed to, or may be delivered personally to,
- (a) the shareholder at his latest address as shown in the records of the corporation or its transfer agent, and
 - (b) the director at his latest address as shown in the records of the corporation or in the last notice filed under section 101 or 108.
- (2) For the purpose of the service of a notice or document, a director named in a notice sent by a corporation to the Registrar under section 101 or 108 and filed by the Registrar is presumed to be a director of the corporation referred to in the notice.
- (3) A notice or document sent by mail in accordance with subsection (1) to a shareholder or director of a corporation is deemed to be received by him at the time it would be delivered in the ordinary course of mail unless there are reasonable grounds for believing that the shareholder or director did not receive the notice or document at the time or at all.
- (4) If a corporation sends a notice or document to a shareholder in accordance with subsection (1) and the notice or document is returned on three consecutive occasions because the shareholder cannot be found, the corporation is not required to send any further notices or documents to the shareholder until he informs the corporation in writing of his new address.

- 247 (1) A notice or document required or permitted to be sent to or served on a corporation may be
- (a) delivered to its registered office, or
 - (b) sent by registered mail to
 - (i) its registered office, or
 - (ii) the post office box designated as its address for service by mail,

as shown in the last notice filed under section 19.

- (2) A notice or document sent by registered mail to the corporation in accordance with paragraph (1)(b) is deemed to be received or served at the time it would be delivered in the ordinary course of mail unless there are reasonable grounds for believing that the corporation did not receive the notice or document at that time or at all.

- 247.1(1) A notice or document required or permitted to be sent to the Registrar of Securities may be sent or filed by leaving it in the office of the Registrar of Securities during business hours or by mailing it by registered mail addressed to the office of the Registrar of Securities, and if sent or filed by registered mail, is deemed to be received at the time it would have been delivered in the ordinary course of mail unless there are reasonable grounds for believing that the Registrar of Securities did not receive the notice or document at that time or at all.

- 248 (1) If a notice or document is required by this Act or the regulations to be sent, the sending of the notice or document may be waived or the time for the notice or document may be waived or abridged at any time with the consent in writing of the person entitled to receive it.

- 249 (1) When this Act requires or authorizes the Registrar to issue a certificate or to certify any fact, the certificate shall be signed by the Registrar or by an individual authorized by the Registrar.

- (2) Except in a proceeding under section 206 to dissolve a corporation, a certificate referred to in subsection (1) or a certified copy of it, when introduced as evidence in any civil, criminal or administrative action or proceeding, is conclusive proof of the facts so certified without proof of the signature or official character of the person appearing to have signed the certificate.
- 250 (1) A certificate issued on behalf of a corporation stating any fact that is set out in the articles, the by-laws, a unanimous shareholder agreement, the minutes of the meetings of the directors, a committee of directors or the shareholders, or in a trust indenture or other contract to which the corporation is a party, may be signed by a director, an officer or a transfer agent of the corporation.
- (2) When introduced as evidence in any civil, criminal or administrative action or proceeding,
- (a) a fact stated in a certificate referred to in subsection (1),
 - (b) a certified extract from a securities register of a corporation, or
 - (c) a certified copy of minutes or extract from minutes of a meeting of shareholders, directors or a committee of directors of a corporation,
- is, in the absence of evidence to the contrary, proof of the facts so certified without proof of the signature or official character of the person appearing to have signed the certificate.
- (3) An entry in a securities register of, or a security certificate issued by, a corporation is, in the absence of evidence to the contrary, proof that the person in whose name the security is registered is owner of the securities described in the register or in the certificate.
- 251 (1) If a notice or document is required to be sent to the Registrar or Registrar of Securities under this Act, the Registrar or Registrar of Securities may accept a photostated or photographic copy of the notice or document.

- 252 (1) The Registrar may require that a document or a fact stated in a document required by this Act or the regulations to be sent to him shall be verified under oath or by statutory declaration.
- 253 (1) There shall be appointed from among the members of the Public Service a Registrar of Corporations who may designate one or more persons on the staff of his office to act on his behalf.
- (2) A seal may be prescribed for use by the Registrar in the performance of his duties.
- 253.1(1) A notice or document may be sent or served on the Registrar by leaving it at the office of the Registrar or by mailing it by registered mail addressed to the Registrar at the office of the Registrar and if sent by registered mail is deemed to be received or served at the time it would have been delivered in the ordinary course of mail unless there are reasonable grounds for believing that the Registrar did not received the notice or document at that time or at all.
- 254 (1) The Commissioner in Executive Council may make regulations
- (a) prescribing any matter required or authorized by this Act to be prescribed;
 - (b) requiring the payment of a fee in respect of the filing, examination or copying of any document, or in respect of any action that the Registrar is required or authorized to take under this Act, and prescribing the amount of the fee;
 - (c) prescribing the format and contents of annual returns, notices and other documents required to be sent to the Registrar or to be issued by him;
 - (d) prescribing rules with respect to exemptions permitted by this Act;
 - (e) declaring that, for the purpose of paragraph 149(1)(a), the standards as they exist from time to time, of any accounting body named in the regulations shall be in force in Yukon, in whole or in part or with any revisions, variations or modifications that are specified by the regulations; and
 - (f) providing for any matter he considers necessary to implement the purposes and provisions of this Act.

- 255 (1) In this section, "statement" means a statement of intent to dissolve and a statement of revocation of intent to dissolve referred to in section 204.
- (2) When this Act requires that articles or a statement relating to a corporation shall be sent to the Registrar then, unless otherwise specifically provided,
- (a) two copies (in this section called "duplicate originals") of the articles or the statement shall be signed by a director or an officer of the corporation or, in the case of articles of incorporation, by an incorporator, and
- (b) on receiving duplicate originals of any articles or statement that conform to law, any other required documents and the prescribed fees, the Registrar shall
- (i) endorse on each of the duplicate originals the word "Filed" and the date of the filing,
- (ii) issue in duplicate the appropriate certificate and attach to each certificate one of the duplicate originals of the articles or statement,
- (iii) file a copy of the certificate and attached articles or statement, and
- (iv) send to the corporation or its representative the original certificate and attached articles or statement.
- (3) A certificate referred to in subsection (2) issued by the Registrar may be dated as of the day he receives the articles, statement or Court order pursuant to which the certificate is issued or as of any later day specified by the Court or person who signed the articles or statement.
- (4) A signature required on a certificate referred to in subsection (2) or section 256 may be printed or otherwise mechanically reproduced on the certificate.
- (5) Notwithstanding subsection (3), a certificate of discontinuance may be dated as of the day a corporation is continued under the laws of another jurisdiction
- 256 (1) Every corporation shall, on the prescribed date, send to the Registrar an annual return in prescribed form and the Registrar shall file it.

- (2) The Registrar may furnish any person with a certificate that a corporation has filed with the Registrar a document required to be sent to him under this Act.
- (3) On the payment of the prescribed fee, the Registrar may issue a certificate stating that, according to his records, the body corporate named in the certificate
- (a) is or is not an existing corporation on the date of issue of the certificate, or
 - (b) was or was not an existing corporation on the day or during the period specified in the certificate.
- 257 (1) The Registrar may alter a notice or document, other than an affidavit or statutory declaration, if so authorized in writing by the person who sent the document or by his representative.
- 258 (1) If a certificate containing an error is issued to a corporation by the Registrar, the directors or shareholders of the corporation shall, on the request of the Registrar, pass the resolutions and send to him the documents required to comply with this Act, and take any other steps the Registrar may reasonably require, and the Registrar may demand the surrender of the certificate and issue a corrected certificate.
- (2) A certificate corrected under subsection (1) shall bear the date of the certificate it replaces.
- (3) The issue of a corrected certificate under this section does not affect the rights of a person who acts in good faith and for value in reliance on the certificate containing the error.
- 259 (1) A person who has paid the prescribed fee is entitled during the business hours of the registry to examine a document required by this Act or the regulations to be sent to the Registrar, and to make copies of or extracts from that document.
- 260 (1) The Registrar shall furnish any person who has paid the prescribed fee with a copy or a certified copy of a document required by this Act or the regulations to be sent to the Registrar.

- 261 (1) Records required by this Act to be prepared and maintained by the Registrar may be in bound or loose-leaf form or in a photographic film form, or may be entered or recorded by any system of mechanical or electronic data processing or by any other information storage device that is capable of reproducing any required information in legible written form within a reasonable time.
- 262 (1) If records maintained by the Registrar are prepared and maintained other than in written form,
- (a) the Registrar shall furnish any copy required to be furnished under subsection 260(1) in legible written form, and
 - (b) a reproduction of the text of those records, if it is certified by the Registrar, is admissible in evidence to the same extent as the original written records would have been.

PART 21

EXTRA-TERRITORIAL CORPORATIONS

- 263 (1) In this Part,

"anniversary month", with reference to an extra-territorial corporation, means the month in each year that is the same as the month in which its certificate of registration was issued;

"attorney for service" or "attorney" means, with reference to an extra-territorial corporation, the individual who, according to the Registrar's records, is appointed under this Part as that extra-territorial corporation's attorney for service;

"business" means such lawful objects and purposes for which an extra-territorial corporation is established as are within the legislative authority of the Legislature and includes the sale of its securities by or on behalf of the corporation, but does not include the business of banking, insurance, the construction and operation of a railway or the operation of air transport, canals, telegraphs, telephones or irrigation;

"charter" includes

- (a) a statute, ordinance or other law incorporating an extra-territorial corporation, as amended from time to time,
- (b) letters patent of incorporation and any letters patent supplementary to them,
- (c) a memorandum of association, as amended from time to time,
- (d) any other instrument of incorporation, as amended from time to time, and
- (e) any certificate, licence or other instrument evidencing incorporation;

"internal regulations" includes by-laws, articles of association, rules or regulations relating to the management of the business and affairs of an extra-territorial corporation, by whatever name they are called, if they are made by the members or a class of members of, or the board of directors, board of management or other governing body of, the extra-territorial corporation;

"registered" means registered under this Part.

- 264 (1) For the purposes of this Part, an extra-territorial corporation carries on business in Yukon if it transacts any of the ordinary business of an extra-territorial corporation whether or not the corporation has a resident agent or representative or a warehouse, office or place of business in Yukon.
- (2) The taking of orders by travellers for goods, wares or merchandise to be subsequently imported into Yukon to fill such orders, or the buying or the selling of such goods, wares or merchandise by correspondence, if the corporation has no resident agent or representative or a warehouse, office or place of business in Yukon, shall be deemed not to be carrying on business in Yukon within the meaning of this part.
- 265 (1) This Part does not apply to an extra-territorial corporation required to be licensed as an insurer under the Insurance Act.
- (2) This Part does not apply to a Canada corporation so as to affect its right to carry on business in Yukon.

- (3) This part does not apply to an extra-territorial corporation required to be registered pursuant to the provisions of the Societies Act or the Co-operative Associations Act.

Division 1

Registration

- 266 (1) Every extra-territorial corporation shall send a written notice to the Registrar setting out the address of the registered office of the corporation in the jurisdiction of incorporation immediately upon commencing carrying on business in Yukon.
- (2) Subject to subsections (3) and (4), every extra-territorial corporation shall be registered under this Part before or within 30 days after it commences carrying on business in Yukon.
- (3) If a corporation becomes an extra-territorial corporation by reason of the operation of subsection 182(8) and is then carrying on business in Yukon, the extra-territorial corporation shall be registered under this Part on or within 30 days after the date shown in the certificate of discontinuance issued under section 182.
- (4) An extra-territorial corporation currently registered under Part VI of the Companies Act before the coming into force of this Act is deemed to be registered under this Part.
- (5) Notwithstanding that an extra-territorial corporation has complied with subsection (1) and notwithstanding that the extra-territorial corporation may have ceased carrying on business in Yukon within 30 days of commencing carrying on business, the extra-territorial corporation shall comply with the provisions of subsection (2).
- 267 (1) An extra-territorial corporation shall apply for registration by sending to the Registrar a statement in prescribed form and such further information and documents as the Registrar may require.

- (2) The statement shall be accompanied by the appointment of its attorney for service, in prescribed form.
- (3) If all or any part of a document is not in the English language, the Registrar may require the submission to him of a translation of the document or that part of the document, verified in a manner satisfactory to him, before he registers the extra-territorial corporation.
- 268 (1) The Registrar may, on request, reserve for 90 days a name for an extra-territorial corporation that
- (a) intends to become registered,
 - (b) is about to change its name, or
 - (c) is intended to result from an amalgamation of two or more bodies corporate.
- 269 (1) An extra-territorial corporation shall not be registered with a name or carry on business within Yukon under an assumed name that is
- (a) prohibited by the regulations,
 - (b) identical to the name of a body corporate incorporated under the laws of Yukon,
 - (c) reserved for an intended corporation or a corporation under subsection 11(1),
 - (d) reserved for an extra-territorial corporation or an intended extra-territorial corporation under section 268, or
 - (e) disapproved by the Registrar pursuant to subsection (2).
- (2) The Registrar may disapprove the name of an extra-territorial corporation if, in his opinion, the name
- (a) is objectionable,
 - (b) is likely to mislead or confuse, or
 - (c) is similar to the name of any other body corporate or to the name of any association, partnership or firm known to the Registrar and the use of that name would be likely to confuse or mislead.
- (3) If a body corporate, association, partnership or firm referred to in paragraph (2)(c)
- (a) consents in writing to the use of the name in whole or in part, and

- (b) if required by the Registrar, undertakes to dissolve or change its name to a dissimilar name within six months after the date of registration of the extra-territorial corporation under this Part,

the Registrar may approve the name.

- (4) If
 - (a) through inadvertence or otherwise, an extra-territorial corporation is registered with or later acquires a name that contravenes subsection (1), or
 - (b) the Registrar disapproves an extra-territorial corporation's name after it is registered under this Part,

the Registrar may, by notice in writing, giving his reasons, direct the extra-territorial corporation to change its name to one that he approves within 90 days after the date of the notice.

- (5) The Registrar may give a notice under subsection (4) on his own initiative or at the request of a person who feels aggrieved by the name that contravenes subsection (1).
- (6) This section does not apply to a Canada corporation.

- 270 (1) Notwithstanding section 269, an extra-territorial corporation the name of which contravenes section 269 may, with approval of the Registrar
- (a) be registered with its own name, and
 - (b) carry on business in Yukon under an assumed name the use of which is approved by the Registrar and which does not contravene section 269 and which has been registered pursuant to section 87 of the Partnership Act.

- (2) The extra-territorial corporation
 - (a) shall acquire all property and rights in Yukon under its assumed name, and
 - (b) is entitled to all property and rights acquired and subject to all obligations and liabilities incurred under its assumed name as if the same had been acquired and incurred under its own name.

- (3) The extra-territorial corporation may sue or be sued in its own name, its assumed name, or both.
 - (4) An extra-provincial corporation that assumes a name pursuant to subsection (1) may, with the approval of the Registrar and on application in the prescribed form and payment of the prescribed fee, cancel its assumed name and carry on business in Yukon under the name in which it was registered.
- 271 (1) Subject to section 269, on receipt of the statement and other documents required by section 267 and of the prescribed fees, the Registrar shall
- (a) file the statement and documents,
 - (b) register the extra-territorial corporation, and
 - (c) issue a certificate of registration in prescribed form in accordance with section 255.
- (2) A certificate of registration issued under this section to an extra-territorial corporation is conclusive proof for the purposes of this Act and for all other purposes that the provisions of this Act in respect of registration of the extra-territorial corporation and all requirements precedent and incidental to registration have been complied with, and that the extra-territorial corporation has been registered under this Part as of the date shown in the certificate of registration.
- 272 (1) Subject to subsection (2), the Registrar may cancel the registration of an extra-territorial corporation if
- (a) the extra-territorial corporation is in default for a period of one year in sending to the Registrar any fee, notice or document required by this Part,
 - (b) the extra-territorial corporation has sent a notice to the Registrar under subsection (4) or the Registrar has reasonable grounds to believe that the extra-territorial corporation has ceased to carry on business in Yukon,
 - (c) the extra-territorial corporation is dissolved,
 - (d) the extra-territorial corporation does not carry out an undertaking given under subsection 269(3),
 - (e) the extra-territorial corporation does not comply with a direction of the Registrar under subsection 269(4), or
 - (f) the extra-territorial corporation has otherwise contravened this Part.

