



Province of Alberta

## **INTERPRETATION ACT**

Revised Statutes of Alberta 2000  
Chapter I-8

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Office Consolidation

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Regulations

The following is a list of the regulations made under the *Interpretation Act* that are filed as Alberta Regulations under the Regulations Act

	<b>Alta. Reg.</b>	<i>Amendments</i>
<b>Interpretation Act</b>		
Fish Creek Provincial Park Parking and Stopping .....	175/2003	210/2011
Provincial Judges and Masters in Chambers Registered and Unregistered Pension Plans .....	196/2001	251/2001, 24/2002, 78/2002, 97/2002, 118/2005, 267/2006, 68/2008, 13/2009, 43/2009, 21/2012, 31/2012, 170/2012

# **INTERPRETATION ACT**

## **Chapter I-8**

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HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

### Interpretation

**1(1)** In this Act,

- (a) “enact” includes issue, make, establish or prescribe;
- (b) “public officer” includes any person in the public service of the Province
  - (i) who is authorized by or under an enactment to do or enforce the doing of an act or thing or to exercise a power, or
  - (ii) on whom a duty is imposed by or under an enactment;
- (c) “regulation” means a regulation, order, rule, form, tariff of costs or fees, proclamation, bylaw or resolution enacted
  - (i) in the execution of a power conferred by or under the authority of an Act, or
  - (ii) by or under the authority of the Lieutenant Governor in Council,

but does not include an order of a court made in the course of an action or an order made by a public officer or administrative tribunal in a dispute between 2 or more persons;

- (d) “repeal” includes strike out, revoke, cancel or rescind.

**(2)** For the purposes of this Act, an enactment that has expired or lapsed or otherwise ceased to have effect is deemed to have been repealed.

RSA 1980 cI-7 s1

**Application to all enactments**

**2** This Act applies to every enactment whether enacted before or after the commencement of this Act.

RSA 1980 cI-7 s2

**Extent of application**

**3(1)** This Act applies to the interpretation of every enactment except to the extent that a contrary intention appears in this Act or the enactment.

**(2)** The provisions of this Act apply to the interpretation of this Act except to the extent that a contrary intention appears in this Act.

**(3)** Nothing in this Act excludes the application to an enactment of a rule of construction applicable to it and not inconsistent with this Act.

RSA 1980 cI-7 s3

**Date of commencement**

**4(1)** The date of the commencement of an Act or of any portion of an Act for which no other date of commencement is provided in the Act is the date of assent to the Act.

**(2)** If an Act contains a provision that the Act or any portion of it is to come into force or to be repealed other than on the date of assent to the Act, that provision comes into force on the date of assent to the Act.

**(3)** In this section, “date of assent”, with reference to an Act that has been reserved for the signification of the Governor General’s pleasure, means the date of the signification by the Lieutenant Governor that the Governor General in Council assented to the Act.

**(4)** A regulation that

(a) is exempted from the application of the *Regulations Act* or to which that Act does not apply, and

(b) is not expressed to come into force on a particular day

comes into force on the day that the regulation is enacted.

RSA 1980 cI-7 s4

**Time of commencement or repeal**

**5(1)** An enactment has effect immediately at the beginning of the day on which it comes into force.

(2) An enactment that is repealed and replaced ceases to have effect at the time the new enactment commences.

(3) Subject to subsection (2), where

- (a) an enactment is expressed to be repealed on a particular day, or
- (b) an enactment is expressed to expire or otherwise cease to have effect on a particular day,

that enactment is repealed, expires or otherwise ceases to have effect at the end of that day.

RSA 2000 cI-8 s5;2002 c17 s3

#### **Commencement or repeal on proclamation**

**6** If an enactment is stated to come into force or to be repealed on proclamation,

- (a) a proclamation may apply to and fix a day for
  - (i) the commencement of, or
  - (ii) the repeal of,all or any portion of the enactment, and
- (b) proclamations may be issued at different times in respect of different portions of the enactment.

RSA 1980 cI-7 s6

#### **Exercise of powers prior to commencement**

**7** If an enactment that is not in force contains provisions conferring power

- (a) to make a regulation, or
- (b) to do any other thing,

that power may be exercised at any time before the enactment comes into force, but a regulation so made or a thing so done has no effect until the enactment comes into force except insofar as is necessary to make the enactment effective on its coming into force.