- (2) The Registrar shall not cancel the registration of an extra-territorial corporation under subsection (1) until
 - (a) he has given at least 120 days' notice of the proposed cancellation with his reasons for it to its attorney for service in accordance with section 275, and
 - (b) either no appeal is commenced under section 239 or, if an appeal has been commenced, it has been discontinued or the Registrar's decision is confirmed on the appeal.
 - (3) The Registrar may reinstate the registration of an extra-territorial corporation that was cancelled under paragraph (1)(a) on the receipt by the Registrar of the fees, notices and documents required to be sent to him and of the prescribed reinstatement fee.
 - (4) An extra-territorial corporation that ceases to carry on business in Yukon shall send a notice to that effect to the Registrar.
- 273 (1) Subject to section 269, on the reinstatement of the registration of an extra-territorial corporation pursuant to subsection 272(3), the Registrar shall issue a new certificate of registration in prescribed form.
- (2) The cancellation of the registration of an extra-territorial corporation does not affect its liability for its obligations.

Division 2

Information

- 274 (1) An extra-territorial corporation shall set out its name in legible characters in or on all contracts, invoices, negotiable instruments, orders for goods or services issued or made by or on behalf of the extra-territorial corporation in the course of carrying on business in Yukon.

- 275 (1) If an attorney of an extra-territorial corporation dies or resigns or his appointment is revoked, the extra-territorial corporation shall forthwith send to the Registrar an appointment in prescribed form of an individual as its attorney for service and the Registrar shall file the appointment.
- (2) An extra-territorial corporation may in prescribed form appoint an individual as its alternative attorney if that individual is
- (a) a member of a partnership of which the attorney is also a member, or
 - (b) an assistant manager of the extra-territorial corporation and the attorney is the manager for Yukon of the extra-territorial corporation.
- (3) An extra-territorial corporation shall send to the Registrar
- (a) each appointment by it of an alternative attorney, and
 - (b) if the alternative attorney dies or resigns or his appointment is revoked, a notice to that effect,
- and the Registrar shall file the appointment or notice, as the case may be.
- (4) An attorney for an extra-territorial corporation who intends to resign shall
- (a) give not less than 60 days notice to the extra-territorial corporation at its head office, and
 - (b) send a copy of the notice to the Registrar who shall file it.
- (5) An attorney shall forthwith send the Registrar a notice in prescribed form of any change of the attorney's address and the Registrar shall file the notice.
- (6) An extra-territorial corporation shall ensure that the address of its attorney is an office which is
- (a) accessible to the public during normal business hours, and
 - (b) readily identifiable from the address or other description given in the notice referred to in subsection (5) or the appointment referred to in subsection 267(2).
- (7) A notice or document required or permitted by law to be sent or served in Yukon on an extra-territorial corporation may be
- (a) delivered to its attorney or to an individual who is its alternative attorney according to the Registrar's records,

- (b) delivered to the address, according to the Registrar's records, of its attorney, or
 - (c) sent by registered mail to that address.
- (8) A notice or document sent by registered mail to the attorney's address in accordance with paragraph (7)(c) shall be deemed to be received or served at the time it would be delivered in the ordinary course of mail, unless there are reasonable grounds for believing that the attorney did not receive the notice or document at that time or at all.
- (9) An individual whose appointment as an attorney or alternative attorney of an extra-territorial corporation is filed with the Registrar of Companies immediately before the commencement of this Act is deemed to be its attorney or an alternative attorney, as the case may be, on the commencement of this Act.
- 275.1(1) Where an extra-territorial corporation has not registered in accordance with subsection 266(2) or the attorney for the extra-territorial corporation has resigned and has not been replaced, all notices or documents including, but not limiting the generality of the foregoing, writs and summonses, may be served on such extra-territorial corporation by delivering them to the Registrar.
- (2) The Registrar shall cause to be inserted in the Yukon Gazette, following the delivery of such notices or documents, a notice of process with a memorandum of the date of delivery, stating generally the nature of the notice or document and if applicable, a summary of the relief sought and the time limited and the place mentioned for entering an appearance.
- (3) After the notice has appeared in the Yukon Gazette, the delivery to the Registrar shall be deemed, as against such extra-territorial corporation, to be good and valid service of such notices or documents from the date of delivery to the Registrar.

- 275.2(1) In any action, suit or proceeding against an extra-territorial corporation served pursuant to section 275.1, it shall not be necessary to aver in any pleading, or to adduce any evidence, that the company was organized, incorporated or is in existence, under the laws of any foreign state or jurisdiction, or that the extra-territorial corporation had the power under its articles or equivalent document, to make the contract or incur the liability which gave rise to the action, suit or proceeding.
- 275.3(1) Nothing in section 275.1 or 275.2 shall be deemed to limit, abridge or take away any legal right, recourse or remedy against an extra-territorial corporation nor to absolve or lessen any obligation, rule or duty imposed by law on an extra-territorial corporation.
- 276 (1) A registered extra-territorial corporation shall send to the Registrar
- (a) a notice in prescribed form of any change in the information required by the regulations to be set out on the form which was filed under section 267, within one month after the effective date of the change, and
 - (b) a copy of each amendment to any documents required by the Registrar which were filed pursuant to section 267, within one month after the effective date of the amendment, verified in a manner satisfactory to the Registrar,
- and the Registrar shall file the copy or the notice, as the case may be.
- (2) A notice of change of directors sent to the Registrar shall contain the address and occupation of each new member of the board of directors or governing body.
- (3) An extra-territorial corporation is not required to send a notice under paragraph (1)(a) if
- (a) the effective date of the change occurs in its anniversary month or the month following, and
 - (b) the change is reflected in the annual return required to be filed under subsection 279(1).

- (4) If an extra-territorial corporation effects a change in the name under which it is registered, the Registrar on filing the copy of the amendment under paragraph (1)(a), shall issue a new certificate of amendment of registration in prescribed form and change his records accordingly.
- 277 (1) A registered extra-territorial corporation shall send to the Registrar
- (a) a copy of any instrument effecting an amalgamation of the extra-territorial corporation with one or more other extra-territorial corporations,
 - (b) a copy of the amalgamation agreement, if any, and
 - (c) a statement in prescribed form relating to the amalgamated extra-territorial corporation and the documents referred to in section 267,
- within one month after the effective date of the amalgamation.
- (2) On receiving the documents referred to in subsection (1), the Registrar shall file them and issue a new certificate of registration of the amalgamated extra-territorial corporation.
- 278 (1) If liquidation proceedings are commenced in respect of a registered extra-territorial corporation, the extra-territorial corporation, or, if a liquidator is appointed, the liquidator,
- (a) shall send to the Registrar forthwith after the commencement of those proceedings a notice showing that the proceedings have commenced and the address of the liquidator if one is appointed, and
 - (b) shall send to the Registrar forthwith after the completion of those proceedings a return relating to the liquidation.
- (2) The Registrar shall
- (a) on receiving a notice under paragraph (1)(a), file it, and
 - (b) on receiving a return under paragraph (1)(b), file it and cancel the registration of the extra-territorial corporation forthwith after the expiration of 90 days following the date of filing of the return.
- (3) The liquidator of a registered extra-territorial corporation shall send to the Registrar a notice of any change in his address within 30 days after the effective date of the change, and the Registrar shall file the notice.

- 279 (1) A registered extra-territorial corporation shall, in each year on or before the last day of the month immediately following its anniversary month, send to the Registrar a return in prescribed form and the Registrar shall file it.
- (2) A registered extra-territorial corporation shall, at the request of the Registrar, send to the Registrar a return containing any further or other information that the Registrar may reasonably require.
- 280 (1) The Registrar may furnish any person with a certificate that an extra-territorial corporation has sent to the Registrar a document required to be sent to him under this Act.
- (2) A certificate purporting to be signed by the Registrar and stating that a named extra-territorial corporation was or was not registered on a specified day or during a specified period, is admissible in evidence as prima facie proof of the facts stated in it without proof of the Registrar's appointment or signature.

Division 3

Capacity, Disabilities and Penalties

- 281 (1) No act of an extra-territorial corporation, including any transfer of property to or by an extra-territorial corporation, is invalid by reason only
- (a) that the act or transfer is contrary to or not authorized by its charter or internal regulations or any law of the jurisdiction in which it is incorporated, or
- (b) that the extra-territorial corporation was not then registered.
- 282 (1) An extra-territorial corporation while unregistered is not capable of commencing or maintaining any action or other proceeding in any court in Yukon in respect of any contract made in the course of carrying on business in Yukon while it was unregistered.

- (2) If an extra-territorial corporation was not registered at the time it commenced an action or proceeding referred to in subsection (1) but becomes registered afterward, the action or proceeding may be maintained as if it had been registered before the commencement of the action or proceeding.
- 283 (1) A person who contravenes this Part commits an offence and is liable to a fine of not more than \$5000.00.
- (2) A corporation, firm, broker or other person who acts as the agent or representative of, or in any other capacity, for an extra-territorial corporation which carries on business contrary to the requirements of this Part, commits an offence.

PART 22

CONSEQUENTIAL AND COMMENCEMENT

- 284 (1) The Companies Act, except for sections 182 to 213 inclusive, is repealed.
- (2) The following subsection is added to section 184 of the Companies Act:
"(2) For the purposes of this part, "Registrar" means Registrar as defined in the Business Corporations Act."
- (3) In subsection 185(1) of the Companies Act, "articles of incorporation under Part 2 of the Business Corporations Act" is substituted for "memorandum and articles of association under Part II".
- (4) In subsection 187(1) of the Companies Act, the following is added to the end of the subsection:

"or by memorandum and articles of association under Part II of the Companies Act."

- (5) In subsection 32.1(6) of the Co-operative Associations Act, "Part 21 of the Business Corporations Act applies" is substituted for "sections 142 to 174 of the Companies Ordinance apply".
- (6) In subsection 32.1(7) of the Co-operative Associations Act, "Business Corporations Act" is substituted for "Companies Ordinance".
- (7) In subsection 50(1) of the Medical Profession Act, "Business Corporations Act" is substituted for "Companies Ordinance".
- (8) In paragraph 52(1)(c) of the Medical Profession Act, "is a corporation in good standing incorporated pursuant to the Business Corporations Act" is substituted for "is a company limited by shares in good standing with the Registrar of Companies under the Companies Ordinance".
- (9) In paragraph 52(1)(d) of the Medical Profession Act, "Business Corporations Act" is substituted for "Companies Ordinance".
- (10) In subsection 54(1) of the Medical Profession Act, "Business Corporations Act" is substituted for "Companies Ordinance" wherever it appears.
- (11) In the definition of "corporation" in subsection 2(1) of the Municipal Act, "corporation," is added immediately after "means a".
- (12) In paragraph 3(1)(f) of the Securities Act, "Business Corporations Act" is substituted for "Companies Ordinance".
- (13) In subsection 21(1) of the Securities Act, "Business Corporations Act" is substituted for "Companies Ordinance".
- (14) In subsection 2(1) of the Societies Act, the following is substituted for the definition of "Registrar":

" 'Registrar' means the Registrar as defined in the Business Corporations Act;"

(15) The following is substituted for section 39 of the Societies Act:

- "39 (1) Any interested person may apply to the Court for an order liquidating and dissolving a Society.
- (2) The Court may order the liquidation and dissolution of a Society if it is satisfied that it is just and equitable to do so.
- (3) The provisions of sections 209 to 216 inclusive of the Business Corporations Act apply, with the necessary changes, to an application made under this section."

285 (1) Any reference in an enactment, memorandum of association or amendments thereto, articles of association, bylaws, resolutions or special resolutions to the Companies Act as it existed before the coming into force of this Act, or to any procedure or document under the Companies Act, shall be deemed to be a reference to this Act or the equivalent procedure or document in accordance with this Act.

286 (1) This Act comes into force on a day to be fixed by the Commissioner in Executive Council.



STATUTES
OF THE
YUKON TERRITORY

PASSED BY THE LEGISLATURE OF
THE YUKON TERRITORY
IN THE YEAR
1983

IN THE THIRD SESSION OF THE TWENTY-FIFTH
LEGISLATIVE ASSEMBLY TO MAY 31, 1983

DOUGLAS L. BELL
COMMISSIONER

TABLE OF CONTENTS
STATUTES OF THE YUKON TERRITORY

1983

<u>BILL</u> <u>No.</u>	<u>CHAPTER</u> <u>No.</u>	<u>TITLE</u>	<u>Page No.</u>
11	1	Employment Expansion and Development Act	1
7	2	Financial Agreement Act, 1983	2
3	3	Fourth Appropriation Act, 1982-83	5
6	4	Income Tax Act, An Act to Amend The	9
5	5	Interim Supply Appropriation Act, 1983-84	15
13	6	Interim Supply Appropriation Act, 1983-84 (No. 2)	17
9	7	Public Sector Compensation Restraint (Yukon) Act, An Act to Amend The	19
10	8	School Act, An Act to Amend The	22
5	9	Second Appropriation Act, 1983-84	23
4	10	Territorial Court Act, An Act to Amend The	25
12	11	Third Appropriation Act, 1983-84	50

STATUTES OF THE YUKON TERRITORY
1983, Chapter 1

EMPLOYMENT EXPANSION AND DEVELOPMENT ACT, 1983

(Assented to May 3, 1983)

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

- 1(1) This Act may be cited as the Employment Expansion and Development Act, 1983.

 - 2(1) The Commissioner in Executive Council may make on behalf of the Government of Yukon agreements with the Government of Canada providing for the creation and implementation of programs, the cost of which will be shared by the Government of Yukon and the Government of Canada, for the creation of employment opportunities for unemployed persons in the Yukon Territory.
 - (2) The agreement authorized by subsection (1)
 - (a) may provide for subsidiary agreements between the Government of Yukon and the Government of Canada or between the Government of Yukon and any person for the purpose of implementing a plan, program or development,
 - (b) shall provide that no expenditure of money under its terms shall be made by the Government of Yukon unless the Legislative Assembly has appropriated the money for the purpose, and
 - (c) may be executed on behalf of the Commissioner in Executive Council by the Executive Council Member.

 - 3(1) The Commissioner in Executive Council may do every act and exercise every power, including delegation to the Executive Council Member, necessary for the purpose of fulfilling every obligation assumed by the Government of Yukon under this Act.

 - 4(1) This Act shall be deemed to have come into force on January 1, 1982.
-

STATUTES OF THE YUKON TERRITORY
1983, Chapter 2

FINANCIAL AGREEMENT ACT, 1983

(Assented to May 3, 1983)

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

- 1(1) This Act may be cited as the Financial Agreement Act, 1983.
- 2(1) In this Act, "agreement" means the agreement entered into pursuant to section 3.
- 3(1) Subject to this Act, the Commissioner in Executive Council is authorized to make an agreement providing for the payment by the Government of Canada to the Government of Yukon, in respect of the period of one year commencing on April 1, 1983, and ending on March 31, 1984,
 - (a) as an operating grant, an amount equal to \$72,809,000, for operating expenses, and
 - (b) as a capital grant, an amount equal to \$26,784,000 for capital expenses.
- 4(1) The agreement shall provide also that the amounts payable by the Government of Canada to the Government of Yukon shall be paid in the amounts and at the times set forth in a schedule to be provided by the Commissioner in Executive Council and agreed to by the Government of Canada.
- (2) The agreement shall contain such other conditions as may be agreed upon for the purpose of giving effect to this Act and may be executed on behalf of the Commissioner in Executive Council by the Executive Council Member.

- 5(1) The agreement may be amended from time to time by agreement between the Government of Canada and the Commissioner in Executive Council, but no such amendment is valid unless it is ratified by the Legislative Assembly.
- 6(1) Upon the execution of the agreement, every Act, and every regulation or by-law made thereunder, including the by-laws of every municipality or local improvement 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 Yukon to fulfill every obligation assumed by it under the agreement.
- (2) The Commissioner in Executive Council is empowered to do every act and exercise every power for the purpose of fulfilling every obligation assumed by the Government of Yukon under the agreement.
- (3) This section shall remain in operation only for so long as may be necessary to give effect to the agreement.
- 7(1) The Financial Agreement Act, 1982 is amended in paragraph 3(1)(a) by substituting "\$50,438,869.08" for "\$43,088,000".
- 8(1) The amendment to the agreement made under the Financial Agreement Act, 1981 that is described in the Schedule to this Act is ratified.
-

SCHEDULE

Clause 4 of the agreement made under the Financial Agreement Act, 1981 is revoked and the following is substituted for it:

" In the event that the final determination of income taxes included in the operating income of the Territory for the taxation year 1981 is,

- (a) less than or
- (b) greater than

the estimated amount of income taxes for that taxation year, which estimated amount formed the basis for the calculation of the operating grant referred to in clause 2, Canada shall -

- (c) in the event referred to in paragraph (a), pay to the Territory, on or before 1 October 1984, or
- (d) in the event referred to in paragraph (b), deduct from the monthly instalment of the operating grant payable to the Territory on or before 1 October 1984,

an amount equal to the difference between the final determination of income taxes for the 1981 taxation year and the estimated amount of income taxes used in determining the operating grant."

STATUTES OF THE YUKON TERRITORY
1983, Chapter 3

FOURTH APPROPRIATION ACT, 1982-83
(Assented to March 31, 1983)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, in addition to the sums previously appropriated, the sums not appearing in parenthesis in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of Yukon and for related purposes for the period of 12 months ending on March 31, 1983:

And whereas, out of the sums previously appropriated, the sums appearing in parenthesis in Schedule "A" of this Act are not required for the purpose of defraying certain expenses of the public service of Yukon or for related purposes for the period of 12 months ending on March 31, 1983.

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

- 1(1) This Act may be cited as the Fourth Appropriation Act, 1982-83.

- 2(1) In addition to the sum of \$37,438,000 provided for in the First Appropriation Act, 1982-83, the sum of \$133,557,000 provided for in the Second Appropriation Act, 1982-83, and the sum of \$5,226,000 provided for in the Third Appropriation Act, 1982-83, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$6,489,000 for defraying the several charges and expenses of the public service of Yukon for the period of 12 months ending on March 31, 1983, as set forth in Schedule "A" of this Act and appearing there as sums not in parentheses, and that sum shall not be paid or applied except in accordance with Schedule "A".

Fourth Appropriation Act, 1982-83 Chp. 3

- (2) The sums previously appropriated to an appropriation or item that is listed in Schedule "A" and that has a sum appearing in parentheses after it are reduced by the amount of the sum appearing in the parentheses.
 - 3(1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.
 - (2) The sums appearing in Schedule B are the total sums that have been appropriated by the First Appropriation Act, 1982-83, the Second Appropriation Act, 1982-83, the Third Appropriation Act, 1982-83, and this Act.
-

FOURTH APPROPRIATION ACT, 1982-83 Chp. 3

SCHEDULE A

<u>Appropriation or Item</u>	<u>\$ (Dollars in 000's)</u>
Sums that are required:	
Yukon Legislative Assembly	4
Executive Council Office	51
Education, Recreation & Manpower	2,095
Consumer and Corporate Affairs	5
Health and Human Resources	709
Municipal and Community Affairs	62
Economic Development and Intergovernmental Relations	136
Justice	894
Highways and Transportation	1,432
Public Service Commission	7
Finance	262
Tourism, Heritage and Cultural Resources	39
Renewable Resources	429
Government Services	334
Yukon Housing Corporation	<u>30</u>
Sub-total (sums required)	<u>6,489</u>
Sums previously appropriated that are not required:	
Executive Council Office	(2)
Economic Development and Intergovernmental Relations	(135)
Highways and Transportation	(154)
Finance	(196)
Tourism Heritage and Cultural Resources	(15)
Renewable Resources	(36)
Yukon Housing Corporation	(26)
Loan Capital	<u>(9,700)</u>
Sub-Total (sums not required)	<u>(10,264)</u>
TOTAL	<u>(3,775)</u>

FOURTH APPROPRIATION ACT, 1982-83 Chp. 3

SCHEDULE B

\$ (Dollars in 000's)

	<u>CAPITAL</u>	<u>O&M</u>	<u>TOTAL</u>
Yukon Legislative Assembly	0	1,161	1,161
Executive Council Office	0	1,482	1,482
Education, Recreation and Manpower	9,271	26,780	36,051
Consumer and Corporate Affairs	2	1,079	1,081
Health and Human Resources	322	25,845	26,167
Municipal and Community Affairs	7,699	6,285	13,984
Economic Development and Intergovernmental Relations	1,305	1,773	3,078
Justice	442	10,182	10,624
Highways and Transportation	8,075	27,072	35,147
Public Service Commission	0	1,133	1,133
Finance	0	3,600	3,600
Tourism, Heritage and Cultural Resources	1,821	2,627	4,448
Renewable Resources	1,363	5,246	6,609
Government Services	1,396	6,610	8,006
Yukon Housing Corporation	168	1,484	1,652
Yukon Liquor Corporation	840	0	840
Loan Capital	0	300	300
Loan Amortization	<u>0</u>	<u>7,049</u>	<u>7,049</u>
TOTAL	<u>32,704</u>	<u>129,708</u>	<u>162,412</u>

STATUTES OF THE YUKON TERRITORY
1983, Chapter 4

AN ACT TO AMEND THE
INCOME TAX ACT

(Assented to May 3, 1983)

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

- 1(1) This Act amends the Income Tax Act.
- 2(1) In subsection 4(3), "45 percent" is substituted for "43 percent".
- 3(1) The following subsections are added to section 5:
- "(1.1) Notwithstanding subsection (1), for a taxation year when a Canadian controlled private corporation is allowed a deduction from federal tax under subsection 125(1) of the federal Act, the tax payable under this Act by that corporation in respect of the income that is eligible for the deduction under subsection 125(1) of the federal Act is 5% of that eligible income.
- (1.2) Notwithstanding subsection (1), where the taxable income of a corporation is eligible for the deduction from federal tax under section 125.1 of the federal Act, the rate of tax payable under this Act by that corporation in respect of that eligible taxable income is 2.5%.
- (1.3) Where a corporation has a taxation year part of which is before and part of which is after January 1, 1983, the tax payable by the corporation for that year is the proportion of the tax computed under subsections (1), (1.1) and (1.3) that the number of days in the part of the taxation year that are in 1983 is of the number of days in the whole taxation year."

Income Tax Act,
An Act to Amend The Chp. 4

4(1) The following is substituted for subsection 12(9):

"(9) Where a taxpayer has filed the return required by section 10 for a taxation year and, within one year from the day on or before which he was required by section 10 to file the return for that year, has amended the return by filing a prescribed form claiming a deduction from income under section 111 of the federal Act in respect of non-capital losses, net capital losses, or restricted farm losses sustained in the taxation year immediately following that year, the Commissioner shall reassess the taxpayer's tax for the year."

5(1) The following paragraph is added to subsection 13(1):

"(n) a termination payment."

(2) In subsection 13(1), "or as may be determined in accordance with prescribed rules" is substituted for "as may be prescribed".

(3) The following subsections are added to section 13:

"(1.1) For the purposes of subsection (1), where a trustee who is administering, managing, distributing, winding up, controlling or otherwise dealing with the property, business, estate or income of another person authorizes or otherwise causes a payment referred to in subsection (1) to be made on behalf of that other person, the trustee shall be deemed to be a person making the payment and the trustee and that other person shall be jointly and severally liable in respect of the amount required under subsection (1) to be deducted or withheld and to be remitted on account of the payment.

Income Tax Act,
An Act to Amend The Chp. 4

(1.2) In subsection (1.1), "trustee" includes a liquidator, receiver, receiver-manager, trustee in bankruptcy, assignee, executor, administrator, sequestrator or any other person performing a function similar to that performed by any such person."

(4) The following are substituted for subsections 13(2) and (3):

"(2) Where the Commissioner is satisfied that the deducting or withholding of the amount otherwise required to be deducted or withheld under subsection (1) from a payment would cause undue hardship, he may determine a lesser amount and that amount shall be deemed to be the amount determined under that subsection as the amount to be deducted or withheld from that payment.

(3) Where a taxpayer so elects in the prescribed manner and form, the amount required to be deducted or withheld under subsection (1) from any payment to him shall be deemed to be the aggregate of

- (a) the amount, if any, otherwise required to be deducted or withheld under that subsection from that payment; and
- (b) the amount specified by the taxpayer in that election with respect to that payment or with respect to a class of payments that includes that payment."

6(1) The following is substituted for subsection 21(1):

"(1) Every person who fails to file a return as and when required by subsection 10(1) is liable to a penalty equal to the aggregate of

- (a) an amount equal to five percent of the tax that was unpaid when the return was required to be filed, and

Income Tax Act,
An Act to Amend The Chp. 4

- (b) the product obtained when one percent of the tax that was unpaid when the return was required to be filed is multiplied by the number of complete months, not exceeding twelve, in the period between the date on which the return was required to be filed and the date on which the return was filed."

7(1) The Following are substituted for subsection 36(1):

"(1) Where the Commissioner has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to another person who is liable to make a payment under this Act (in this section referred to as the "tax debtor"), he may, by registered letter or by a letter served personally, require that person to pay the moneys otherwise payable to the tax debtor in whole or in part to the Commissioner on account of the tax debtor's liability under this Act.

(1.1) Without limiting the generality of subsection (1), where the Commissioner has knowledge or suspects that a bank, credit union, trust company or other similar person (in this section referred to as the "institution") is about to advance moneys to, or make a payment on behalf of, or make a payment in respect of a negotiable instrument issued by a tax debtor who is indebted to the institution and who has granted security to the institution in respect of the indebtedness, he may, by registered letter or by a letter served personally, require the institution to pay to the Commissioner on account of the tax debtor's liability under this Act the moneys that would otherwise be so advanced or paid."

Income Tax Act,
An Act to Amend The Chp. 4

(2) The following are substituted for subsections 36(3) and (4):

"(3) Where the Commissioner has, under this section, required a person to pay to the Commissioner, on account of the liability of a tax debtor under this Act moneys otherwise payable by the person to the tax debtor as interest, rent, remuneration, a dividend, an annuity or other periodic payment, the requirement is applicable to all such payments to be made by the person to the tax debtor until the liability under this Act is satisfied, and the requirement operates to require payments to the Commissioner out of each payment of such amount as may be stipulated by the Commissioner in the registered letter or letter served personally.

(4) Every person who fails to comply with a requirement under subsection (1) or (3) is liable to pay to Her Majesty for the benefit of the Yukon Territory an amount equal to the amount that he was required under subsection (1) or (3), as the case may be, to pay to the Commissioner.

(4.1) Every institution that fails to comply with a requirement under subsection (1.1) is liable to pay to Her Majesty for the benefit of the Yukon Territory an amount equal to the lesser of

(a) the aggregate of the moneys advanced or paid, and

(b) the amount that it was required under subsection (1.1) to pay to the Commissioner."

Income Tax Act,
An Act to Amend The Chp. 4

8(1) The following are substituted for subsections 39(2) and (3):

"(2) Where a person (in this subsection referred to as the "payor") is required by regulations made under subsection 13(1) to deduct or withhold from a payment to another person an amount on account of that other person's tax for the year, that other person shall, from time to time as prescribed, file a return with the payor in prescribed form.

(3) Every person who fails to file a return as required by subsection (2) is liable to have the deduction or withholding under section 13 on account of his tax made as though he were an unmarried person without dependants."

9(1) The following is substituted for section 43:

"43 Whether or not he has filed an information return as required by a regulation made under paragraph 221(1)(d) of the federal Act as it applies by virtue of subsection 32(2) of this Act, every person shall, on demand from the Commissioner, served personally or by registered mail, file with the Commissioner, within such reasonable time as may be stipulated in the demand, such prescribed information return as is designated therein."

STATUTES OF THE YUKON TERRITORY
1983, Chapter 5

INTERIM SUPPLY APPROPRIATION ACT, 1983-84
(Assented to March 31, 1983)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, 'that the sums mentioned in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of Yukon and for related purposes for the month of April, 1983:

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

- 1(1) This Act may be cited as the Interim Supply Appropriation Act, 1983-84.
- 2(1) In addition to the sum of \$24,412,000 provided for in the First Appropriation Act, 1983-84, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$11,799,000 for defraying the several charges and expenses of the public service of Yukon for the month of April, 1983 as set forth in Schedule "A" of this Act and that sum shall not be paid or applied except in accordance with Schedule "A".
- 3(1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.

INTERIM SUPPLY APPROPRIATION ACT, 1983-84

Chp. 5

SCHEDULE A

\$ (Dollars in 000's)

<u>Appropriation or Item</u>	<u>TOTAL</u>
Yukon Legislative Assembly	104
Executive Council Office	132
Department of Education, Recreation and Manpower	2,452
Department of Consumer and Corporate Affairs	101
Department of Health and Human Resources	2,220
Department of Municipal and Community Affairs	1,590
Department of Economic Development and Intergovernmental Relations	156
Department of Justice	877
Department of Highways and Transportation	2,371
Public Service Commission	99
Department of Finance	310
Department of Tourism, Heritage and Cultural Resources	230
Department of Renewable Resources	459
Department of Government Services	574
Yukon Housing Corporation	<u>124</u>
TOTAL	<u>11,799</u>

STATUTES OF THE YUKON TERRITORY
1983, Chapter 6

INTERIM SUPPLY APPROPRIATION ACT, 1983-84 (No. 2)
(Assented to April 28, 1983)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, that the sums mentioned in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of Yukon and for related purposes for the month of May, 1983:

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

- 1(1) This Act may be cited as the Interim Supply Appropriation Act, 1983-84 (No. 2).
- 2(1) In addition to the sum of \$24,412,000 provided for in the First Appropriation Act, 1983-84, and the sum of \$11,799,000 provided for in the Interim Supply Appropriation Act, 1983-84, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$11,799,000 for defraying the several charges and expenses of the public service of Yukon for the month of May, 1983 as set forth in Schedule "A" of this Act and that sum shall not be paid or applied except in accordance with Schedule "A".
- 3(1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.

INTERIM SUPPLY APPROPRIATION ACT, 1983-84 (No. 2)

Chp. 6

SCHEDULE A

\$ (Dollars in 000's)

<u>Appropriation or Item</u>	<u>TOTAL</u>
Yukon Legislative Assembly	104
Executive Council Office	132
Department of Education, Recreation and Manpower	2,452
Department of Consumer and Corporate Affairs	101
Department of Health and Human Resources	2,220
Department of Municipal and Community Affairs	1,590
Department of Economic Development and Intergovernmental Relations	156
Department of Justice	877
Department of Highways and Transportation	2,371
Public Service Commission	99
Department of Finance	310
Department of Tourism, Heritage and Cultural Resources	230
Department of Renewable Resources	459
Department of Government Services	574
Yukon Housing Corporation	<u>124</u>
TOTAL	<u>11,799</u>

STATUTES OF THE YUKON TERRITORY
1983, Chapter 7

AN ACT TO AMEND THE
PUBLIC SECTOR COMPENSATION RESTRAINT (YUKON) ACT
(Assented to May 3, 1983)

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

- 1(1) This Act amends the Public Sector Compensation Restraint (Yukon) Act.
- 2(1) In the definition of "employee" in section 2, "persons appointed by order-in-council" is substituted for "order-in-council employees".
- 3(1) In subsection 3(2), "regardless of whether that contract or arbitral award was made before this Act comes into force or is made after this Act comes into force" is substituted for "regardless of when that contract or arbitral award is made".
- 4(1) The following is substituted for section 5:
 - "(1) This section applies to all employees, other than teachers, and to all persons who are deemed to be or who are employed in a managerial or confidential capacity and to judges of the Territorial Court.
 - (2) The rate of compensation payable to a person to whom this section applies shall not
 - (a) be increased before April 1, 1984 by an amount that is greater than 6% of the wage rate payable to that person, effective August 18, 1982, or
 - (b) be increased before April 1, 1985 by an amount that is greater than 5% of the wage rate payable to that person, effective March 31, 1984.