RSA 1980 cI-7 s7

#### **Private Acts**

**8** No provision in a private Act affects the rights of any person, except as mentioned or referred to in the private Act.

RSA 1980 cI-7 s8

**Enactments always speaking**

**9** An enactment shall be construed as always speaking and shall be applied to circumstances as they arise.

RSA 1980 cI-7 s9

**Enactments remedial**

**10** An enactment shall be construed as being remedial, and shall be given the fair, large and liberal construction and interpretation that best ensures the attainment of its objects.

RSA 1980 cI-7 s10

**Enacting clause**

**11** The words “HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:” indicate the authority by virtue of which an Act is passed.

RSA 1980 cI-7 s11

**Preambles and reference aids**

**12(1)** The preamble of an enactment is a part of the enactment intended to assist in explaining the enactment.

**(2)** In an enactment,

- (a) tables of contents,
- (b) marginal notes and section headers, and
- (c) statutory citations after the end of a section or schedule

are not part of the enactment, but are inserted for convenience of reference only.

RSA 2000 cI-8 s12;2002 c17 s3

**Definitions and interpretation provisions**

**13** Definitions and other interpretation provisions in an enactment

- (a) are applicable to the whole enactment, including the section containing the definitions or interpretation provisions, except to the extent that a contrary intention appears in the enactment, and
- (b) apply to regulations made under the enactment except to the extent that a contrary intention appears in the enactment or in the regulations.

RSA 1980 cI-7 s13

**Crown not bound**

**14** No enactment is binding on Her Majesty or affects Her Majesty or Her Majesty's rights or prerogatives in any manner, unless the enactment expressly states that it binds Her Majesty.

RSA 1980 c1-7 s14

**Proclamations**

**15(1)** If a proclamation is issued pursuant to an order of the Lieutenant Governor in Council, it is not necessary to mention in the proclamation that it is issued pursuant to that order.

**(2)** If the Lieutenant Governor in Council has authorized the issue of a proclamation, the proclamation may purport to have been issued on the day its issue was so authorized, and, if a proclamation does not state when it takes effect, the day on which it purports to have been issued is deemed to be the day on which the proclamation takes effect.

RSA 1980 c1-7 s15

**Corporate rights and powers**

**16** Words in an enactment establishing or continuing a corporation

- (a) vest in the corporation power
  - (i) to sue in its corporate name,
  - (ii) to contract and be contracted with by its corporate name,
  - (iii) to have a common seal and to alter or change it at pleasure,
  - (iv) to have perpetual succession,
  - (v) to acquire and hold real property and personal property for the purposes for which the corporation is established and to dispose of the real property or personal property at pleasure, and
  - (vi) to regulate its own procedure and business;
- (b) make the corporation liable to be sued in its corporate name;
- (c) vest in a majority of the members of the corporation the power to bind the others by their acts;



- (d) exempt from personal liability for its debts, obligations or acts those individual members of a corporation that is not an unlimited liability corporation as defined in the *Business Corporations Act* who do not contravene the provisions of the enactment establishing the corporation;
- (e) in the case of a corporation having a name consisting of an English and a French form or a combined English and French form, vest in the corporation power to use either the English or French form of its name, or both forms, and to show on its seal both the English and French forms of its name or to have 2 seals, one showing the English and the other showing the French form of its name.

RSA 2000 cI-8 s16;2005 c8 s61

### **Majority and quorum**

**17(1)** If in an enactment an act or thing is required or authorized to be done by more than 2 persons, a majority of them may do it.

**(2)** If an enactment establishes or continues a board,

- (a) at least 1/2 of the number of members provided for under the enactment constitutes a quorum at a meeting of the board;
- (b) an act or thing done by a majority of the members of the board present at a meeting, if the members present constitute a quorum, is deemed to have been done by the board;
- (c) a vacancy in the membership of the board does not invalidate the constitution of the board or impair the right of the members of the board to act, if the number of members is not less than a quorum.

**(3)** In subsection (2), “board” means a board, commission or other body, whether incorporated or not, consisting of 3 or more members.

RSA 1980 cI-7 s17;1991 c21 s14

### **Powers of judges and court officers**

**18(1)** If by an enactment judicial or quasi-judicial powers are given to a judge or officer of a court, the judge or officer is deemed to exercise those powers in the judge’s or officer’s official capacity and as representing that court, and the judge or officer may for the purpose of performing the duties imposed on the judge or officer by the enactment, subject to the provisions of the enactment, exercise the powers the judge or officer possesses as a judge or officer of that court.