Public Sector Compensation Restraint (Yukon) Act,
An Act to Amend The Chp. 7

- 5(1) The following is substituted for section 6:
- "6(1) The rate of compensation payable to a teacher shall not
- (a) be increased before September 1, 1984 by an amount that is greater than 6% of the wage rate payable to that teacher, effective August 31, 1983, or
 - (b) be increased before September 1, 1985 by an amount that is greater than 5% of the wage rate payable to that teacher, effective August 31, 1984."

6(1) In paragraph 7(1)(a), "mayor, alderman, or trustee" is substituted for "mayor or alderman".

(2) The following are substituted for subsection 7(3):

"(3) The rate of compensation payable to an employee of a municipality or of a local improvement district or of a board or commission of a municipality or local improvement district shall not

 - (a) be increased before January 1, 1984 by an amount that is greater than 6% of the wage rate payable to that employee, effective the day this Act comes into force, or
 - (b) be increased before January 1, 1985 by an amount that is greater than 5% of the wage rate payable to that employee, effective December 31, 1983."

7(1) Sections 1 to 6, inclusive, of this Act shall be deemed to have come into force on December 9, 1982.

Public Sector Compensation Restraint (Yukon) Act,
An Act to Amend The Chp. 7

- (2) The collective bargaining agreement signed March 31, 1983 between the City of Whitehorse and the International Union of Operating Engineers, Local 115C, and the collective bargaining agreement ratified April 11, 1983 between the City of Whitehorse and the International Association of Firefighters, Local 2217, shall be deemed to be in compliance with paragraph 7(3)(a) of the Public Sector Compensation Restraint (Yukon) Act.
-

STATUTES OF THE YUKON TERRITORY
1983, Chapter 8

AN ACT TO AMEND
THE SCHOOL ACT

(Assented to May 3, 1983)

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

1(1) This Act amends the School Act.

2(1) The following is substituted for Schedule VI:

"

SCHEDULE VI
School Year

<u>Day of Week</u> <u>Christmas Falls</u>	<u>Date First School</u> <u>Term Commences</u>	<u>Date Christmas Vacation</u> <u>Commences</u>	<u>Date Second</u> <u>School Term</u> <u>Commences</u>
Sunday	September 1	December 17	January 3
Monday	September 5	December 16	January 2
Tuesday	September 4	December 22	January 7
Wednesday	September 3	December 21	January 6
Thursday	September 2	December 20	January 5
Friday	September 1	December 19	January 4
Saturday	September 1	December 18	January 4

STATUTES OF THE YUKON TERRITORY
1983, Chapter 9

SECOND APPROPRIATION ACT, 1983-84

(Assented to May 3, 1983)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, in addition to the sums previously appropriated, the sums mentioned in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of Yukon and for related purposes for the period of 12 months ending on March 31, 1984:

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) This Act may be cited as the Second Appropriation Act, 1983-84.

- 2(1) In addition to the sum of \$24,412,000 provided for in the First Appropriation Act, 1983-84, but including the sum of \$11,799,000 provided for in the Interim Supply Appropriation Act, 1983-84, and the sum of \$11,799,000 provided for in the Interim Supply Appropriation Act, 1983-84 (No. 2), from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$141,407,000 for defraying the several charges and expenses of the public service of Yukon for the period of 12 months ending on March 31, 1984, as set forth in Schedule "A" of this Act and that sum shall not be paid or applied except in accordance with Schedule "A".

- 3(1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.

SECOND APPROPRIATION ACT, 1983-84 Chp. 9

SCHEDULE A

<u>Appropriation or Item</u>	<u>\$ (Dollars in 000's)</u>
Yukon Legislative Assembly	1,045
Executive Council Office	1,650
Education, Recreation & Manpower	28,254
Consumer and Corporate Affairs	1,174
Health and Human Resources	29,514
Municipal and Community Affairs	6,597
Economic Development and Inter- Governmental Relations	2,609
Justice	10,312
Highways and Transportation	28,425
Public Service Commission	1,244
Finance	2,980
Tourism, Heritage and Cultural Resources	2,868
Renewable Resources	4,250
Government Services	7,949
Yukon Housing Corporation	1,508
Loan Capital	5,000
Loan Amortization	6,028
Total	141,407

STATUTES OF THE YUKON TERRITORY
1983, Chapter 10

AN ACT TO AMEND
THE TERRITORIAL COURT ACT

(Assented to May 3, 1983)

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

- 1(1) This Act amends the Territorial Court Act.
- 2(1) The heading immediately before section 2 is repealed.
- (2) The following sections are substituted for sections 2 to 5:
- "2(1) In this Act,
- 'chief judge' means the judge designated as chief judge under section 12;
- 'court' means the Territorial Court of Yukon;
- 'deputy judge' means a judge who is not appointed to serve on a full-time basis;
- 'judge' means a judge of the court and includes a deputy judge;
- 'judicial council' means the Judicial Council of the Territorial Court established under section 8;
- 'justice' means a justice of the peace.
- 3(1) There shall be in and for Yukon a court called the Territorial Court of Yukon.
- 4(1) The court shall consist of such judges as may be appointed under this Act.

The Territorial Court Act,
An Act to Amend Chp. 10

- 5(1) A judge has jurisdiction throughout Yukon to exercise all the power conferred, and perform all the duties imposed, on a judge of the Territorial Court, a magistrate, a justice, or two or more justices sitting together, by or under an enactment of Yukon or of Canada.
- (2) For the purposes of the Juvenile Delinquents Act (Canada), the court is specially authorized to deal with juvenile delinquents.
- (3) Every judge shall be deemed to have been specially authorized by the terms of his appointment to exercise the jurisdiction conferred on a magistrate under Part XVI of the Criminal Code (Canada).
- (4) A judge is ex officio a Notary Public and a Small Debts Official."
- 3(1) The Following is substituted for the heading immediately preceding section 7: "Judges".
- 4(1) The following headings and sections are substituted for section 7 to 15:
- "7(1) A justice of the Court of Appeal or a judge of the Supreme Court may sit as a judge of the Territorial Court and, where he does so, he is a judge of the Territorial Court.
- 7.1(1) The Commissioner in Executive Council, on the recommendation of the judicial council, may appoint such judges as he considers necessary.
- (2) A deputy judge may be appointed for a term of not more than five years recommended by the judicial council, but a deputy judge is not eligible for re-appointment after the expiration of his term except upon the recommendation of the judicial council.

The Territorial Court Act,
An Act to Amend Chp. 10

- (3) The terms of the appointment of every judge shall be judicially noticed.
- 7.2(1) A person shall not be appointed as a judge unless he is qualified to be named on the Barristers and Solicitors Roll under the Legal Profession Act and
- (a) he has practiced as a barrister and solicitor in Yukon or a province of Canada for the period of five years immediately preceding the year in which he is to be appointed, or
 - (b) he has other legal or judicial experience satisfactory to the judicial council.
- 7.3(1) A judge, before entering on the duties of his office, shall swear or affirm an oath as follows before a judge of the Supreme Court:
'I, _____, do solemnly swear that I will duly, faithfully and to the best of my skill and knowledge execute the powers and trusts reposed in me as a judge of the Territorial Court of Yukon for so long as I shall continue to hold office, without fear or favour, and that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors.'
- (2) The oath of office shall be transmitted forthwith to the Executive Council Member and filed in his office.
- 7.4(1) Subject to this Act, a judge holds office during good behaviour.
- (2) Subject to this Act, where a deputy judge is appointed for a term the deputy judge holds office during good behaviour for the term of his appointment.
 - (3) A judge may resign by submitting to the Executive Council Member a written resignation to take effect on the date stated in the resignation.

The Territorial Court Act,
An Act to Amend Chp. 10

- (4) A judge ceases to hold office on attaining the age of 65 years.
- 7.5(1) Except as otherwise authorized by the Commissioner in Executive Council, a judge other than a deputy judge shall devote himself exclusively to his judicial duties and shall not carry on directly or indirectly any other occupation, profession or business.
- (2) Notwithstanding subsection (1), the Commissioner in Executive Council may, with the approval of the chief judge, assign other duties to a judge in place of some or all of his judicial duties in accordance with any conditions contained in the order assigning the judge.
- (3) A judge shall not act as agent, solicitor or counsel in any proceedings before another judge or justice.
- (4) A person who has ceased to hold office as a judge, other than as a deputy judge, shall not, within 12 months of the day he ceased to hold office, act as agent, solicitor or counsel in any proceedings before a judge or justice.
- (5) Subject to this Act, a judge other than a deputy judge shall reside in Yukon.
- (6) No judge shall engage in any manner whatever in partisan political activities.
- (7) Subsection (6) does not disentitle a judge to vote in any election.
- 7.6(1) Subject to this Act, a judge shall be paid the prescribed salary.

The Territorial Court Act,
An Act to Amend Chp. 10

- 7.7(1) A judge other than a deputy judge is entitled to the prescribed amount of annual vacation leave, and may receive such other leave as may be prescribed.
- (2) The Commissioner in Executive Council may be regulation establish or provide other benefits for judges other than deputy judges, including severance pay, death benefits, and pension, disability or insurance plans.
- 7.8(1) The salaries and benefits prescribed for judges shall be reviewed annually by the Executive Council Member in consultation with the chief judge.
- 7.9(1) A judge is entitled to receive, for this travel and living expenses incurred while away from his ordinary place of residence in connection with the performance of his judicial duties, compensation at the maximum rate in use from time to time for the payment of such expenses for members of the public service of Yukon.

Judicial Council

- 8(1) There shall be a judicial council of the court to be called the Judicial Council of the Territorial Court.
- (2) The functions of the judicial council are
- (a) to make recommendations to the Executive Council Member respecting appointments of judges and justices,
 - (b) subject to this Act, to deal with formal complaints respecting judges and justices,

The Territorial Court Act,
An Act to Amend Chp. 10

- (c) to make recommendations to the Executive Council Member and the chief judge on such matters as it considers necessary respecting the efficiency, uniformity or quality of judicial services provided by the Territorial Court or the Justice of the Peace Court,
- (d) To report to the Executive Council Member respecting proposals for improving the judicial services of the court or on such other matters as may be referred to it by the Executive Council Member, and
- (e) to perform such other duties as it may be requested to perform by the Executive Council Member.

8.1(1) The council shall be composed of

- (a) the senior judge of the Supreme Court, or another judge of that court nominated by the senior judge,
- (b) the chief judge of the Territorial Court, or another judge of that court nominated by the chief judge,
- (c) the president of the Justice of the Peace Association, or another justice nominated by him,
- (d) the president of the Yukon Law Society, or another member of the Society nominated by him, and
- (e) a barrister and solicitor and not more than two other persons appointed by the Commissioner in Executive Council for a term of not more than three years.

- (2) Nominations under paragraphs (1)(a) to (d) shall be in writing signed by the nominator and are effective from the time they are delivered to the Executive Council Member.

The Territorial Court Act,
An Act to Amend Chp. 10

- (3) Nominations under paragraphs (1)(a) to (d) may be revoked by delivery to the Executive Council Member of an appropriate written statement, signed by the person entitled to make the nomination.
 - (4) The senior judge of the Supreme Court, or his nominee under paragraph (1)(a), shall be the chairman of the judicial council.
 - (5) Where, for any reason, the chairman of the judicial council is unable to act, the other members shall choose a member to act as chairman in his absence.
- 8.2(1) A majority of the members of the judicial council is a quorum.
- (2) Where in a proceeding before the council there is no majority decision, the chairman shall cast a second and deciding vote.
 - (3) The judicial council may make rules of procedure governing the calling of its meetings and the conduct of business at its meetings.
- 8.3(1) Members of the judicial council appointed under paragraphs 8.1(1)(c), (d) or (e) may be paid such remuneration as may be prescribed.

Complaints and Discipline

- 8.4(1) The chief judge shall receive and attempt to resolve complaints concerning the conduct of judges and justices, but where he is unable to resolve a complaint he shall advise the complainant of the procedure to make a formal complaint under section 8.5.

The Territorial Court Act,
An Act to Amend Chp. 10

- 8.5(1) Any person may make a formal complaint to the senior judge of the Supreme Court respecting
- (a) the conduct of a judge or justice,
 - (b) the neglect of duty by a judge or justice, or
 - (c) the ability or capacity of a judge or justice to perform his duties.
- (2) A formal complaint shall be made in such manner and in such form as the judicial council may require.
- (3) A person who has made a formal complaint under subsection (1) may withdraw the complaint with the consent of the judicial council.
- 8.6(1) Where a formal complaint is received by the senior judge of the Supreme Court, he shall place it before the judicial council, which may
- (a) dismiss the complaint, where the complaint is not made in good faith, or where the complaint concerns a trivial matter, or
 - (b) refer the complaint to the chief judge or such other person as the judicial council deems fit for an investigation and report.
- (2) A judge or justice against whom a formal complaint has been made shall not participate as a member of the judicial council for the purposes of considering the complaint under subsection (1).
- 8.7(1) The senior judge of the Supreme Court may suspend a judge or justice from the performance of his duties where a formal complaint against the judge or justice is to be or is being investigated under paragraph 8.6(1)(b).

The Territorial Court Act,
An Act to Amend Chp. 10

- 8.8(1) The judicial council may dismiss a formal complaint after receiving a report prepared under paragraph 8.6(1)(b) where the council is of the opinion that
- (a) the complaint has not been made in good faith, or it concerns only a trivial matter,
 - (b) the complaint is unfounded, or
 - (c) the complaint has been resolved in a manner satisfactory to the judicial council.
- 8.9(1) The judicial council shall order that an inquiry be held respecting a formal complaint where the council has received a report prepared under paragraph 8.6(1)(b) and has not dismissed the complaint under section 8.8.
- (2) The Executive Council Member may, for any reason he considers sufficient, order that an inquiry be held respecting
- (a) the conduct of a judge or justice,
 - (b) the neglect of duty by a judge or justice, or
 - (c) the ability or capacity of a judge or justice to perform his duties.
- (3) An order under subsection (2) shall state particulars of the matter to be inquired into.
- 9(1) The judicial council shall advise the complainant, and the judge or justice against whom the formal complaint was made, of its decisions or recommendations under section 8.6, 8.8 or 8.9 as soon as practicable after the making of a decision.

The Territorial Court Act,
An Act to Amend Chp. 10

- (2) Where an investigation has been commenced under section 8.6 or an inquiry has been ordered under section 8.9, and the judge or justice resigns, the investigation or inquiry shall be completed unless the Executive Council Member orders otherwise.
- 9.1(1) Where an inquiry is ordered to be held under section 8.9,
- (a) the judge or justice is suspended from all of his duties with salary unless the senior judge of the Supreme Court orders that the suspension be without salary, and
 - (b) written notice shall be given to the judge or justice, together with any report that may have been made respecting the matter under section 8.6.
- (2) Within 14 days after receiving a notice under paragraph (1)(b), the judge or justice shall elect as a tribunal to conduct the inquiry either the judicial council or a judge of the Supreme Court to be designated by the senior judge of the Supreme Court, and in the absence of such an election, the judicial council shall conduct the inquiry.
- 9.2(1) Where a person has conducted an investigation into a matter under section 8.6, he shall not participate in the conduct of an inquiry into the matter either alone or as a member of the judicial council.
- 9.3(1) In conducting an inquiry, the tribunal may consider all matters relating to a judge or justice that are relevant to his fitness to perform his duties, including
- (a) mental or physical disability,

The Territorial Court Act,
An Act to Amend Chp. 10

- (b) misconduct,
- (c) failure in the execution of his office, or
- (d) conduct incompatible with the due execution of his office.

- 9.4(1) An inquiry shall be held in public unless the judicial council determines, in the public interest, that all or part of the inquiry should be held in private, in which case it shall state its reason or reasons for such a determination.
- (2) The tribunal holding an inquiry may prohibit the publication of information or documents placed before it in relation to an inquiry or investigation under this Act where it is of the opinion that the publication is not in the public interest.
- (3) Where an inquiry is to be held, the tribunal shall give the judge or justice
- (a) reasonable notice of the time and place at which the inquiry is to be held,
 - (b) reasonable particulars of the matter being inquired into, and
 - (c) the opportunity, by himself or his counsel, to be heard, to cross-examine witnesses, and to adduce evidence.
- (4) Subject to this Act, the tribunal holding an inquiry may determine its own procedures and conduct the inquiry in such manner as it considers appropriate.
- 9.5(1) Where the Executive Council Member orders that an inquiry be held, he is entitled to appoint legal counsel to act on his behalf to appear, cross-examine witnesses and present evidence at the inquiry.

The Territorial Court Act,
An Act to Amend Chp. 10

- 9.6(1) The judicial council may appoint legal counsel to appear, cross-examine witnesses and present evidence at an inquiry.
- 9.7(1) A member of a tribunal conducting an inquiry under this Act has the same protection and privileges, in case of an action brought against him for an act done or omitted to be done in the execution of his duty, as are by law given to judges of the Supreme Court.
- 9.8(1) The tribunal, by summons and on reasonable notice, may require any person
- (a) to attend as a witness at a time and place mentioned in the summons, or
 - (b) to bring and produce before the tribunal writings, records or things in his possession, custody or power that relate in any way to the subject matter of the inquiry.
- (2) A person named in and served with a summons shall attend before the tribunal and answer on oath, unless the tribunal directs otherwise, all questions that relate to the subject matter of the inquiry, and produce writings, records or thing according to the tenor of the summons.
- (3) For the purpose of compelling the attendance of witnesses before an inquiry, examining them there under oath, and compelling the production of writings, records or things before the inquiry, a judge of the Supreme Court, as a member of the tribunal or otherwise on application by the tribunal, may exercise his powers as a judge of the Supreme Court as if the inquiry were a proceeding in the Supreme Court.

The Territorial Court Act,
An Act to Amend Chp. 10

- 9.9(1) For the purposes of an inquiry, the tribunal or a person authorized by the tribunal may examine and extract relevant information from any writings or records in the possession of the judge or justice in respect of whom the inquiry is being held, and may make such copies of those writings or records as the tribunal considers necessary.
- 10(1) On the conclusion of an inquiry, the tribunal may
- (a) order the reinstatement of the judge or justice with or without a reprimand,
 - (b) order the suspension of the judge or justice, with or without remuneration, for a further period of not more than six months, or
 - (c) order the further suspension of the judge or justice and recommend the removal of the judge or justice from office by the Commissioner in Executive Council.
- (2) Where a judge or justice is reinstated and did not receive all or part of his salary during his suspension, the tribunal may order the payment to him of all or part of the salary to which he otherwise would have been entitled.
- (3) The Commissioner in Executive Council may remove a judge or justice from office and revoke his appointment where he has received a recommendation to do so from the judicial council under paragraph (1)(c) and
- (a) an appeal by the judge or justice under section 10.2 from the decision of the council is dismissed, or
 - (b) the time for appealing under section 10.2 has expired.

The Territorial Court Act,
An Act to Amend Chp. 10

- 10.1(1) The tribunal shall promptly notify the judge or justice in respect of whom the inquiry was held, and the Executive Council Member, of its order or recommendation and the reasons for the order or recommendation, and it shall file a copy of the order or recommendation and reasons with the clerk of the Supreme Court for immediate publication.
- 10.2(1) A judge or justice in respect of whom an order or recommendation has been made under subsection 10(1) may appeal to the Court of Appeal within 30 days after notice of the order was mailed or given to him personally or within 30 days after the order or recommendation was filed under section 10.1.
- (2) The decision of the Court of Appeal on an appeal under subsection (1) is final.

Justices of the Peace

- 10.3(1) There shall be in and for Yukon a court called the Justice of the Peace Court of Yukon.
- 10.4(1) The Commissioner in Executive Council, on the recommendation of the judicial council, may appoint such justices as he considers necessary, subject to such conditions as to residence or occupation as may be recommended by the judicial council.
- (2) A justice appointed under subsection (1) shall, before entering on the duties of his office, swear or affirm an oath as follows:
'I, , do solemnly swear that I will duly, faithfully and to the best of my skill and knowledge execute the powers and trusts

The Territorial Court Act,
An Act to Amend Chp. 10

reposed in me as a justice of the peace for so long as I shall continue to hold office, without fear or favour, and that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, he heirs and successors.'

- (3) Justices of the Court of Appeal, judges of the Supreme Court, and judges of the Territorial Court are justices of the peace, but subsection (2) and sections 10.5 to 10.8 do not apply to them.

10.5(1) Subject to this Act, a justice ceases to hold office

- (a) on attaining the age of 65 years, or
- (b) when he resigns.

- (2) Where the judicial council determines that a justice has changed his residence or occupation contrary to a condition imposed under subsection 10.4(1), the council may recommend to the Executive Council Member that the appointment of the justice be revoked.

- (3) Where the Executive Council Member has received a recommendation under subsection (2), the Commissioner in Executive Council may revoke the appointment of the justice.

10.6(1) Subject to this Act, a justice shall be paid such remuneration as may be prescribed by the Executive Council Member after consultation with the chief judge.

- (2) The Executive Council Member may, after consultation with the chief judge, prescribe the vacation leave, sick leave, pension or other benefits, if any, that a justice may receive.

The Territorial Court Act,
An Act to Amend Chp. 10

10.7(1) A justice is entitled to receive, for his travel and living expenses incurred while away from his ordinary place of residence in connection with the performance of his duties as a justice, compensation at the rate in use from time to time for the payment of such expenses for members of the public service of Yukon.

10.8(1) The Commissioner in Executive Council may authorize a justice to deal with juvenile court for all of the purposes of the Juvenile Delinquents Act (Canada).

Judicial Administration

10.9(1) Every sitting of the court shall be presided over by a judge, and only a person acting pursuant to his powers as a judge shall try any action, give any judgment or make any decision, determination, order or decree in the court.

11(1) The court shall have a seal in the prescribed form.

12(1) The Commissioner in Executive Council shall designate a judge to be chief judge of the court to hold office for a term of not more than five years during good behaviour.

(2) A judge is not eligible to be chief judge for two consecutive terms.

12.1(1) The Commissioner in Executive Council may designate a judge as associate chief judge for the purpose of performing the duties and exercising the powers of the chief judge during the absence of the chief judge from Yukon or during the absence of the chief judge from the performance of his duties due to illness, the taking of leave or for any other reason.

The Territorial Court Act,
An Act to Amend Chp. 10

- 13(1) Subject to this Act, the chief judge has the duty and power to supervise judges and justices in the performance of their duties, and may
- (a) designate the matters or classes of matters in which a judge or justice shall act,
 - (b) designate the court facility where a judge or justice shall act,
 - (c) assign duties to judges and justices,
 - (d) make recommendations to the Executive Council Member respecting all matters affecting the administration of the Territorial Court or the Justice of the Peace Court, and
 - (e) approve the taking of vacation leave and other leave from judicial duties with or without pay to which a judge may be entitled under this Act.
- (2) The chief judge shall perform such administrative duties as the Executive Council Member may prescribe.
- 13.1(1) A judge or justice does not have jurisdiction to hear any matter in which he has or has had an interest.
- (2) A deputy judge or justice does not have jurisdiction to hear any matter in respect of which he or any associate of his in a firm of barristers and solicitors has represented or is representing any of the parties or any other person involved.
- 14(1) A judge who retires or resigns remains seized of any matter in respect of which he has heard evidence or argument for a period of twelve weeks after his retirement or resignation and may, within those twelve

The Territorial Court Act,
An Act to Amend Chp. 10

weeks, continue to hear any further evidence or argument necessary to complete the proceedings in the matter and to give judgment as if he had not retired or resigned.

- (2) If a proceeding other than a trial or application under the Criminal Code (Canada) has been commenced and the presiding judge or justice is unable for any reason to complete the proceedings, any judge or justice, as the case may be, requested to act by the chief judge may continue the proceedings from where they were left off and, according to his opinion as to what is required to ensure justice, may continue the proceedings to completion or recommence the proceedings from any point.

15(1) A judge may in his discretion order that the venue of any matter be changed and that the matter be heard in such place in Yukon as he shall direct."

5(1) The following beading id added immediately before section 16: "Rules of Court".

(2) Subsection 16(3) is repealed.

6(1) The following sections are substituted for sections 17 and 18:

"17(1) The Executive Council Member may establish a rules committee of the court to be composed of the chief judge, two barristers and solicitors and not more than three other persons appointed by the Executive Council Member for such terms as the Commissioner in Executive Council considers appropriate.

The Territorial Court Act,
An Act to Amend Chp. 10

- (2) The Commissioner in Executive Council shall designate one of the persons appointed to the rules committee to be chairman.
- 18(1) Subject to the approval of the Commissioner in Executive Council, and notwithstanding subsection 16(1), the rules committee may make rules respecting the practice and procedures of the court, including the establishment of tariffs of fees and costs for barristers and solicitors in respect of proceedings in the court."
- 7(1) The following heading is added immediately before section 19: "Appeals".
- 8(1) The following is substituted for the heading immediately before section 29: "Court Administration".
- (2) The following new sections are substituted for section 29:
- "29(1) The Executive Council Member is responsible for the provision, operation and maintenance of court facilities and services.
- 29.1(1) Pursuant to the Public Service Commission Act, there may be appointed a clerk of the court and such other employees as may be considered necessary for the dispatch of the business of the court.
- 29.2(1) The Chief Judge shall, after consulting with the Executive Council Member, having regard to the volume of judicial work in any area of Yukon, direct that sittings of the court be held at such places as the Chief Judge and Executive Council Member consider advisable."

The Territorial Court Act,
An Act to Amend Chp. 10

9(1) The following is substituted for section 30:

"30(1) After consultation with the chief judge the Commissioner in Executive Council may, in respect of proceedings in the court, make regulations prescribing

- (a) the rates of fees and expenses payable to witnesses and interpreters,
- (b) the fees to be paid for the filing or issuing of documents, or for services rendered by clerks or sheriffs,
- (c) the fees, expenses and other forms of remuneration to be paid to stenographic reporters, or to operators or transcribers of sound recording machines, and
- (d) the form of the seal to be used by the court."

10(1) The heading immediately before section 31 is repealed.

(2) The following is substituted for section 31:

"31(1) The Executive Council Member may, after consulting with the chief judge, make regulations

- (a) prescribing the administrative duties of the chief judge,
- (b) prescribing the locations for court facilities, or the facilities that may be used by the court,
- (c) requiring and governing the making of returns and reports by judges and clerks,
- (d) prescribing the records that shall be maintained by the court,
- (e) prescribing the duties of clerks and other employees,
- (f) providing for the safekeeping, inspection and destruction of books, documents, papers and records of the court and judges,

The Territorial Court Act,
An Act to Amend Chp. 10

- (g) establishing a system of statistical records relating to the court,
- (h) governing the remission of money paid to or collected by the court, a judge or a justice,
- (i) providing for the appointment and employment of stenographic reporters to take down evidence in respect of proceedings in the court,
- (j) providing for the appointment of operators and transcribers of sound-recording machines when used to record evidence in respect of proceedings in the court,
- (k) defining the class of matters in which stenographic reporters may be used,
- (l) prescribing the forms to be used in the court or issued by the court, and
- (m) respecting any other matter he considers necessary or advisable in relation to the provision, maintenance or operation of the facilities or services of the court."

11(1) The following is substituted for the heading immediately preceding section 32: "Miscellaneous and Transitional".

(2) The following sections are substituted for section 32:

"32(1) Every judge has the same power and authority to preserve order in a court over which he is presiding as may be exercised by a judge of the Supreme Court.

32.1(1) No order, verdict or judgment or other proceeding made by the court shall be quashed or vacated for want of form.

The Territorial Court Act,
An Act to Amend Chp. 10

- 32.2(1) A judge or justice is not liable for damage caused by anything done or not done by him in the performance of his duty or in respect of a matter in which he lacked or exceeded his jurisdiction unless it is proved that he acted in bad faith or with gross negligence.
- (2) Where a judge or justice has ceased for any reason to be a judge or justice, and an order, warrant or sentence that could have been lawfully made or imposed by him is subsequently made or imposed by another judge or justice, no action for the recovery of damage lies in respect of that order or warrant made or sentence imposed.
- (3) No action for the recovery of damages lies against any person in respect of an act or thing done 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.
- 32.3(1) The Commissioner in Executive Council may make regulations
- (a) fixing the salaries to be paid to the chief judge and to judges other than deputy judges,
 - (b) fixing the amount to be paid to deputy judges,
 - (c) providing for the benefits to which judges other than deputy judges are entitled, including
 - (i) leaves of absence and vacations,
 - (ii) sick leave credits and payments in respect of such credits,
 - (iii) pension benefits for judges and their surviving spouses or children,
 - (iv) termination pay,
 - (v) death benefits, or
 - (vi) insurance coverage,

The Territorial Court Act,
An Act to Amend Chp. 10

- (d) establishing the holidays that judges are entitled to observe, and
 - (e) providing for the payment of additional remuneration to the associate chief judge for the performance of duties of the chief judge.
- 32.4(1) The Commissioner in Executive Council may make regulations either generally in regard to all inquiries or specifically in regard to any inquiry, for
- (a) remuneration of witnesses,
 - (b) allowances to witnesses for travel and living expenses,
 - (c) other expenses of an inquiry, and
 - (d) generally, all things necessary to provide adequately for the holding of an inquiry.
- (2) The Commissioner in Executive Council may make regulations providing for the payment of travel and living expenses for members of the judicial council.
- 32.5(1) The Commissioner in Executive Council may, in addition to any other regulations that may be made under this Act, make such regulations as he considers necessary to carry into effect the purposes and provisions of this Act.
- 32.6(1) Subject to this Act, the Executive Council Member may, in respect of the Justice of the Peace Court, make any regulation that may be made under this Act to respect of the Territorial Court, including regulations
- (a) fixing the amount to be paid to justices, which may vary according to the qualifications of a justice or the duties he may be required to perform, and

The Territorial Court Act,
An Act to Amend Chp. 10

. (b) establishing the benefits that may be provided to a justice, if any, in addition to his remuneration under paragraph (a)."

12(1) Every person appointed as a judge or justice when this Act comes into force shall be deemed to be lawfully appointed under the Territorial Court Act as amended by this Act.

(2) Subject to section 14 of the Territorial Court Act as amended by this Act, and notwithstanding any other provision of this Act, every judge who, on April 1, 1983, was not receiving a full-time salary for his services as a judge, shall cease to hold office as a judge on that day.

(3) Notwithstanding any other provision of this Act, every judge receiving a full-time salary for his services as a judge on the day on which this Act comes into force shall be deemed to continue to be a member of the public service for the purpose only of maintaining his existing superannuation and other benefits until they are replaced by regulations made under section 32.3 of the Territorial Court Act as amended by this Act.

13(1) The Justice of the Peace Court Act is repealed.