(2) Without restricting the generality of subsection (1), if under an enactment an appeal is given from any person, board, commission or other body to a court or judge, an appeal lies from the decision of the court or judge as in the case of any other action, matter or proceeding in that court or in the court of which the judge is a member.

(3) If an enactment provides that a proceeding, matter or thing is to be done by or before a judge, the proceeding, matter or thing, if properly commenced before a judge, may be continued or completed before any other judge of the same court.

RSA 1980 c1-7 s18

#### **Appointment of public officers**

**19** The authority under an enactment to appoint a public officer is authority to appoint during pleasure.

RSA 1980 c1-7 s19

#### **Appointment of persons**

**20(1)** Words in an enactment authorizing the appointment of a person include the power of

- (a) fixing the person's term of office;
- (b) terminating the person's appointment or removing or suspending the person;
- (c) reappointing or reinstating the person;
- (d) fixing the person's remuneration and varying or terminating it;
- (e) appointing another in the person's place or to act in the person's place whether or not the office is vacant;
- (f) appointing a person as that person's deputy.

(2) If a person is appointed by or under the authority of an enactment to an office effective on a specified day, the appointment is deemed to be effective immediately on the beginning of that day.

(3) If a person is appointed by or under the authority of an enactment to an office for a term of office that is to conclude, expire or otherwise come to an end on an expressed day, the term of office includes that day.

(4) If the appointment of a person by or under the authority of an enactment is terminated, revoked or rescinded effective on a specified day, that termination, revocation or rescission, whether or not that person holds office for a term of office that is to conclude,

expire or otherwise come to an end on an expressed day, is deemed to be effective immediately on the beginning of the specified day.

**(5)** Unless otherwise expressed in an enactment and subject to section 36(1)(a), if

- (a) a person is appointed by or under the authority of an enactment to an office, and
- (b) while that appointment is still in effect,
  - (i) the office or position of the person making the appointment has changed or the occupant of that office or position has changed,
  - (ii) the name or designation of the office to which the person has been appointed has changed but the functions, duties and undertakings of the office remain the same or substantially the same as they were at the time of the appointment, or
  - (iii) the authority under which the appointment was made has changed in some manner but the authority to make the appointment remains substantially the same as it was at the time that the appointment was made,

the person appointed continues to hold the office to which the person has been appointed until the term of office expires or the appointment is terminated, revoked or rescinded.

**(6)** Unless otherwise expressed in an enactment, if

- (a) a delegation, including any appointment made or authority given that is in the nature of a delegation, is made or otherwise given to a person by or under the authority of an enactment, and
- (b) while that delegation is in effect,
  - (i) the office or position of the person making or otherwise giving the delegation has changed or the occupant of that office or position has changed,
  - (ii) the name or designation of the office or position of the person to whom the delegation was made or otherwise given has changed but the functions, duties and undertakings of the office or position remain the same or substantially the same as they were at the time that the delegation was made or otherwise given, or

- (iii) the authority under which the delegation was made or otherwise given has changed in some manner but the authority to make or otherwise give the delegation remains substantially the same as it was at the time that the delegation was made or otherwise given,

that delegation remains in effect until the delegation is terminated, revoked or rescinded or expires.

(7) Unless otherwise expressed in an enactment, if

- (a) a person who is appointed by or under the authority of an enactment to an office is engaged in an investigation, a hearing, a review, an appeal or a similar undertaking or in carrying out some other duty or function provided for under an enactment, and
- (b) that appointment expires or otherwise ends before that person concludes the investigation, hearing, review, appeal or undertaking or the carrying out of the duty or function,

that person, unless otherwise directed by the person who has the authority to make the appointment referred to in clause (a) or the Minister responsible for the enactment under which the appointment was made, remains empowered to conclude that investigation, hearing, review, appeal or undertaking or the carrying out of that duty or function, including the making of any recommendation, report, determination or other conclusion that forms a part of that investigation, hearing, review, appeal, undertaking, duty or function.

(8) Notwithstanding subsections (6) and (7), in the case of an appointment referred to in subsection (4) that is terminated, revoked or rescinded, the person whose appointment is terminated, revoked or rescinded is not, at any time after the termination, revocation or rescission becomes effective, eligible to exercise any power, duty or function under subsection (6) or (7) unless expressly permitted to do so by the person who terminated, revoked or rescinded the appointment or by the Minister responsible for the enactment under which the termination, revocation or rescission was effected.

RSA 2000 cI-8 s20;2002 c17 s3

#### **Powers in name of office**

**21(1)** Words in an enactment directing or empowering a Minister of the Crown to do something, or otherwise applying to the Minister by the Minister's name of office, include

- (a) a Minister acting for another Minister or a Minister designated to act in the office, and
- (b) the deputy of the Minister or a person appointed as acting deputy,

but nothing in this subsection authorizes a deputy or acting deputy to exercise any authority conferred on a Minister to enact a regulation as defined in the *Regulations Act*.

**(2)** Words in an enactment directing or empowering a person to do something, or otherwise applying to the person by the person's name of office, include

- (a) a person acting for that person or appointed to act in the office, and
- (b) that person's deputy or a person appointed as that person's acting deputy.

**(3)** This section applies whether or not the office of a Minister or other person is vacant.

RSA 1980 cl-7 s21;1981 c50 s2;1994 cG-8.5 s37

#### **Computation of time**

**22(1)** If in an enactment the time limited for the doing of a thing expires or falls on a holiday, the thing may be done on the day next following that is not a holiday.

**(2)** If in an enactment the time limited for registration or filing of an instrument, or for the doing of anything, expires or falls on a day on which the office or place in which the instrument or thing is required to be registered, filed or done is not open during its regular hours of business, the instrument or thing may be registered, filed or done on the day next following on which the office or place is open.

**(3)** If an enactment contains a reference to a number of days expressed to be clear days or to "at least" or "not less than" a number of days between 2 events, in calculating the number of days, the days on which the events happen shall be excluded.

**(4)** If an enactment contains a reference to a number of days not expressed to be clear days or "at least" or "not less than" a number of days between 2 events, in calculating the number of days, the day on which the first event happens shall be excluded and the day on which the 2nd event happens shall be included.

(5) If in an enactment a time is expressed to begin or end at, on or with a specified day or to continue to or until a specified day, the time includes that day.

(6) If in an enactment a time is expressed to begin after or to be from a specified day, the time does not include that day.

(7) If an enactment provides that anything is to be done within a time after, from, of or before a specified day, the time does not include that day.

(8) If an enactment contains a reference to a period of time consisting of a number of months after or before a specified day, the number of months shall be counted from, but not so as to include, the month in which the specified day falls, and the period shall be reckoned as being limited by and including

- (a) the day immediately after or before the specified day, according as the period follows or precedes the specified day, and
- (b) the day in the last month so counted having the same calendar number as the specified day, but if that last month has no day with the same calendar number, then the last day of that month.

(9) For the purpose of construing a reference in an enactment to a specified age expressed as a number of years, a person is deemed to have attained the specified age at the beginning of the relevant anniversary of the day of the person's birth.

RSA 1980 c1-7 s22

#### **Presumption of service**

**23(1)** If an enactment authorizes or requires a document to be sent, given or served by mail and the document is properly addressed and sent by prepaid mail other than double registered or certified mail, unless the contrary is proved the service shall be presumed to be effected

- (a) 7 days from the date of mailing if the document is mailed in Alberta to an address in Alberta, or
- (b) subject to clause (a), 14 days from the date of mailing if the document is mailed in Canada to an address in Canada.

(2) Subsection (1) does not apply if

- (a) the document is returned to the sender other than by the addressee, or

- (b) the document was not received by the addressee, the proof of which lies on the addressee.

1981 c50 s3

**Registered, certified mail**

**24** A reference in an enactment to double registered mail, single registered mail, registered mail or certified mail includes any form of mail for which the addressee or a person on behalf of the addressee is required to acknowledge receipt of the mail by providing a signature.

1999 c32 s10

**Ancillary powers**

**25(1)** If in an enactment anything is required or authorized to be done by or before a justice of the peace or public officer, it shall be done by or before one whose jurisdiction or powers extend to the place where the thing is to be done.

**(2)** If in an enactment power is given to a person to do or enforce the doing of any act or thing, all other powers that are necessary to enable the person to do or enforce the doing of the act or thing are deemed to be given also.