14(1) Upon the coming-into-force in Yukon of the definition of "youth court" in the Young Offenders Act (Canada),

(a) the following is substituted for subsection 5(2) of the Territorial Court Act as amended by subsection 2(2) of this Act:

"(2) For the purposes of the Young Offenders Act (Canada), the Territorial Court shall be deemed to have been designated as a youth court.";

The Territorial Court Act,
An Act to Amend Chp. 10

(b) the following is substituted for subsection 10.8(1) of the Territorial Court Act as amended by subsection 4(1) of this Act:

"10.8(1) For the purposes of the Young Offenders Act (Canada), the Justice of the Peace Court shall be deemed to have been designated as a youth court."; and

(c) section 35 and 36 of the Territorial Court Act are repealed.

15(1) This Act comes into force on a day to be fixed by the Commissioner in Executive Council.

STATUTES OF THE YUKON TERRITORY
1983, Chapter 11

THIRD APPROPRIATION ACT, 1983-84

(Assented to May 3, 1983)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, in addition to the sums previously appropriated, the sums mentioned in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of Yukon and for related purposes for the period of 12 months ending on March 31, 1984:

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) This Act may be cited as the Third Appropriation Act, 1983-84.

 - 2(1) In addition to the sum of \$24,412,000 provided for in the First Appropriation Act, 1983-84, and the sum of \$141,407,000 provided for in the Second Appropriation Act, 1983-84, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$1,000,000 for defraying the several charges and expenses of the public service of Yukon for the period of 12 months ending on March 31, 1984, as set forth in Schedule "A" of this Act and that sum shall not be paid or applied except in accordance with Schedule "A".

 - 3(1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.
-

THIRD APPROPRIATION ACT, 1983-84

Chp. 11

SCHEDULE A

<u>Appropriation or Item</u> <u>in 000's)</u>	<u>\$ (Dollars</u>
Education, Recreation & Manpower (Assistance for Cyprus Anvil Mining Corporation and its workers in Faro)	1,000
Total	<u>1,000</u>

TABLE OF STATUTES

This is a table of those Statutes included in the Revised Ordinances, 1971, those subsequently added to the consolidation and those enacted since the coming into force of the Revised Ordinances, 1971.

Legend:

In. = Included in Am. = Amended

En. = Enacted Sp. = Spent

Rp. = Repealed History = from the earlier of:

(i) enactment; or

Re. = Re-enacted (ii) inclusion in R.O.Y.T., 1971

N.C.N.R. = Not Consolidated, Not Repealed.

R.S.Y.T. = Revised Statutes of the Yukon Territory, originally published under the title Revised Ordinances of the Yukon Territory.

S.Y.T. = Statutes of the Yukon Territory, published before November 12, 1961, under the title Ordinances of the Yukon Territory or Ordinances of the Government of Yukon.

* = On May 31, 1983 a date for the commencement of this Act had yet to be proclaimed.

Consolidation Chapter No. = Chapter designation of the Act having general application to members of the public, as contained in the Consolidated version of the Statutes of the Yukon Territory.

<u>STATUTE</u>	<u>CONSOLIDATION CHAPTER No.</u>	<u>HISTORY</u>
Accountants (Chartered)		See Institute of Chartered Accountants
Adult Occupational Training Agreements Repeal	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 10
Age of Majority	A-O.1	En. S.Y.T. 1972 (1st), c. 1
Agriculture Development	A-0.01	En. S.Y.T. 1982, c.17
Alaska Highway Maintenance (1972)	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 2
Animal Protection	A-O.2	En. S.Y.T. 1977 (2nd), c. 1
Apprentice Training	A-1	In. R.S.Y.T. 1971, c. A-1
Appropriation		See First, Second, etc. to Sixth
Arbitration	A-2	In. R.S.Y.T. 1971, c. A-2
Archives	A-3	In. R.S.Y.T. 1971, c. A-3
Area Development	A-4	In. R.S.Y.T. 1971, c. A-4; Am. S.Y.T. 1975 (3rd), c.3
Assessment and Taxation	A-4.1	En. S.Y.T. 1972 (1st), c. 13; Am. S.Y.T. 1975 (1st), c. 18; Am. S.Y.T. 1979 (2nd), c. 16; Am. S.Y.T. 1980 (1st), c. 20, s. 2; Am. S.Y.T. 1980 (2nd), c. 17, s. 440

Assessment in the City of Whitehorse	N.C.N.R.	En. S.Y.T. 1977 (2nd), c. 11
Assignment of Book Debts	A-5	In. R.S.Y.T. 1971, c. A-5; Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Bills of Sale	B-1	In. R.S.Y.T. 1971, c. B-1; Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Blasting	B-2	In. R.S.Y.T. 1971, c. B-2
Boiler and Pressure Vessels	B-2.1	En. S.Y.T. 1979 (2nd), c. 1; Am. S.Y.T. 1980 (2nd), c. 16, s. 1
Brands	B-3	In. R.S.Y.T. 1971, c. B-3; Am. S.Y.T. 1980 (1st), c. 20, s. 3
Building Standards	B-3.1	En. S.Y.T. 1973 (1st), c. 1; Am. S.Y.T. 1980 (2nd), c. 17, s. 440;* Am. S.Y.T. 1981 (2nd), c. 1
Bulk Sales	B-4	In. R.S.Y.T. 1971, c. B-4
Bulk Sales	B-4.05	En. S.Y.T. 1981 (2nd), c. 2*
Business Development Assistance	B-4.1	En. S.Y.T. 1980 (1st), c. 1*
Business Licence	B-5	In. R.S.Y.T. 1971, c. B-5; Am. S.Y.T. 1980 (1st), c. 20, s. 4
Cancer Diagnosis	C-1	In. R.S.Y.T. 1971, c. C-1
Cemeteries and Burial Sites	C-2	In. R.S.Y.T. 1971, c. C-2
Change of Name	C-3	In. R.S.Y.T. 1971, c. C-3
Child Welfare	C-4	In. R.S.Y.T. 1971, c. C-4; Am. S.Y.T. 1972 (1st), c. 15
Chiropractic	C-5	In. R.S.Y.T. 1971, c. C-5; Am. S.Y.T. 1972 (1st), c. 16
Choses in Action	C-6	In. R.S.Y.T. 1971, c. C-6; Am. S.Y.T. 1980 (2nd), c. 20, s. 75
Citizenship Instruction Agreement	C-7	In. R.S.Y.T. 1971, c. C-7
Civil Defence Workers' Compensation Agreement	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 26
Civil Emergency Measures	C-8	In. R.S.Y.T. 1971, c. C-8
Collection	C-9	In. R.S.Y.T. 1971, c. C-9
Community Assistance	C-9.1	En. S.Y.T. 1975 (1st), c. 1; Am. S.Y.T. 1975 (3rd), c. 4; Am. S.Y.T. 1976 (1st), c. 4; Am. S.Y.T. 1977 (1st), c. 8; Am. S.Y.T. 1978 (1st), c. 3; Am. S.Y.T. 1980 (1st), c. 2; Am. S.Y.T. 1980 (2nd), c. 1; Am. S.Y.T. 1980 (2nd), c. 16, s. 2; Am. S.Y.T. 1981 (1st), c. 11, s. 21

Companies	C-10	In. R.S.Y.T. 1971, c. C-10; Am. S.Y.T. 1975 (3rd), c. 5; Am. S.Y.T. 1980 (1st), c. 3; Am. S.Y.T. 1980 (2nd), c. 2; Am. S.Y.T. 1980 (2nd), c. 20, s. 76 Am. S.Y.T. 1982, c. 18
Compensation for Victims of Crime	C-10.1	En. S.Y.T. 1975 (1st), c. 2; Am. S.Y.T. 1976 (1st), c. 5; Am. S.Y.T. 1980 (2nd), c. 3; Am. S.Y.T. 1981 (1st), C. 10, s. 1
Conditional Sales	C-11	In. R.S.Y.T. 1971, c. C-11; Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Condominium	C-12	In. R.S.Y.T. 1971, c. C-12; Am. S.Y.T. 1977 (2nd), c. 5; Am. S.Y.T. 1980 (1st), c. 4
Conflict of Laws (Traffic Accidents)	C-12.1	En. S.Y.T. 1972 (1st), c. 3
Consumers' Protection	C-13	In. R.S.Y.T. 1971, c. C-13
Contributory Negligence	C-14	In. R.S.Y.T. 1971, c. C-14; Am. S.Y.T. 1980 (1st), c. 20, s. 5
Controverted Elections	C-15	In. R.S.Y.T. 1971, c. C-15; Am. S.Y.T. 1977 (2nd), c. 3, s. 103
Coöperative Associations	C-16	In. R.S.Y.T. 1971, c. C-16; Am. S.Y.T. 1973 (1st), c. 8; Am. S.Y.T. 1975 (2nd), c. 7; Am. S.Y.T. 1980 (2nd), c. 4; Am. S.Y.T. 1981 (1st), c. 10, s. 2
Cornea Transplant	C-17	In. R.S.Y.T. 1971, c. C-17; Rp. S.Y.T. 1980 (1st), c. 14, s. 16
Coroners	C-18	In. R.S.Y.T. 1971, c. C-18; Am. S.Y.T. 1972 (2nd), c. 17
Corporation Securities Registration	C-19	In. R.S.Y.T. 1971, c. C-19; Am. S.Y.T. 1980 (1st), c. 20, s. 6; Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Corrections	C-19.1	En. S.Y.T. 1973 (1st), c. 2; Am. S.Y.T. 1980 (1st), c. 20, s. 7
Court of Appeal	C-20	In. R.S.Y.T. 1971, c. C-20; Am. S.Y.T. 1981 (2nd), c. 3
Court Worker Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 3
Credit Union	C-20.1	En. S.Y.T. 1977 (1st), c. 2; Rp. S.Y.T. 1980 (1st), c. 5
Credit Unions	C-21	In. R.S.Y.T. 1971, c. C-21; Am. S.Y.T. 1975 (2nd), c. 8; Am. S.Y.T. 1976 (1st), c. 6; Rp. S.Y.T. 1977 (1st), c. 2, s. 158
Creditors' Relief	C-22	In. R.S.Y.T. 1971, c. C-22
Curfew	C-23	In. R.S.Y.T. 1971, c. C-23

Custody of Federal Parole Violators Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 4
Dawson, City of, General Purposes Loan	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 25
Dawson City Utilities Replacement	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 14; Am. S.Y.T. 1980 (2nd), c. 16, s. 3; Am. S.Y.T. 1981 (2nd), c. 11, s. 1
Dawson General Purposes Loan	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 31
Dawson Historic Sites Aid Grants	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 21
Day Care	D-01	En. S.Y.T. 1979 (2nd), c. 3; Am. S.Y.T. 1980 (2nd), c. 16, s. 4
Defamation	D-1	In. R.S.Y.T. 1971, c. D-1; Am. S.Y.T. 1980 (2nd), c. 5
Dental Profession	D-2	In. R.S.Y.T. 1971, c. D-1; Am. S.Y.T. 1973 (1st), c. 9; Am. S.Y.T. 1979 (1st), c. 1
Dependants' Relief	D-3	In. R.S.Y.T. 1971, c. D-3; Rp. S.Y.T. 1980 (2nd), c. 6
Dependants' Relief	D-3.1	En. S.Y.T. 1980 (2nd), c. 6; Am. S.Y.T. 1981 (1st), c. 10, s. 3
Devolution of Real Property	D-4	In. R.S.Y.T. 1971, c. D-4
Disabled Persons' Allowance	D-5	In. R.S.Y.T. 1971, c. D-5; Rp. S.Y.T. 1975 (1st), c. 11
Distress	D-6	In. R.S.Y.T. 1971, c. D-6; Am. S.Y.T. 1980 (2nd), c. 20, s. 77
Dog	D-7	In. R.S.Y.T. 1971, c. D-7; Am. S.Y.T. 1980 (2nd), c. 16, s. 5
Elections	E-1	In. R.S.Y.T. 1971, c. E-1; Am. S.Y.T. 1974 (2nd), c. 5; Am. S.Y.T. 1975 (3rd), c. 6; Am. S.Y.T. 1977 (1st), c. 9; Am. S.Y.T. 1977 (2nd), c. 2; Am. S.Y.T. 1977 (2nd), c. 3, s. 104; Am. S.Y.T. 1978 (1st), c. 4; Rp. S.Y.T. 1979 (2nd), c. 18, s. 5
Elections	E-1.1	En. S.Y.T. 1977 (2nd), c. 3; Am. S.Y.T. 1980 (1st), c. 20, s. 8; Am. S.Y.T. 1980 (2nd), c. 7; Am. S.Y.T. 1981 (2nd), c. 4
Elections, 1977	E-1.2	See Elections, c. E-1.1
Electoral District Boundaries	E-1.3	En. S.Y.T. 1977 (2nd), c. 2; Am. S.Y.T. 1981 (2nd), c. 11, s. 2; Am. S.Y.T. 1982 (1st), c. 1
Electoral District Boundaries Commission	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 1; Sp. June 17, 1974
Electoral District Boundaries Commission	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 3; Sp. November 7, 1977

Electrical Protection	E-2	In. R.S.Y.T. 1971, c. E-2; Rp. S.Y.T. 1976 (3rd), c. 3
Electrical Protection	E-2.01	En. S.Y.T. 1976 (3rd), c. 3
Electrical Public Utilities	E-2.1	En. S.Y.T. 1972 (1st), c. 4; Am. S.Y.T. 1974 (2nd), c. 6
Elevator and Fixed Conveyances	E-3	In. R.S.Y.T. 1971, c. E-3
Emergency Medical Aid	E-3.1	En. S.Y.T. 1976 (3rd), c. 1
Employment Agencies	E-4	In. R.S.Y.T. 1971, c. E-4; Rp. S.Y.T. 1972 (1st), c. 5
Employment Agencies	E-4.1	En. S.Y.T. 1972 (1st), c. 5
Employment Expansion and Development	N.C.N.R.	En. S.Y.T. 1983, c. 1
Energy Conservation Agreement	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 6
Engineering Profession	E-5	In. R.S.Y.T. 1971, c. E-5
Evidence	E-6	In. R.S.Y.T. 1971, c. E-6; Am. S.Y.T. 1980 (1st), c. 7; Am. S.Y.T. 1980 (1st), c. 20, s. 9; Am. S.Y.T. 1981 (1st), c. 10, s. 4
Executions	E-6.1	En. S.Y.T. 1980 (1st), c. 8
Executive Council	E-6.2	En. S.Y.T. 1982, c. 16
Exemptions	E-7	In. R.S.Y.T. 1971, c. E-7
Expropriation	E-8	In. R.S.Y.T. 1971, c. E-8
Factors	F-1	In. R.S.Y.T. 1971, c. F-1; Am. S.Y.T. 1980 (2nd), c. 16, s. 6; Am. S.Y.T. 1980 (2nd), c. 20, s. 78
Fair Practices	F-2	In. R.S.Y.T. 1971, c. F-2; Am. S.Y.T. 1974 (2nd), c. 7
Faro General Purposes Loan	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 30
Faro General Purposes Loan	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 27
Fatal Accidents	F-3	In. R.S.Y.T. 1971, c. F-3; Rp. S.Y.T. 1980 (1st), c. 9
Fatal Accidents	F-3.1	En. S.Y.T. 1980 (1st), c. 9
Fifth Appropriation, 1971-72	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 28
Fifth Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 16
Fifth Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 21
Fifth Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 5
Fifth Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1982, c. 19
Financial Administration	F-4	In. R.S.Y.T. 1971, c. F-4; Rp. S.Y.T. 1976 (3rd), c. 4
Financial Administration	F-4.1	En. S.Y.T. 1976 (3rd), c. 4