**(3)** If in an enactment a power is conferred or a duty imposed, the power may be exercised and the duty shall be performed from time to time as occasion requires.

**(4)** If in an enactment a power is conferred to make regulations, the power shall be construed as including a power exercisable in a similar manner, and subject to a similar consent and conditions, if any, to repeal or amend the regulations and to make others.

**(5)** If in an enactment the doing of an act that is expressly authorized is dependent on the doing of any other act by the Lieutenant Governor in Council or by a public officer, the Lieutenant Governor in Council or public officer, as the case may be, has the power to do that other act.

RSA 1980 cl-7 s23

**Use of forms and words**

**26(1)** When a form is prescribed by or under an enactment, deviations from it not affecting the substance and not calculated to mislead do not invalidate the form used.

**(2)** In an enactment, words importing male persons include female persons, words importing female persons include male persons and words importing either sex include corporations.

(3) In an enactment, words in the singular include the plural, and words in the plural include the singular.

(4) When a word or expression is defined in an enactment, other parts of speech and grammatical forms of the same word or expression have corresponding meanings.

RSA 1980 cI-7 s24

### **Replacement of Government documents**

**27(1)** In this section, “document” means letters patent, commissions and other documents issued under the Great Seal of the Province.

(2) Where a document has been lost, destroyed or damaged, a replacement for the document may be issued.

(3) The replacement for a document must

- (a) have the same form and contents as the document,
- (b) show the original date of issue, and
- (c) be endorsed with a notation on the reverse that it is a replacement for the document and must set out the date of issue of the replacement.

(4) The replacement for the document may be signed by

- (a) the person who signed the document even though the person might not hold office on the date the replacement for the document is issued, or
- (b) the person who holds office at present and is entitled under an enactment to sign the document.

(5) A replacement for a document stands in the place of the document and is to be treated in the same manner and has the same effect as the document.

1997 c18 s13

### **General definitions**

**28(1)** In an enactment,

- (a) “Act” means an Act of the Legislature and includes an Ordinance of the North-West Territories in force in Alberta;
- (b) “adult” means a person 18 years of age or older;



- (b.1) “adult interdependent partner” means an adult interdependent partner as defined in the *Adult Interdependent Relationships Act*;
- (b.2) “adult interdependent relationship” means an adult interdependent relationship as defined in the *Adult Interdependent Relationships Act*;
- (b.3) “ALSA regional plan” means a regional plan as defined in the *Alberta Land Stewardship Act*;
- (c) repealed 2006 c9 s12;
- (d) “bank” means a bank named in Schedule I or II of the *Bank Act* (Canada);
- (e) “civil enforcement agency” means a civil enforcement agency under the *Civil Enforcement Act*;
- (f) “civil enforcement bailiff” means a civil enforcement bailiff appointed under the *Civil Enforcement Act*;
- (g) “civil enforcement proceedings” means civil enforcement proceedings as defined in the *Civil Enforcement Act*;
- (h) “commencement”, when used with reference to an enactment, means the time at which that enactment comes into force;
- (i) repealed 2002 c30 s17;
- (j) “Court of Appeal” means the Court of Appeal of Alberta;
- (k) “Court of Queen’s Bench” means the Court of Queen’s Bench of Alberta;
- (l) “credit union” means a credit union incorporated under the *Credit Union Act*;
- (m) “enactment” means an Act or a regulation or any portion of an Act or regulation;
- (n) “enforcement creditor” means an enforcement creditor as defined in the *Civil Enforcement Act*;
- (o) “enforcement debtor” means an enforcement debtor as defined in the *Civil Enforcement Act*;
- (p) “Executive Council” means the Executive Council of Alberta;
- (p.01) “father” means a parent who is a male person;

- (p.1) “former adult interdependent partner” means a former adult interdependent partner as defined in the *Adult Interdependent Relationships Act*;
- (q) “Gazette” means The Alberta Gazette;
- (r) “Government” or “Government of Alberta” means Her Majesty in right of Alberta;
- (s) “Government of Canada” means Her Majesty in right of Canada;
- (t) “Governor General” means the Governor General of Canada and includes the Administrator of Canada;
- (u) “Governor General in Council” means the Governor General acting by and with the advice of, or by and with the advice and consent of, or in conjunction with, the Queen’s Privy Council for Canada;
- (v) “Great Seal” means the Great Seal of the Province;
- (w) “Her Majesty”, “His Majesty”, “the Queen”, “the King”, “the Crown” or “the Sovereign” means the Sovereign of the United Kingdom, Canada and Her other realms and territories, and Head of the Commonwealth;
- (x) “holiday” includes
- (i) every Sunday,
  - (ii) New Year’s Day, Alberta Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Labour Day, Remembrance Day and Christmas Day,
  - (iii) the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign,
  - (iv) December 26, or when that date falls on a Sunday or a Monday, then December 27,
  - (v) any day appointed by proclamation of the Governor General in Council or by proclamation of the Lieutenant Governor in Council for a public holiday or for a day of fast or thanksgiving or as a day of mourning, and
  - (vi) with reference to any particular part of Alberta, the day in each year that may by proclamation of the Lieutenant Governor in Council be appointed as a public holiday for that part of Alberta for the planting of forest or other trees;

- (y) “justice” means a justice within the meaning of the *Provincial Offences Procedure Act*;
- (z) “lawyer” means an active member of The Law Society of Alberta;
- (aa) “Legislative Assembly” or “Assembly” means the Legislative Assembly of Alberta;
- (bb) “Legislature” means the Lieutenant Governor acting by and with the advice and consent of the Legislative Assembly;
- (cc) “Lieutenant Governor” means the Lieutenant Governor of the Province of Alberta and includes the Administrator of the Province of Alberta;
- (dd) “Lieutenant Governor in Council” means the Lieutenant Governor acting by and with the advice of, or by and with the advice and consent of, or in conjunction with, the Executive Council;
- (ee) “loan corporation” means a loan corporation registered under the *Loan and Trust Corporations Act*;
- (ff) “medical examiner” means a medical examiner appointed under the *Fatality Inquiries Act*;
- (gg) “Metis settlement” means a settlement corporation established under the *Metis Settlements Act* or the geographic area of a settlement corporation, depending on the context in which “Metis settlement” is used;
- (hh) “Metis Settlements Land Registry” means the Metis Settlements Land Registry established under the *Metis Settlements Act*;
- (ii) “minor” means a person under the age of 18 years;
- (ii.1) “mother” means a parent who is a female person;
- (jj) “municipal police service” means a municipal police service or a regional police service under the *Police Act*;
- (kk) “municipality” means a city, town, village, municipal district, specialized municipality, improvement district or special area;
- (ll) “oath” or “affidavit” includes a solemn affirmation or solemn declaration whenever the context applies to any person by whom a solemn affirmation or declaration may be made instead of an oath; and in similar cases the

- expression “sworn” includes the expression “affirmed” or “declared”;
- (mm) “offence” means an offence punishable on summary conviction;
  - (nn) “person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person;
  - (oo) “Personal Property Registry” means the Personal Property Registry under the *Personal Property Security Act*;
  - (pp) “physician”, or any similar word or expression implying legal recognition of any person as a medical practitioner, means a person who is a regulated member of the College of Physicians and Surgeons of Alberta who holds a practice permit issued under the *Health Professions Act* and who is not under suspension;
  - (qq) “police officer” means a police officer as defined in the *Police Act*;
  - (rr) “police service” means a police service under the *Police Act*;
  - (ss) “prescribed” means prescribed by or under the enactment in which the word occurs;
  - (tt) “proclamation” means a proclamation of the Lieutenant Governor under the Great Seal issued pursuant to an order of the Lieutenant Governor in Council;
  - (uu) “Province” means the Province of Alberta;
  - (vv) “province”, when used as meaning a part of Canada other than Alberta, includes the territories;
  - (ww) “provincial analyst” means a person appointed by the Minister of Justice and Solicitor General as a provincial analyst;
  - (xx) “Provincial Court” means The Provincial Court of Alberta;
  - (yy) “provincial judge” means a judge of the Provincial Court;
  - (zz) “Registrar of Land Titles” means the Registrar within the meaning of the *Land Titles Act*;
  - (zz.1) “spouse” means the husband or wife of a married person;