Financial Agreement, 1973	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 28
Financial Agreement, 1974	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 22
Financial Agreement, 1975	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 21
Financial Agreement, 1976	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 10
Financial Agreement, 1977	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 14
Financial Agreement, 1978	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 19
Financial Agreement, 1979	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 8
Financial Agreement, 1980	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 10
Financial Agreement, 1981	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 1
Financial Agreement, 1982	N.C.N.R.	En. S.Y.T. 1982, c. 10
Financial Agreement, 1983	N.C.N.R.	En. S.Y.T. 1983, c. 2
Fire Prevention	F-5	In. R.S.Y.T. 1971, C. F-5; Am. S.Y.T. 1972 (1st), c. 18; Am. S.Y.T. 1973 (1st), c. 10; Am. S.Y.T. 1980 (2nd), c. 12; Am. S.Y.T. 1980 (2nd), c. 16, s. 7
Firearms Administration Agreement	N.C.N.R.	En. S.Y.T. 1979 (1st), C. 3
First Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 27
First Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 21
First Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 17
First Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 20
First Appropriation, 1976-77	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 11
First Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 15
First Appropriation, 1978-79	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 18
First Appropriation, 1979-80	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 7
First Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1979 (2nd), c. 4
First Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 8
First Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 5
First Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1982, c. 20
Fitness and Amateur Sport Agreement	F-6	In. R.S.Y.T. 1971, C. F-6
Flag	F-7	In. R.S.Y.T. 1971, C. F-7
Floral Emblem	F-8	In. R.S.Y.T. 1971, c. F-8
Forest Protection	F-9	In. R.S.Y.T. 1971, c. F-9; Am. S.Y.T. 1980 (1st), c. 20, s. 10

Fourth Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 20.
Fourth Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (4th), c. 24
Fourth Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 20
Fourth Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 12
Fourth Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 17
Fourth Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 6
Fourth Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1982 (1st), c. 2
Fourth Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1983, c. 3
Fraudulent Preferences and Conveyances	F-9.1	En. S.Y.T. 1973 (1st), c. 3
Frustrated Contracts	F-10	In. R.S.Y.T. 1971, c. F-10; Rp. S.Y.T. 1980 (1st), c. 11
Frustrated Contracts	F-10.1	En. S.Y.T. 1980 (1st), c. 11
Fuel Oil Tax	F-11	In. R.S.Y.T. 1971, c. F-11; Rp. S.Y.T. 1973 (1st), c. 4
Fuel Oil Tax	F-11.1	En. S.Y.T. 1973 (1st), c. 4; Am. S.Y.T. 1975 (2nd), c. 9; Am. S.Y.T. 1979 (1st), c. 2; Am. S.Y.T. 1981 (1st), c. 2
Fur Export	F-12	In. R.S.Y.T. 1971, c. F-12; Am. S.Y.T. 1979 (2nd), c. 5; Rp. S.Y.T. 1981 (2nd), c. 16, s. 193
Game	G-1	In. R.S.Y.T. 1971, C. G-1; Am. S.Y.T. 1972 (1st), c. 19; Am. S.Y.T. 1973 (1st), c. 11; Am. S.Y.T. 1975 (2nd), c. 10; Am. S.Y.T. 1975 (3rd), c. 7; Am. S.Y.T. 1979 (2nd), c. 6; Am. S.Y.T. 1980 (2nd), c. 9; Am. S.Y.T. 1980 (2nd), c. 16, s. 8; Rp. S.Y.T. 1981 (2nd), c. 16, s. 193
Gaols	G-2	In. R.S.Y.T. 1971, c. G-2
Garage Keepers' Lien	G-3	In. R.S.Y.T. 1971, c. G-3; Am. S.Y.T. 1980 (2nd), c. 20, s. 79
Garnishee	G-4	In. R.S.Y.T. 1971, c. G-4; Rp. S.Y.T. 1980 (1st), c. 12
Garnishee	G-4.1	En. S.Y.T. 1980 (1st), c. 12
Gasoline Handling	G-5	En. S.Y.T. 1972 (1st), c. 6
General Development Agreement	G-5.1	En. S.Y.T. 1977 (1st), c. 4
Government Employee Housing Plan	G-6	En. S.Y.T. 1975 (1st), c. 5; Am. S.Y.T. 1980 (1st), c. 13; Am. S.Y.T. 1980 (1st), c. 20, s. 11

Health Care Insurance Plan	H-1	In. R.S.Y.T. 1971, c. H-1; Am. S.Y.T. 1981 (1st), c. 3
Highways	H-1.1	En. S.Y.T. 1975 (3rd), c. 1; Am. S.Y.T. 1976 (3rd), c. 5; Am. S.Y.T. 1978 (1st), c. 5
Historic Sites and Monuments	H-2	In. R.S.Y.T. 1971, c. H-2; Am. S.Y.T. 1975 (2nd), C. 11
Home Owners' Grant	H-2.1	En. S.Y.T. 1976 (1st), c. 1; Am. S.Y.T. 1976 (3rd), c. 6; Am. S.Y.T. 1978 (1st), c. 6; Am. S.Y.T. 1980 (2nd), c. 10; Am. S.Y.T. 1981 (1st), c. 4
Hospital Insurance Services	H-3	In. R.S.Y.T. 1971, c. H-3; Am. S.Y.T. 1975 (3rd), c. 8
Hotels and Tourist Establishments	H-4	In. R.S.Y.T. 1971, c. H-4
Housing	H-5	In. R.S.Y.T. 1971, c. H-5
Housing Corporation	H-5.1	En. S.Y.T. 1972 (1st), c. 7
Housing Development	H-6	In. R.S.Y.T. 1971, c. H-6; Am. S.Y.T. 1975 (2nd), c. 12
Human Tissue Gift	H-7	En. S.Y.T. 1980 (1st), c. 14
Immunity of Members	I-1	In. R.S.Y.T. 1971, c. I-1; Rp. S.Y.T. 1978 (1st), c. 2, s. 42
Income Tax	I-1.01	En. S.Y.T. 1979 (2nd), c. 7; Am. S.Y.T. 1980 (2nd), c. 11; Am. S.Y.T. 1981 (2nd), c. 7 Am. S.Y.T. 1983, c. 4
Institute of Chartered Accountants	I-1.1	En. S.Y.T. 1976 (3rd), c. 2
Insurance	I-2	In. R.S.Y.T. 1971, c. I-2; Rp. S.Y.T. 1977 (1st), c. 1, s. 236
Insurance	I-2.01	En. S.Y.T. 1977 (1st), c. 1; Am. S.Y.T. 1977 (2nd), c. 4, s. 257; Am. S.Y.T. 1980 (1st), c. 15; Am. S.Y.T. 1980 (1st), c. 20, s. 12; Am. S.Y.T. 1980 (2nd), c. 16, s. 9 Am. S.Y.T. 1982, c. 21
Insurance Premium Tax	I-2.1	En. S.Y.T. 1976 (1st), c. 2; Am. S.Y.T. 1976 (3rd), c. 7; Am. S.Y.T. 1980 (2nd), c. 12
Interim Supply Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 23
Interim Supply Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 16
Interim Supply Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 5

Interim Supply Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1982 (1st), c. 4
Interim Supply Appropriation, 1982-83 (no. 2)	N.C.N.R.	En. S.Y.T. 1982, c. 11
Interim Supply Appropriation, 1982-83 (no. 3)	N.C.N.R.	En. S.Y.T. 1982, c. 12
Interim Supply Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1983, c. 5
Interim Supply Appropriation, 1983-84 (No. 2)	N.C.N.R.	En. S.Y.T. 1983, c. 6
Internation Child Abduction (Hague Convention)	I-2.2	En. S.Y.T. 1981 (1st), c. 6
Interpretation	I-3	In. R.S.Y.T. 1971, c. I-3; Am. S.Y.T. 1973 (1st), c. 12; Am. S.Y.T. 1974 (2nd), c. 8; Am. S.Y.T. 1979 (2nd), c. 2, s. 4; Am. S.Y.T. 1980 (1st), c. 20, s. 13; Am. S.Y.T. 1980 (1st), c. 30, s. 35; Am. S.Y.T. 1980 (2nd), c. 20, s. 80; Am. S.Y.T. 1982 (1st), c. 4
Interprovincial Subpoena	I-3.1	En. S.Y.T. 1981 (1st), c. 7
Intestate Succession	I-4	In. R.S.Y.T. 1971, c. I-4
Judicature	J-1	In. R.S.Y.T. 1971, c. J-1; Am. S.Y.T. 1975 (2nd), c. 13; Am. S.Y.T. 1980 (1st), c. 28, s. 1; Am. S.Y.T. 1980 (1st), c. 30, s. 35; Am. S.Y.T. 1980 (2nd), c. 13;* Am. S.Y.T. 1980 (2nd), c. 15; Am. S.Y.T. 1980 (2nd), c. 20, s. 81; Am. S.Y.T. 1981 (2nd), c. 8
Jury	J-2	In. R.S.Y.T., c. J-2
Justice of the Peace	J-3	In. R.S.Y.T. 1971, c. J-3; Am. S.Y.T. 1976 (3rd), c. 8; Rp. S.Y.T. 1979 (2nd), c. 8, s. 23
Justice of the Peace Court	J-3.1	En. S.Y.T. 1979 (2nd), c. 8; Am. S.Y.T. 1981 (2nd), c. 9 Rp. S.Y.T. 1983, c. 10, s. 13*
Labour Standards	L-1	In. R.S.Y.T. 1971, c. L-1; Am. S.Y.T. 1973 (1st), c. 13; Am. S.Y.T. 1974 (2nd), c. 9; Am. S.Y.T. 1975 (1st), c. 14; Am. S.Y.T. 1975 (3rd), c. 9
Land Acquisition Fund	L-1.1	En. S.Y.T. 1976 (2nd), c. 1
Land Planning	L-1.2	En. S.Y.T. 1982, c. 22*
Landlord and Tenant	L-2	In. R.S.Y.T. 1971, c. L-2; Am. S.Y.T. 1972 (1st), c. 20; Am. S.Y.T. 1980 (1st), c. 20, s. 14; Am. S.Y.T. 1981 (2nd), c. 10 Am. S.Y.T. 1982, c. 23

Lands	L-3	In. R.S.Y.T. 1971, c. L-3; Rp. S.Y.T. 1972 (1st), c. 8, 14
Lands	L-3.01	En. S.Y.T. 1972 (1st), c. 8, 14; Am. S.Y.T. 1981 (1st), c. 8
Legal Aid	L-3.1	En. S.Y.T. 1975 (3rd), c. 2
Legal Profession	L-4	In. R.S.Y.T. 1971, c. L-4; Am. S.Y.T. 1975 (3rd), c. 10; Am. S.Y.T. 1979 (2nd), c. 9; Am. S.Y.T. 1980 (1st), c. 20, s. 15
Legal Profession Accounts	L-5	In. R.S.Y.T. 1971, c. L-5; Am. S.Y.T. 1980 (1st), c. 20, s. 16
Legislative Assembly	L-5.1	En. S.Y.T. 1978 (1st), c. 2; Am. S.Y.T. 1979 (2nd), c. 18; Am. S.Y.T. 1980 (2nd), c. 25; Am. S.Y.T. 1981 (1st), c. 20; Am. S.Y.T. 1982 (1st), c. 9 Am. S.Y.T. 1982, c. 24
Legitimation	L-6	In. R.S.Y.T. 1971, c. L-6
Limitation of Actions	L-7	In. R.S.Y.T. 1971, c. L-7
Liquor	L-8	In. R.S.Y.T. 1971, c. L-8; Am. S.Y.T. 1976 (1st), c. 3, s. 5; Am. S.Y.T. 1976 (3rd), c. 9; Am. S.Y.T. 1977 (1st), c. 13; Am. S.Y.T. 1979 (2nd), c. 10*; Am. S.Y.T. 1980 (1st), c. 17; Am. S.Y.T. 1980 (1st), c. 20, s. 17 Am. S.Y.T. 1982, ^(2nd) c. 2 5 6
Liquor Tax	L-8.1	En. S.Y.T. 1976 (1st), c. 3; Am. S.Y.T. 1977 (1st), c. 10; Am. S.Y.T. 1980 (1st), c. 18
Loan Agreement (1972), No. 1	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 26
Loan Agreement (1973), No. 1	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 29
Loan Agreement (1973), No. 2	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 30
Loan Agreement (1974), No. 1	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 24
Loan Agreement (1975), No. 1	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 22
Loan Agreement (1975), No. 2	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 14
Loan Agreement (1976), No. 1	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 13
Loan Agreement (1977), No. 1	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 19
Loan Agreement (1978), No. 1	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 20
Loan Agreement (1979), No. 1	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 9
Loan Agreement (1980), No. 1	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 19; Rp/Re. S.Y.T. 1980 (2nd), c. 14
Loan Agreement (1981), No. 1	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 9
Loan Agreement (1982), No. 1	N.C.N.R.	En. S.Y.T. 1982 (1st), c. 5

Local Improvement District	L-9	In. R.S.Y.T. 1971, c. L-9; Am. S.Y.T. 1972 (1st), c. 21; Am. S.Y.T. 1972 (2nd), c. 22; Am. S.Y.T. 1977 (1st), c. 11; Am. S.Y.T. 1977 (1st), c. 22; Am. S.Y.T. 1977 (2nd), c. 6; Rp. S.Y.T. 1980 (2nd), c. 17, s. 441*
Lord's Day	L-10	In. R.S.Y.T. 1971, c. L-10
Lotteries	L-10.1	En. S.Y.T. 1974 (2nd), c. 2
Low Cost Housing	L-11	In. R.S.Y.T. 1971, c. L-11
Magistrate's Court	M-1	See Territorial Court
Maintenance	M-2	In. R.S.Y.T. 1971, c. M-2; Am. S.Y.T. 1980 (1st), c. 30, s. 34; Rp. S.Y.T. 1980 (2nd), c. 15 See Matrimonial Property & Family Support.
Marriage	M-3	In. R.S.Y.T. 1971, c. M-3; Am. S.Y.T. 1981 (1st), c. 10, s. 5
Married Women's Property	M-4	In. R.S.Y.T. 1971, c. M-4
Matrimonial Property	M-4.1	See Matrimonial Property & Family Support
Matrimonial Property & Family Support	M-4.1	En. S.Y.T. 1979 (2nd), c. 11; Am. S.Y.T. 1980 (2nd), c. 15; Am. S.Y.T. 1980 (2nd), c. 16, s. 10; Am. S.Y.T. 1981 (2nd), c. 11, s. 3
Mechanics' Lien	M-5	In. R.S.Y.T. 1971, c. M-5; Am. S.Y.T. 1980 (2nd), c. 20, s. 82
Mediation Board	M-5.1	En. S.Y.T. 1972 (1st), c. 9
Medical Profession	M-6	In. R.S.Y.T. 1971, c. M-6; Am. S.Y.T. 1975 (3rd), c. 11; Am. S.Y.T. 1978 (1st), c. 7; Rp. S.Y.T. 1979 (2nd), c. 12, s. 63
Medical Profession	M-6.1	En. S.Y.T. 1979 (2nd), c. 12; Am. S.Y.T. 1980 (2nd), c. 16, s. 11
Mental Health	M-7	In. R.S.Y.T. 1971, c. M-7; Am. S.Y.T. 1973 (1st), c. 14; Am. S.Y.T. 1980 (1st), c. 20, s. 18
Metric Information Agreement	N.C.N.R.	En. S.Y.T. 1977 (2nd), c. 12
Miners' Lien	M-8	In. R.S.Y.T. 1971, c. M-8
Mining Safety	M-9	In. R.S.Y.T. 1971, c. M-9; Am. S.Y.T. 1974 (2nd), c. 10; Am. S.Y.T. 1975 (1st), c. 15; Am. S.Y.T. 1978 (1st), c. 8
Motion Pictures	M-10	In. R.S.Y.T. 1971, c. M-10; Rp. S.Y.T. 1981 (2nd), c. 12, s. 2