- (aaa) “statutory declaration” or “solemn declaration” means a solemn declaration made under section 18 of the *Alberta Evidence Act* or section 14 of the *Canada Evidence Act* (Canada);
  - (bbb) repealed RSA 2000 c16(Supp) s49;
  - (ccc) “territories”, when used as meaning the territories of Canada, means the Northwest Territories, the Yukon Territory and Nunavut;
  - (ddd) “treasury branch” means a treasury branch within the meaning of the *Alberta Treasury Branches Act*;
  - (eee) “trust corporation” means a trust corporation registered under the *Loan and Trust Corporations Act*;
  - (fff) “village” includes summer village;
  - (ggg) “will” means a will as defined in the *Wills and Succession Act*;
  - (hhh) “writ of enforcement” means a writ of enforcement under the *Civil Enforcement Act*;
  - (iii) “writ proceedings” means writ proceedings as defined in the *Civil Enforcement Act*;
  - (jjj) “writing”, “written” or any similar term includes words represented or reproduced by any mode of representing or reproducing words in visible form.
- (2)** In an enactment,
- (a) “hereafter” shall be construed as referring to the time after the commencement of the enactment containing that word;
  - (b) “herein” used in a section or part of an enactment shall be construed as referring to the whole enactment and not to that section or part only;
  - (c) “may” shall be construed as permissive and empowering;
  - (d) “must” is to be construed as imperative;
  - (e) “now” and “next” shall be construed as referring to the time of commencement of the enactment containing the word;
  - (f) “shall” is to be construed as imperative.

**(3)** In a regulation, a reference to “the Act” means the Act or Acts under which the regulation is made.

RSA 2000 cI-8 s28;RSA 2000 cH-7 s146;  
RSA 2000 c16(Supp) s49;2001 c28 s12;2002 cA-4.5 s46;  
2002 c30 s17;2005 c13 s4(21);2005 c31 s28;2006 c9 s12;  
2006 c21 s26;2007 c32 s1(35);2008 c34 s18;2009 cA-26.8 s80;  
2010 c16 s1(44);2010 cW-12.2 s116;2013 c10 s34

### Definitions respecting pension plans

**29** In an enactment,

- (a) “Local Authorities Pension Plan” means the Local Authorities Pension Plan contained partly in Schedule 1 to the *Public Sector Pension Plans Act* and partly in the plan rules made under section 4 of that Schedule;
- (b) “Management Employees Pension Plan” means the Management Employees Pension Plan contained partly in Schedule 5 to the *Public Sector Pension Plans Act* and partly in the plan rules made under section 4 of that Schedule;
- (c) “Public Service Management (Closed Membership) Pension Plan” means the Public Service Management (Closed Membership) Pension Plan contained in Schedule 6 to the *Public Sector Pension Plans Act* and in any regulations made under section 12 of that Schedule;
- (d) “Public Service Pension Plan” means the Public Service Pension Plan contained partly in Schedule 2 to the *Public Sector Pension Plans Act* and partly in the plan rules made under section 4 of that Schedule;
- (e) “Special Forces Pension Plan” means the Special Forces Pension Plan contained partly in Schedule 4 to the *Public Sector Pension Plans Act* and partly in the plan rules made under section 4 of that Schedule;
- (f) “Teachers’ Pension Plans” means the Teachers’ Pension Plan and the Private School Teachers’ Pension Plan contained partly in the *Teachers’ Pension Plans Act* and partly in the respective plan rules made under that Act;
- (g) “Universities Academic Pension Plan” means the Universities Academic Pension Plan contained partly in Schedule 3 to the *Public Sector Pension Plans Act* and partly in the plan rules made under section 4 of that Schedule.

1993 cP-30.7 s10;1995 cT-1.5 s27

**Reference by common name**

**30** In an enactment a reference by name to any country, place, body, corporation, society, officer, functionary, person, party or thing means the country, place, body, corporation, society, officer, functionary, person, party or thing to which that name is commonly applied, notwithstanding that the name is not its formal or extended designation.

RSA 1980 cI-7 s26

**Citation includes amendments**

**31** In an enactment a citation of or reference to another enactment of the Province, of another province or territory or of Canada is a citation of or reference to the other enactment as amended, whether amended before or after the commencement of the enactment in which the citation or reference occurs.

RSA 1980 cI-7 s27;1990 c29 s13

**References in enactments**

**32(1)** A reference in an enactment to a series of numbers or letters by the first and last numbers or letters of the series shall be construed as including the number or letter first mentioned and the number or letter last mentioned.

**(2)** A reference in an enactment to a part, subpart, division, section, schedule, appendix or form shall be construed as a reference to a part, subpart, division, section, schedule, appendix or form of the enactment in which the reference occurs.

**(3)** A reference in an enactment to a subsection, clause, subclause, paragraph or subparagraph shall be construed as a reference to a subsection, clause, subclause, paragraph or subparagraph of the section, subsection, clause, subclause or paragraph, as the case may be, in which the reference occurs.

**(4)** A reference in an enactment to regulations shall be construed as a reference to regulations made under the enactment in which the reference occurs.

RSA 2000 cI-8 s32;RSA 2000 cI-3 s859

**Application of other enactments**

**33** If an enactment provides that another enactment of Alberta, Canada or another province or territory applies, it applies with the necessary changes and so far as it is applicable.

RSA 1980 cI-7 s29

**Amending enactments**

**34** An amending enactment shall be construed as part of the enactment that it amends.

RSA 1980 c1-7 s30

**Repeal**

**35(1)** When an enactment is repealed in whole or in part, the repeal does not

- (a) revive an enactment or thing not in force or existing immediately before the time when the repeal takes effect,
- (b) affect the previous operation of the enactment so repealed or anything done or suffered under it,
- (c) affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred under the enactment so repealed,
- (d) affect any offence committed against or a contravention of the enactment so repealed, or any penalty, forfeiture or punishment incurred in respect of or under the enactment so repealed, or
- (e) affect any investigation, proceeding or remedy in respect of the right, privilege, obligation, liability, penalty, forfeiture or punishment.

**(2)** An investigation, proceeding or remedy described in subsection (1)(e) may be instituted, continued or enforced and the penalty, forfeiture or punishment imposed as if the enactment had not been repealed.

RSA 1980 c1-7 s31

**Repeal and replacement**

**36(1)** If an enactment is repealed and a new enactment is substituted for it,

- (a) every person acting under the repealed enactment shall continue to act as if appointed or elected under the new enactment until the person is reappointed or another is appointed or elected in the person's place;
- (b) every proceeding commenced under the repealed enactment shall be continued under and in conformity with the new enactment so far as may be consistent with the new enactment;



- (c) the procedure established by the new enactment shall be followed as far as it can be adapted
  - (i) in the recovery or enforcement of penalties and forfeitures incurred under the repealed enactment,
  - (ii) in the enforcement of rights existing or accruing under the repealed enactment, and
  - (iii) in a proceeding in relation to matters that have happened before the repeal;
- (d) if any penalty, forfeiture or punishment is reduced or mitigated by the new enactment, the penalty, forfeiture or punishment, if imposed or adjudged after the repeal, shall be reduced or mitigated accordingly;
- (e) all regulations made under the repealed enactment remain in force and are deemed to have been made under the new enactment, insofar as they are not inconsistent with the new enactment;
- (f) any reference in an unrepealed enactment to the repealed enactment shall, with respect to a subsequent transaction, matter or thing, be construed as a reference to the provisions of the new enactment relating to the same subject-matter as the repealed enactment, but if there are no provisions in the new enactment relating to the same subject-matter, the repealed enactment shall be construed as being unrepealed insofar as is necessary to maintain or give effect to the unrepealed enactment.

**(2)** If a statute or regulation of any province or territory or of Canada is repealed in whole or in part and other provisions are substituted for it, a reference in an enactment of Alberta to the repealed statute or regulation shall, with respect to a subsequent transaction, matter or thing, be construed to be a reference to the substituted provisions relating to the same subject-matter as the repealed statute or regulation.

RSA 1980 cI-7 s32

**No implications from repeal, amendment, etc.**

**37(1)** The repeal of an enactment in whole or in part, the repeal of an enactment and the substitution of another enactment or the amendment of an enactment shall not be construed to be or to involve

- (a) a declaration that the enactment was or was considered by the Legislature or other body or person by whom it was enacted to have been previously in force, or

(b) a declaration as to the previous state of the law.

**(2)** The amendment of an enactment shall not be construed to be or to involve a declaration that the law under the enactment prior to the amendment was or was considered by the Legislature or other body or person by whom the enactment was enacted to have been different from the law as it is under the enactment as amended.

**(3)** A re-enactment, revision, consolidation or amendment of an enactment shall not be construed to be or to involve an adoption of the construction that has by judicial decision or otherwise been placed on the language used in the enactment or on similar language.

RSA 1980 cI-7 s33





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