Motor Vehicles	M-11	In. R.S.Y.T. 1971, c. M-11; Am S.Y.T. 1972 (1st), c. 23; Am. S.Y.T. 1973 (1st), c. 15; Am. S.Y.T. 1974 (2nd), c. 11; Am. S.Y.T. 1975 (3rd), c. 12; Am. S.Y.T. 1976 (2nd), c. 4; Am. S.Y.T. 1977 (1st), c. 1, s. 236; Rp. S.Y.T. 1977 (2nd), c. 4, s. 258
Motor Vehicles	M-11.1	En. S.Y.T. 1977 (2nd), c. 4; Am. S.Y.T. 1980 (1st), c. 20, s. 19; Am. S.Y.T. 1980 (1st), c. 21; Am. S.Y.T. 1980 (1st), c. 30, s. 35; Am. S.Y.T. 1980 (1st), c. 32, s. 26; Am. S.Y.T. 1980 (2nd), c. 17, s. 440; Am. S.Y.T. 1981 (2nd), c. 11, s. 4 Am. S.Y.T. 1982, c. 26
Municipal	M-12	En. S.Y.T. 1972 (1st), c. 10; Am. S.Y.T. 1975 (1st), c. 16; Am. S.Y.T. 1975 (2nd), c. 14; Am. S.Y.T. 1976 (3rd), c. 10; Am. S.Y.T. 1977 (2nd), c. 7; Am. S.Y.T. 1980 (1st), c. 20, s. 20; Am. S.Y.T. 1980 (1st), c. 30, s. 35; Rp. S.Y.T. 1980 (2nd), c. 17, s. 441*
Municipal	M-12.1	En. S.Y.T. 1980 (2nd), c. 17*; Am. S.Y.T. 1981 (1st), c. 10, s. 7; Am. S.Y.T. 1981 (2nd), c. 11, s. 5; Am. S.Y.T. 1981 (2nd), c. 13; Am. S.Y.T. 1982, c. 13
Municipal Aid	M-13	En. S.Y.T. 1972 (1st), c. 11; Rp. S.Y.T. 1981 (1st), c. 11, s. 21
Municipal Elections	M-14	En. S.Y.T. 1972 (1st), c. 12; Rp. S.Y.T. 1980 (2nd), c. 17, s. 441*
Municipal Employees Benefits	M-15	En. S.Y.T. 1975 (2nd), c. 1; Rp. S.Y.T. 1980 (2nd), c. 17, s. 441*
Municipal Finance	M-15.1	En. S.Y.T. 1981 (1st), c. 11; Am. S.Y.T. 1981 (2nd), c. 11, s. 6; Am. S.Y.T. 1981 (2nd), c. 14 Am. S.Y.T. 1982, c. 27
Municipal General Purposes Loan (1974)	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 25
Municipal General Purposes Loan (1975)	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 23
Municipal General Purposes Loan (1976)	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 15
Municipal General Purposes Loan (1977)	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 20
Municipal General Purposes Loan (1978)	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 21
Municipal General Purposes Loan (1979)	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 10

Municipal General Purposes Loan (1980)	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 22; Am. S.Y.T. 1980 (2nd), c. 18
Municipal General Purposes Loan (1981)	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 12
Newspaper	N-1	In. R.S.Y.T. 1971, c. N-1; Rp. S.Y.T. 1981 (2nd), c. 12, s. 3
Noise Prevention	N-2	In. R.S.Y.T. 1971, c. N-2
Notaries	N-3	In. R.S.Y.T. 1971, c. N-3; Am. S.Y.T. 1974 (2nd), c. 12
Northern Natural Gas Pipeline Agreement	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 4
Occupational Training	O-0.1	En. S.Y.T. 1975 (1st), c. 6
Old Age Assistance and Blind Persons' Allowance	O-1	In. R.S.Y.T. 1971, c. O-1; Rp. S.Y.T. 1975 (1st), c. 12
Optometry	O-2	In. R.S.Y.T. 1971, c. O-2 Am. S.Y.T. 1982, c. 28
Parks	P-01	En. S.Y.T. 1979 (2nd), c. 13; Am. S.Y.T. 1980 (2nd), c. 16, s. 12
Partnership	P-1	In. R.S.Y.T. 1971, c. P-1; Am. S.Y.T. 1977 (2nd), c. 8; Am. S.Y.T. 1980 (1st), c. 20, s. 21; Am. S.Y.T. 1980 (2nd), c. 19; Am. S.Y.T. 1980 (2nd), c. 20, s. 83 Am. S.Y.T. 1982, c. 29
Pawnbrokers and Second-Hand Dealers	P-2	In. R.S.Y.T. 1971, c. P-2
Perpetuities	P-3	In. R.S.Y.T. 1971, c. P-3; Rp. S.Y.T. 1980 (1st), c. 23
Perpetuities	P-3.1	En. S.Y.T. 1980 (1st), c. 23
Personal Property Security	P-3.2	En. S.Y.T. 1980 (2nd), c. 20 Am. S.Y.T. 1982, c. 30
Pharmaceutical Chemists	P-4	In. R.S.Y.T. 1971, c. P-4; Am. S.Y.T. 1973 (1st), c. 16; Am. S.Y.T. 1975 (3rd), c. 13
Pioneer Utility Grant	P-4.1	En. S.Y.T. 1978 (1st), c. 1; Am. S.Y.T. 1980 (1st), c. 20, s. 22; Am. S.Y.T. 1981 (1st), c. 13; Am. S.Y.T. 1981 (2nd), c. 11, s. 7; Am. S.Y.T. 1982 (1st), c. 6
Plebiscite	P-5	In. R.S.Y.T. 1971, c. P-5
Pounds	P-6	In. R.S.Y.T. 1971, c. P-6; Am. S.Y.T. 1973 (1st), c. 17; Am. S.Y.T. 1980 (1st), c. 20, s. 23
Presumption of Death	P-7	In. R.S.Y.T. 1971, c. P-7; Rp. S.Y.T. 1980 (1st), c. 24
Presumption of Death	P-7.1	En. S.Y.T. 1980 (1st), c. 24

Public Health	P-8	In. R.S.Y.T. 1971, c. P-8; Am. S.Y.T. 1972 (1st), c. 24; Am. S.Y.T. 1975 (3rd), c. 14
Public Inquiries	P-8.1	En. S.Y.T. 1973 (1st), c. 5
Public Printing	P-9	In. R.S.Y.T. 1971, c. P-9
Public Sector Compensation Restraint (Yukon)	P-9.1	En. S.Y.T. 1982, c. 31 Am. S.Y.T. 1983, c. 7
Public Service	P-10	In. R.S.Y.T. 1971, c. P-10; Rp. S.Y.T. 1976 (2nd), c. 2, s. 217
Public Service Commission	P-10.1	En. S.Y.T. 1976 (2nd), c. 2
Public Service Staff Relations	P-11	In. R.S.Y.T. 1971, c. P-11; Am. S.Y.T. 1974 (2nd), c. 13; Am. S.Y.T. 1976 (3rd), c. 11
Purchase and Supply Services Agreement	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 31
Real Estate Agents' Licensing	R-0.1	En. S.Y.T. 1977 (1st), c. 5; Am. S.Y.T. 1980 (1st), c. 20, s. 24
Reciprocal Enforcement of Judgments	R-1	In. R.S.Y.T. 1971, c. R-1; Am. S.Y.T. 1980 (2nd), c. 21; Am. S.Y.T. 1981 (1st), c. 10, s. 8
Reciprocal Enforcement of Maintenance Orders	R-2	In. R.S.Y.T. 1971, c. R-2; Rp. S.Y.T. 1980 (1st), c. 25
Reciprocal Enforcement of Maintenance Orders	R-2.1	En. S.Y.T. 1980 (1st), c. 25
Recording of Evidence by Sound Apparatus	R-3	In. R.S.Y.T. 1971, c. R-3
Recreation Development	R-3.1	En. S.Y.T. 1977 (1st), c. 6; Am. S.Y.T. 1980 (2nd), c. 17, s. 440*
Regulations	R-4	In. R.S.Y.T. 1971, c. R-4; Am. S.Y.T. 1980 (1st), c. 20, s. 25
Rehabilitation Services	R-5	In. R.S.Y.T. 1971, c. R-5; Am. S.Y.T. 1975 (1st), c. 17
Rental-Purchase Housing	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 25
Retirement Plan Beneficiaries	R-5.1	En. S.Y.T. 1979 (2nd), c. 14
Robert Campbell Bridge Agreement	N.C.N.R.	En. S.Y.T. 1973 (4th), c. 32
Sale of Goods	S-1	In. R.S.Y.T. 1971, c. S-1
Saw Logs Driving	S-2	In. R.S.Y.T. 1971, c. S-2; Rp. S.Y.T. 1981 (2nd), c. 12, s. 4
School	S-3	In. R.S.Y.T. 1971, c. S-3; Rp. S.Y.T. 1974 (2nd), c. 14
School	S-3.1	En. S.Y.T. 1974 (2nd), c. 14; Am. S.Y.T. 1980 (2nd), c. 22 Am. S.Y.T. 1983, c. 8

School Trespass	S-3.2	En. S.Y.T. 1981 (1st), c. 14
Scientists and Explorers	S-4	In. R.S.Y.T. 1971, c. S-4
Second Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 29
Second Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 22
Second Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 18
Second Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1975 (2nd), c. 17
Second Appropriation, 1976-77	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 18
Second Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 16
Second Appropriation, 1978-79	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 6
Second Appropriation, 1979-80	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 26
Second Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 27
Second Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 15
Second Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1982, c. 32
Second Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1983, c. 9
Securities	S-5	In. R.S.Y.T. 1971, c. S-5; Am. S.Y.T. 1976 (3rd), c. 12; Am. S.Y.T. 1980 (1st), c. 20, s. 26; Am. S.Y.T. 1980 (2nd), c. 20, s. 84
Seniors' Income Supplement	S-5.1	En. S.Y.T. 1982 (1st), c. 7
Sixth Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 19
Small Claims		See Judicature
Social Assistance	S-6	In. R.S.Y.T. 1971, c. S-6; Am. S.Y.T. 1980 (2nd), c. 16, s. 13
Societies	S-7	In. R.S.Y.T. 1971, c. S-7; Am. S.Y.T. 1974 (2nd), c. 15; Am. S.Y.T. 1980 (1st), c. 20, s. 27; Am. S.Y.T. 1980 (2nd), c. 23
Society of Industrial Accountants	S-7.1	See Society of Management Accountants
Society of Management Accountants	S-7.2	En. S.Y.T. 1975 (2nd), c. 2; Am. S.Y.T. 1977 (2nd), c. 9
Special Rural Development Agreement (Special ARDA)	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 15
Stabilization Fund Loan	S-7.3	En. S.Y.T. 1977 (1st), c. 7; Am. S.Y.T. 1978 (1st), c. 9; Rp. S.Y.T. 1980 (1st), c. 29
Steam Boilers	S-8	In. R.S.Y.T. 1971, c. S-8; Rp. S.Y.T. 1979 (2nd), c. 1, s. 4
Students' Financial Assistance	S-8.1	En. S.Y.T. 1975 (2nd), c. 3; Am. S.Y.T. 1978 (1st), c. 10; Am. S.Y.T. 1982, c. 14

Students' Grants	S-9	In. R.S.Y.T. 1971, c. S-9; Rp. S.Y.T. 1975 (2nd), c. 6
Summary Convictions	S-9.1	En. S.Y.T. 1980 (1st), c. 30
Superannuation, Territorial Employees	S-10	In. R.S.Y.T. 1971, c. S-10; Am. S.Y.T. 1975 (2nd), c. 16
Supervision of Federal Parolees Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 7
Supreme Court	S-10.1	In. R.S.Y.T. 1971, c. T-2; Am. S.Y.T. 1971 (3rd), c. 3; Am. S.Y.T. 1979 (2nd), c. 2; Am. S.Y.T. 1980 (1st), c. 28, s. 3
Survival of Actions	S-10.2	En. S.Y.T. 1981 (1st), c. 16
Survivorship	S-11	In. R.S.Y.T. 1971, c. S-11; Rp. S.Y.T. 1980 (1st), c. 31
Survivorship	S-11.1	En. S.Y.T. 1980 (1st), c. 31
Taxation	T-0.1	See Assessment and Taxation
Tenants in Common	T-1	In. R.S.Y.T. 1971, c. T-1
Territorial Court	T-2	See Supreme Court
Territorial Court	T-2.05	In. R.S.Y.T. 1971, c. M-1; Am. S.Y.T. 1979 (2nd), c. 2; Am. S.Y.T. 1980 (1st), c. 28, s. 2 Am. S.Y.T. 1983, c. 10*
Territorial Municipal Employment Loans	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 33
Third Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 19
Third Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (3rd), c. 23
Third Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 19
Third Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1975 (3rd), c. 15
Third Appropriation, 1976-77	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 16
Third Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 17
Third Appropriation, 1978-79	N.C.N.R.	En. S.Y.T. 1979 (2nd), c. 17
Third Appropriation, 1979-80	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 24
Third Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 17
Third Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 18
Third Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1982, c. 33
Third Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1983, c. 11
Tobacco Tax	T-2.1	En. S.Y.T. 1974 (2nd), c. 3; Am. S.Y.T. 1976 (1st), c. 9; Am. S.Y.T. 1978 (1st), c. 12; Am. S.Y.T. 1981 (1st), c. 19

Trade Schools Regulation	T-3	In. R.S.Y.T. 1971, c. T-3
Transfer of Prisoners Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 8
Transport Public Utilities	T-4	In. R.S.Y.T. 1971, c. T-4; Am. S.Y.T. 1980 (1st), c. 32; Am. S.Y.T. 1980 (2nd), c. 16, s. 14; Am. S.Y.T. 1982 (1st), c. 8
Travel for Medical Treatment	T-4.1	En. S.Y.T. 1975 (2nd), c. 4
Travel Industry Development Agreement	N.C.N.R.	En. S.Y.T. 1975 (2nd), c. 5
Trustee	T-5	In. R.S.Y.T. 1971, c. T-5; Am. S.Y.T. 1980 (1st), c. 33; Am. S.Y.T. 1981 (1st), c. 16, s. 12
Unemployment Assistance Agreement Repeal	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 13
Variation of Trusts	V-1	In. R.S.Y.T. 1971, c. V-1
Vital Statistics	V-2	In. R.S.Y.T. 1971, c. V-2; Am. S.Y.T. 1973 (1st), c. 18
Wages Recovery	W-1	In. R.S.Y.T. 1971, c. W-1
Warehouse Receipts	W-1.5	En. S.Y.T. 1981 (2nd), c. 15*
Warehousemen's Lien	W-2	In. R.S.Y.T. 1971, c. W-2; Am. S.Y.T. 1980 (2nd), c. 20, s. 85
Whitehorse, An Ordinance to open a certain portion of Land in the City of	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 13
Whitehorse General Purposes Loan (1972)	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 32
Whitehorse General Purposes Loan (1973)	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 34
Whitehorse (Takhini and Valleyview) Lands	N.C.N.R.	En. S.Y.T. 1975 (2nd), c. 18
Wildlife	W-2.5	En. S.Y.T. 1981 (2nd), c. 16; Am. S.Y.T. 1982, c. 15 Am. S.Y.T. 1982, c. 34
Wills	W-3	In. R.S.Y.T. 1971, c. W-3
Woodmen's Lien	W-4	In. R.S.Y.T. 1971, c. W-4; Am. S.Y.T. 1980 (2nd), c. 20, s. 86
Workers' Compensation	W-4.1	In. R.S.Y.T. 1971, c. W-5; Rp/Re. S.Y.T. 1973 (3rd), c. 6; Am. S.Y.T. 1975 (3rd), c. 6, s. 4; Am. S.Y.T. 1977 (2nd), c. 10; Am. S.Y.T. 1980 (1st), c. 20, s. 28; Am. S.Y.T. 1981 (1st), c. 10, s. 6 Am. S.Y.T. 1982, c. 35
Workmen's Compensation	W-5	See Workers' Compensation
Workmen's Compensation Supplementary Benefits	N.C.N.R.	En. S.Y.T. 1973 (3rd), c. 7

Young Offenders Welfare Agreement	N.C.N.R.	En. S.Y.T. 1976 (2nd), c. 3
Young Voyageur Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 9
Yukon Council	Y-1	See Legislative Assembly
Yukon River Basin Study Agreement	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 34
